

**CALIFORNIA COASTAL COMMISSION**

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



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## ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

OCTOBER 7, 2011 MEETING OF THE CALIFORNIA COASTAL COMMISSION

**TO:** Commissioners and Interested Parties

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

### DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
<b>E-11-023-W</b> Pacific Gas & Electric Company	Trim vegetation from an approximately 1262-square foot area within the outer security zone of the Humboldt Bay Power Plant.	Humboldt Bay Power Plant Humboldt County

### NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
<b>ND-022-11</b> U.S. Marine Corps	Modify previously authorized bridge replacement project which facilitates military access beneath I-5 Action: <b>Concur</b> , 8/31/11	South of San Onofre Creek, Green Beach, northern Marine Corps Base Camp Pendleton San Diego County
<b>ND-032-11</b> Bureau of Land Management	Wilderness Management Plan Action: <b>Concur</b> , 8/29/11	King Range and California Coastal National Monument Humboldt County



<p><b>ND-036-11</b> U.S. Air Force</p>	<p>Slope Stabilization, Phases III and IV Action: <b>Concur</b>, 9/12/11</p>	<p>Fort MacArthur San Pedro, Los Angeles County</p>
<p><b>ND-039-11</b> National Park Service</p>	<p>European Beachgrass Treatment Pilot Project Action: <b>Concur</b>, 8/31/11</p>	<p>Abbot's Lagoon, Pt. Reyes National Seashore Marin County</p>
<p><b>NE-042-11</b> Crescent City Harbor District</p>	<p>Disposal of sediments dredged for emergency harbor cleanup (which received a CCC emergency permit) at the "HOODS" offshore dredge disposal site. Action: <b>Concur</b>, 8/26/11</p>	<p>Crescent City Harbor Del Norte County and "HOOD", Humboldt County</p>

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

**DATE:** September 29, 2011 **PERMIT NO:** E-11-023-W

**TO:** Coastal Commission and Interested Parties

**SUBJECT:** Waiver of Coastal Development Permit Requirements

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

**Applicant:** Pacific Gas & Electric Company

**Project Location:** At the Humboldt Bay Power Plant, near King Salmon, Humboldt County.

**Background:** The site of PG&E's Humboldt Bay Power Plant includes an Independent Spent Fuel Storage Facility (ISFSI) that contains spent nuclear fuel from the Plant's now shut-down nuclear generating unit. The ISFSI is located to the southwest of the plant near the top of the Buhne Point bluff, and about two hundred feet from the Humboldt Bay shoreline. It is enclosed within two sets of perimeter fencing that provide inner and outer security zones. Pursuant to Nuclear Regulatory Commission fire safety regulations, PG&E must maintain vegetation within the outer zone to a height of no more than about two feet above grade.

**Project Description:** The proposed work consists of trimming vegetation from an approximately 1262-square foot area within the outer security zone. The vegetation consists primarily of wax myrtle (*Myrica cerifera*), blackberry (*Rubus spp.*), Spanish heather (*Erica lusitanica*), and includes six to ten alders (*Alnus rubra*) of up 25 feet in height. Vegetation will be trimmed manually and with chainsaws. All cut vegetation will be chipped and then broadcast over the ground. Work is expected to take about one day.

**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Resources / Water Quality / Wetlands: Work will occur near the Humboldt Bay shoreline, but at a location within the power plant site's existing developed industrial footprint, thereby resulting in little, if any, risk to nearby coastal waters.
- Geologic Hazards: The vegetation will be trimmed, but not entirely removed, so as to maintain soil coverage and the root mass. This will allow the existing soil stability to remain and will limit potential erosion or slope movement.
- Public Access: The work will occur adjacent to an existing public access trail along the Humboldt Bay shoreline, but any impacts to public access will be minor and temporary due to the short-term work period (approximately one day). It will therefore result in few, if any, adverse effects on public access to the shoreline.

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 October 5-7, 2011, in Huntington Beach. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER  
Executive Director

By: 

(for) ALISON J. DETTMER  
Deputy Director  
Energy, Ocean Resources, and Federal Consistency Division

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**F 4**

**DATE:** September 15, 2011

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Charles Lester, Executive Director  
Alison Dettmer, Deputy Director, Energy, Ocean Resources and Federal Consistency Division  
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal Consistency Division

**RE:** Negative Determinations Issued by the Executive Director  
[Executive Director decision letters are attached]

<b>PROJECT #:</b>	ND-022-11
<b>APPLICANT:</b>	U.S. Marine Corps
<b>LOCATION:</b>	South of San Onofre Creek, Green Beach, northern Marine Corps Base Camp Pendleton, San Diego Co.
<b>PROJECT:</b>	Modify previously-authorized bridge replacement project, which facilitates military access beneath I-5
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	8/31/11

<b>PROJECT #:</b>	ND-032-11
<b>APPLICANT:</b>	Bureau of Land Management
<b>LOCATION:</b>	King Range, and California Coastal National Monument, Humboldt Co.
<b>PROJECT:</b>	Wilderness Management Plan
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	8/29/11

<b>PROJECT #:</b>	ND-036-11
<b>APPLICANT:</b>	U.S. Air Force
<b>LOCATION:</b>	Fort MacArthur, San Pedro, Los Angeles Co.
<b>PROJECT:</b>	Slope Stabilization, Phases III and IV
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	9/12/11

PROJECT #:	ND-039-11
APPLICANT:	National Park Service
LOCATION:	Abbott's Lagoon, Pt. Reyes National Seashore, Marin Co.
PROJECT:	European beachgrass treatment pilot project
ACTION:	Concur
ACTION DATE:	8/31/11

PROJECT #:	NE-042-11
APPLICANT:	Crescent City Harbor District
LOCATION:	Crescent City Harbor, Del Norte Co., and "HOODS," Humboldt Co.
PROJECT:	Disposal of sediments dredged for emergency harbor cleanup (which received a CCC emergency permit) at the "HOODS" offshore dredge disposal site
ACTION:	Concur
ACTION DATE:	8/26/11

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August 31, 2011

Jeffery S. Paull  
Assistant Chief of Staff  
Environmental Security  
Marine Corps Base Camp Pendleton  
ATTN: Mark Anderson  
Box 555008  
Camp Pendleton, CA 92055-5008

Re: **ND-022-11** U.S. Marine Corps Negative Determination, Modifications to previously-concurred-with Bridge Replacement and Military access improvements, Green Beach, south of San Onofre Creek, Marine Corps Base Camp Pendleton, San Diego Co.


Dear Mr. Paull:

On September 9, 2009, the Commission staff concurred with the Marine Corps' Negative Determination ND-040-09, which was for a bridge Replacement and military access improvements, from Green Beach east to just past the inland extent of I-5, just south of San Onofre Creek, in the northern portion of Marine Corps Base Camp Pendleton. The primary purpose of the project was (and remains) to facilitate Marine Corps troop and vehicular access beneath I-5 Old Highway 101, and to strengthen the railroad bridge.

Construction has not commenced, and the Marine Corps has submitted a subsequent negative determination to address several modifications to the previously-concurred-with project. The currently proposed project would be the demolition of the existing railroad trestle and replacement of approximately 220 ft. of the wooden trestle south of the existing steel bridge spanning San Onofre Creek. The original construction footprint was the same length (220 ft.), and the revised footprint is 270 ft. long. The revised footprint length extends 10 ft. to the north of the existing trestle, for track and utility work to tie into the steel and concrete bridge, and 40 ft. to the south to allow for the concrete wall abutment.

Under the federal consistency regulations (Section 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 modifications do not raise any new coastal zone resources impact issues not already addressed in our previous concurrence, and we **agree** that the proposed activity will not adversely affect coastal zone resources and is similar to the previous negative determination with which we have concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 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,

(for)   
CHARLES LESTER  
Acting Executive Director

cc: San Diego District Office



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August 29, 2011

Lynda Roush  
Field Manager, Arcata Field Office  
Bureau of Land Management  
ATTN: David Fuller  
1695 Heindon Road  
Arcata, CA 95521

Subject: Negative Determination ND-032-11 (Wilderness Management Plan for the King Range Wilderness and the Rocks and Islands Wilderness, Humboldt County)

Dear Ms. Roush:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) has prepared a draft Wilderness Management Plan for two recently-designated wilderness areas on BLM lands: Kings Range Wilderness (42,585 acres), located entirely within the King Range National Conservation Area (NCA), and Rocks and Islands Wilderness (2 acres), located offshore from the King Range NCA in the California Coastal National Monument, beginning at the mean high tide line and extending three miles out to sea. The proposed Wilderness Management Plan is consistent with the Wilderness Act, King Range NCA Resource Management Plan (RMP), California Coastal National Monument RMP, and the Northern California Coastal Wild Heritage Wilderness Act. The Wilderness Management Plan proposes actions for grasslands, fire and fuels, invasive plant species, livestock grazing, private land access and life estates, rights-of-way, visitor access and impacts, recreational facilities, public information, search and rescue, cultural values, and research. The proposed actions are designed to protect and manage the wilderness characteristics of the two designated wilderness areas.

In 2004 and 2005, prior to the designation by Congress in 2006 of the two above-referenced wilderness areas on BLM lands, the Coastal Commission concurred with consistency determinations for the Resource Management Plans for the King Range NCA and the California Coastal National Monument (CD-085-04 and CD-077-05, respectively). Both RMPs included provisions to maintain the *de facto* wilderness character of the NCA and the National Monument, which in turn would protect the primitive nature of adjacent lands and waters of the coastal zone. The RMP mission statement for the King Range NCA stated that "the BLM will manage the KRNCA to conserve one of America's last wild and undeveloped coastal landscapes for use and enjoyment of present and future generations." The RMP also stated that:

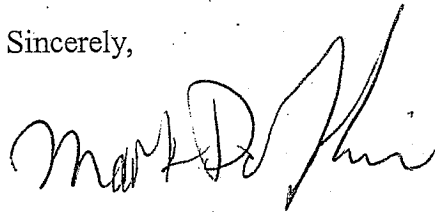
*number of daily starts into the wilderness would maintain opportunities for solitude and minimize user-conflict that results from crowding and loss of privacy.*

Regarding the California Coastal National Monument, the proposed Wilderness Management Plan and Environmental Assessment states that:

*Given the minimal amount of human use received by the Rocks and Islands Wilderness, as well as its unimpaired condition, the management strategies described in this plan are limited to authorizing research and conducting monitoring.*

The BLM concluded in its negative determination that the proposed Wilderness Management Plan for BLM lands in the King Range NCA and in the California Coastal National Monument would not adversely affect the natural resources of, or public access to and recreational use of, the adjacent lands and waters of coastal zone. Given the Commission's previous actions concurring with consistency determinations for management plans for the King Range NCA and the California Coastal National Monument that emphasized protection of the *de facto* wilderness nature of these BLM lands (prior to their formal designation as wilderness in 2006), and which in turn led to improved protection of adjacent lands and waters in the coastal zone, the Commission staff **agrees** that the proposed Wilderness Management Plan will not adversely affect coastal resources or public access and recreation along this section of the southern Humboldt County coast. The Plan will protect sensitive coastal habitats and resources from overuse, and will allow the BLM to improve its management of increasing numbers of visitors to the King Range Wilderness, which in turn will improve opportunities for solitude and primitive recreation along the legendary Lost Coast. 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  
Acting Executive Director

cc: CCC – North Coast District Office

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September 12, 2011

A. Dave Espili, USAF  
Deputy Commander  
61<sup>st</sup> Civil Engineer and Logistics Squadron  
Department of the Air Force  
Headquarters 61<sup>st</sup> Air Base Group (AFSPC)  
Los Angeles Air Force Base, CA  
Attn: E. Farm, 61 CELS/CEAN  
483 N. Aviation Blvd.  
El Segundo, CA 90245

Re: **ND-036-11** Air Force, Negative Determination, Slope Stabilization and Revegetation,  
Phase III and Northeast Slope Phase, Fort MacArthur, San Pedro, City and County of Los  
Angeles

Dear Deputy Commander Espili:

On September 16, 2010, the Coastal Commission staff concurred with the Air Force's negative determination for the first two phases of the stabilization and revegetation of an existing slope at Fort MacArthur in San Pedro (ND-043-10). The Air Force has submitted a negative determination for Phases III and IV, to cover the completion of the stabilization/revegetation project. All four phases together form the eastern boundary of Fort MacArthur, adjacent to (and west of) Shoshonean Rd. Phase III is the 1,500 ft. long southern portion of the alignment, and Phase IV, or the Northeast Slope Phase, is the northern portion of the alignment. (Phases I and II were the middle portion of the alignment, in between the currently proposed phases.) All phases are needed to address historic landslide-prone slopes, which were exacerbated by grading for Shoshonean Rd., with studies back to the 1940s that have documented the slope instability. The stabilization is intended to benefit both the general public, as well as the Air Force installation.

The work would consist of: (1) Soil nailing with a manicured shotcrete face; (2) Constructing a Mechanically Stabilized Earth (MSE) wall where the toe of the wall is located at the property line; and (3) Constructing a MSE wall where the toe of the wall is located 21 feet from the curb.

The Air Force will implement Best Management Practices (BMPs), including silt fencing, and long-term impacts to soil stability and water quality will be beneficial, as the project will reduce erosion. The bluff will be re-vegetated with drought tolerant, native plants, and the project would improve the aesthetics of the bluff area in the long term.

As we noted in our earlier concurrence with Phases I and II, the project would improve public views and geologic stability, and reduce erosion. The project would not adversely affect public access, visual resources, environmentally sensitive habitat, cultural resources, wetlands, or recreational traffic.

Under the federal consistency regulations (Section 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." This project is similar to the above-referenced negative determination with which we previously concurred (ND-043-10). We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles F. Lester", written over a horizontal line.

CHARLES LESTER  
Executive Director

cc: Long Beach District Office

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August 31, 2011

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

Subject: Negative Determination ND-039-11 (European Beachgrass Treatment Pilot Project, Abbott's Lagoon, Point Reyes National Seashore, Marin County)

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to undertake a European beachgrass removal treatment pilot project adjacent to Abbott's Lagoon. This non-native invasive plant species currently covers over 900 acres of dunes across the Seashore and eliminates the value of these dunes as habitat for the federally threatened western snowy plover and the federally endangered Tidestrom's lupine and beach layia. In January 2004 the Commission's Executive Director concurred with a negative determination (ND-006-04) for mechanical removal of ten acres of European beachgrass adjacent to Abbott's Lagoon. In November 2009 the Executive Director concurred with a second negative determination (ND-070-09) for a 15-acre pilot dune restoration project south of Abbott's Lagoon to test several methods of mechanical removal of European beachgrass and iceplant as a precursor to a future and larger dune restoration project in the same general location. In June 2010 the Commission concurred with a consistency determination (CD-026-10) for a 300-acre dune restoration project south of Abbott's Lagoon which included the mechanical and hand removal of approximately 130 acres of European beachgrass and iceplant, with follow-up treatments using a combination of hand removal and spot herbicide applications.

The NPS now reports that beachgrass has reestablished in previously treated areas in the Abbott's Triangle area and now threatens the success of the ongoing Abbott's Lagoon dune restoration project further to the south (the project described in CD-026-10). As a result, the NPS proposes to re-treat the Abbott's Triangle area this fall concurrently with ongoing re-treatment efforts associated with the larger dune restoration project and to test several re-treatment methods as alternatives to the proven but very expensive mechanical treatments. The alternatives to be tested will include a mix of mechanical and herbicide treatments. The proposed pilot project will occur in previously treated foredunes in Abbott's Triangle and in

ND-039-11 (National Park Service)

Page 3

930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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(for)

CHARLES LESTER  
Acting Executive Director.

cc: CCC – North Central Coast District

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August 26, 2011

Richard Young  
CEO/Harbormaster  
Crescent City Harbor District  
101 Citizens Dock Road  
Crescent City, CA 95531

Subject: No-Effects Determination NE-042-11 (Disposal of dredged sediment at Humboldt Open Ocean Disposal Site, Humboldt Co.)

Dear Mr. Young:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. The Crescent City Harbor District proposes to dredge up to 335,000 cubic yards (cu.yds.) of sediment from the Inner Harbor Basin and from the western portions of the Outer Harbor Basin to their permitted depths. The dredged sediments will be transported to and disposed at the Humboldt Open Ocean Disposal Site (HOODS), located approximately three miles offshore of Humboldt Bay. This no-effects determination covers the disposal of the dredged sediments at HOODS; the Harbor District will receive a separate emergency coastal development permit issued by the Commission's North Coast District office for the proposed dredging. The Harbor sustained significant damage and sediment redistribution as a result of the tsunami that struck on March 11, 2011, and there is an urgent need to restore safe navigation in advance of the upcoming winter storm season due in part to the Harbor's designation as a "Critical Harbor of Refuge" on the northern California coast.

Sediments from the proposed dredge areas were fully tested in accordance with the EPA-USACE national sediment testing manual for ocean waters. The results of that testing (*Results of Chemical, Physical and Biological Testing of Sediments from Crescent City Harbor – 2011 Emergency Maintenance Dredging*) were reviewed by Commission staff and we have concluded that all the sediments from the Inner Harbor Basin (175,000 cu.yds.) and the sediments from the western portions of the Outer Harbor basin (160,000 cu.yds.) are suitable for ocean disposal at HOODS. Placement of these materials under USEPA's conditions for use of this site will not create any adverse effects to water quality or marine resources at and adjacent to the site.

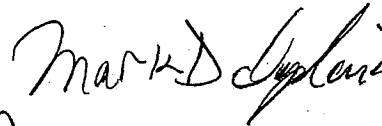
In November 2009 the Commission concurred with consistency determination CD-060-09 submitted by the Corps of Engineers for maintenance dredging of the Crescent City Harbor federal Marina Access Channel and disposal of up to 64,000 cubic yards of clean sandy sediment on the adjacent Whaler Island for beach replenishment immediately south of the harbor. In December 2010 the Commission's Executive Director concurred with negative determination

ND-053-10 submitted by the Corps for maintenance dredging of the Harbor's federal Entrance and Inner Harbor channels and disposal of up to 33,000 cu.yds. of sediment at the Harbor District's upland disposal site adjacent to the harbor. The Executive Director determined that only 2,000 cu.yds. of the dredged material was suitable for beach replenishment and that because the beach south of the harbor was adequately replenished in early 2010, that material could be placed at the upland site without adversely affecting the functioning of the north coast long shore littoral system.

In the current case, the resource agencies determined that most of the Inner Harbor Basin sediments are suitable for beach nourishment due to grain size compatibility and lack of contamination. Typically, the Commission would support placement of these sediments on the beach or in the nearshore environment. However, due to the ongoing concerns about potential impacts to sensitive plants in the adjacent Crescent City Marsh due to additional beach nourishment at this time, and the likely presence of debris in the Harbor sediments that would be difficult to manage with a hydraulic dredge, the Commission staff agrees with the Harbor District that beach nourishment of these sediments is not a feasible disposal alternative for the proposed dredging project, and that disposal of these sediments will not adversely affect the functioning of the north coast long shore littoral system.

In conclusion, the Commission staff **agrees** with the Crescent City Harbor District's no-effects determination that the proposed disposal of dredged sediments at HOODS will not adversely affect coastal zone resources. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(For) CHARLES LESTER  
Acting Executive Director

cc: CCC – North Coast District Office  
California Department of Water Resources  
Governor's Washington, D.C., Office  
USEPA – Region IX  
USFWS – Arcata  
Corps of Engineers – San Francisco  
California DFG – Eureka