

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
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## ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

**JULY 14, 2011 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO: Commissioners and Interested Parties**

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

### DE MINIMIS WAIVERS

APPLICANT	PROJECT	LOCATION
<b>E-11-012-W</b> Southern California Edison Co.	Transport the 4 original generators from SONGS Units 2 and 3 onto the southbound lanes of I-5 via a temporary access route..	SONGS Units 2 and 3 Orange County
<b>E-11-015-W</b> Drakes Bay Oyster Company	Repair three (3) oyster seed setting tanks damaged by strong winds and high tide at Drakes Bay Oyster Company.	Drakes Bay Oyster Company Marin County

### IMMATERIAL AMENDMENT

APPLICANT	PROJECT	LOCATION
<b>E-00-003-A1</b> Unocal Corporation	Modify the loop road restoration success criteria in CDP E-00-003 Special Condition 11 to make them consistent with the existing Guadalupe Wetland Restoration and Mitigation Plan.	Former Guadalupe Oil Field San Luis Obispo County



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

**DATE:** June 30, 2011 **PERMIT NO. E-11-012-W**

**TO:** Coastal Commissioners 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 (Commission) hereby waives the requirements for a coastal development permit, pursuant to Section 30624.7 of the California Coastal Act.

**Applicant:** Southern California Edison Company  
c/o Kim Anthony  
Corporate Environment Health & Safety  
1218 South 5<sup>th</sup> Ave.  
Monrovia, CA 91016

**Background and Project Description:** In 2008, the Commission approved coastal development permit no. E-08-001 for the replacement of steam generators at the San Onofre Nuclear Generating Station (SONGS). Part of the work of installing the new generators involved removing the four original generators from SONGS Units 2 and 3 and preparing them for disposal. Southern California Edison Company (SCE) is now pursuing the final disposal of the four original generators. In consultation with the California Department of Transportation and the California Public Utilities Commission, SCE has developed a plan to transport the four original generators to a waste disposal and treatment facility in Clive, Utah. Due to the size and weight of the generators and their rating as Class A low-level radioactive waste, SCE determined that the most effective transport method would be via truck on the interstate highway system. Other options such as rail transport were rejected as legally or technically infeasible. The generators would begin their journey to Utah by traveling southbound on I-5 from the SONGS facility where they are currently stored. A special 399-foot long, 20-foot wide and 16-foot high carrier vehicle has been constructed to move the generators. The size of this vehicle severely limits the number and type of roads on which it may safely travel and the I-5 on-ramps nearest the SONGS facility cannot accommodate the special carrier vehicle. Accordingly, SCE has proposed to create a new temporary access to the southbound lanes of I-5 to allow the carrier vehicle to transit from the SONGS facility onto the southbound lanes of I-5.

Development of this temporary accessway would require the removal of an existing chainlink fence, the mowing of approximately 1800 square feet of vegetation from the shoulder of I-5, the installation of approximately 900 cubic feet of crushed gravel, and some additional soil compaction and leveling work to prepare the site for passage of the carrier vehicle.

The accessway would be used four times between July and November of 2011 to facilitate the transport of the four steam generators. The chainlink fence would be temporarily reinstalled after each use of the accessway and at the completion of the project. In addition, at the completion of the project SCE would remove the 900 cubic yards of gravel from the project site, re-contour the site to its original configuration, and revegetate all 1800 square feet with a California Department of Transportation approved hydroseed mix collected from local native plant species.

Preparation of the accessway would require the temporary closure of one of the two northbound lanes of Old Highway 101 from 7:30am to 5pm for approximately two days. Use of the accessway during the transit of the special carrier vehicle would require the temporary closure of Old Highway 101 and one or more of the four southbound lanes of I-5. Old Highway 101 runs parallel to I-5 on the ocean side and provides access to both the SONGS facility as well as to several units of San Onofre State Beach. The proposed closure of this road would last for approximately 30 minutes and would be carried out in coordination with the California Highway Patrol. Transport of the steam generators and passage of the special carrier vehicle from the SONGS facility to I-5 would be carried out at night between 10:30pm and 5:30am, outside of the San Onofre State Beach hours of its operation.

**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:

- The proposed movement of the transport carrier on Old Highway 101 and associated temporary closure of this road would be carried out between 10:30pm and 5:30am, outside of San Onofre State Beach's hours of its operation, and would last a maximum of 30 minutes. Access to and/or use of San Onofre State Beach would not be restricted or impeded because access is not normally allowed during these hours. Preparation of the accessway would require the closure of one northbound lane on Old Highway 101 from 7:30am to 5pm for two days. SCE would make use of traffic controls to ensure that both northbound and southbound pedestrian, bicycle, and vehicle traffic continues on Old Highway 101 in a safe manner during this lane closure.
- Biological surveys of the project site did not record the presence of any sensitive plant or animal species. The site is made up of a narrow section of road shoulder between I-5 and Old Highway 101 and is heavily disturbed and dominated by invasive plant species.
- SCE has committed to removing all gravel from the site and carrying out hydroseeding of the project site at the completion of project activities with a seed mixture comprised of native plant seed collected from local sources. These activities would be carried out during the rainy season (November-February) to increase the chance of successful seeding and growth. The site would be evaluated for success one year after initial seeding.

Results of this evaluation would be provided to the Executive Director and SCE would consult with the Executive Director and the California Department of Transportation to determine if revegetation efforts have been successful. If native plants have not established a majority at the project site one year after initial seeding, SCE would reinitiate hydroseeding and consult with the Executive Director and relevant agencies to determine whether or not alterations to the hydroseeding mix and/or application methodology may be necessary.

- Through a qualified archeological consultant, SCE carried out surveys of the project site and determined that neither cultural nor archeological resources are present. During preparation of the accessway site, no grading or excavation would occur and ground disturbance would be minimized. Project personnel would be briefed prior to initiation of accessway preparations regarding protocols to be implemented if cultural or archeological resources are discovered at the project site.

**Important:** This waiver is not effective unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of July 13-14, 2011 in San Rafael, CA. 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  
Deputy Director

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

**DATE:** June 30, 2011 **PERMIT NO. E-11-015-W**

**TO:** Coastal Commissioners 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, pursuant to Section 30624.7 of the California Coastal Act.

**Applicant:** Kevin Lunny  
Drakes Bay Oyster Company  
17171 Sir Francis Drake Boulevard  
Inverness, CA 94937

**Background/Project Description:** On March 19, 2011, a high-tide combined with strong winds and wind-driven waves damaged several of the Drakes Bay Oyster Company (DBOC) structures located in the nearshore waters of the estero and the adjacent shoreline. The damaged structures include three of the five tanks DBOC uses to set oyster seed prior to planting in the estero. DBOC proposes to restore the damaged soil base pads beneath these tanks. The tanks are located approximately five to ten feet from the estero's high tide line on an area of bare ground within the larger footprint of the DBOC onshore facility. The repair work consists of temporarily relocating three approximately 700 gallon fiberglass seed setting tanks, removing and replacing associated PVC plumbing, re-contouring the tanks' soil base pads, replacing the tanks onto their pads, and reconnecting plumbing and electrical lines (these activities include the excavation and backfill of three to five cubic yards of soil by hand).

**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:

- No mechanized vehicles or equipment would be used during the proposed work and there is no potential for contaminated liquids or materials to be released into the estero or its shoreline during the proposed activities.

*Notice of Coastal Development Permit De Minimus Waiver  
E-11-015-W (Drakes Bay Oyster Company) Page 2 of 2*

- Project activities would be carried out over the course of a single day and would not affect access to the shoreline of Drakes Estero.
- The project footprint is devoid of vegetation and biological resources and no vegetation removal or grading would be carried out.
- No export or import of soil would be required to complete the proposed project.

**Important:** This waiver is not effective unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of July 13-14, 2011 in San Rafael, CA. 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  
Deputy Director

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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-00-003-A1**

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**TO:** All Interested Parties

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

**DATE:** June 30, 2011

**SUBJECT:** Application to amend Special Condition 11 of Coastal Development Permit (“CDP”) E-00-003, which was granted to Unocal Corporation in 2000 to remove 630 cubic yards of rock and sand that had been placed on the “loop” road and in an adjacent wetland at the former Guadalupe oil field site in San Luis Obispo County.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced CDP. The amendment would result in a minor change to the approved CDP.

**Background:** In 1998, Unocal, without benefit of a CDP, placed 630 cubic yards of road base material (rock and sand) on an existing “loop” road at the southwest corner of the former Guadalupe oil field in San Luis Obispo County. This work resulted in expansion of the road, which affected about 3,300 square feet of wetland habitat. In March 1998, the Commission staff opened a violation case. Unocal subsequently applied for a CDP in part to remove unpermitted rock and sand from the road and wetland and restore the area with native vegetation. In 2000, the Commission approved CDP E-00-003. It included in Special Condition 11 site-specific restoration performance standards. The success criteria were absolute standards based on general observations of wetland conditions within the larger region of Central California (not based on existing conditions present at the loop road area or within the Guadalupe Nipomo Dunes Complex) and on comparisons of species composition to a nearby but qualitatively different reference wetland.

Subsequent to the issuance of CDP E-00-003 was the formation of a Guadalupe Wetland Restoration Working Group tasked with developing success criteria for site-wide wetland restoration. The development of restoration success criteria was necessary due to unavoidable wetland impacts caused by the remediation of petroleum-hydrocarbon plumes found throughout the 2,700-acre former oil field site. The Restoration Working Group, composed of Unocal, natural resource agency staff (including the Coastal Commission), and consulting scientists,

developed empirical success criteria based on the results of sampling wetlands throughout the Guadalupe Nipomo Dunes Complex.

The success criteria developed by the Restoration Working Group are based on the recognition that there is considerable natural variability among wetlands on the Guadalupe site, and on the proposition that restored wetlands should be considered successful if they fall within the range of natural variability. The success criteria require that the various community metrics fall within the natural range and be similar to the natural averages. In addition, particular species must be present, and a subset of characteristic wetland species must occur with a designated abundance. This approach, proposed by Unocal in a site-wide Wetland Restoration and Mitigation Plan (“WRMP”), was approved in 2005 by San Luis Obispo County and the Coastal Commission.

In this permit amendment application, Chevron, (which acquired Unocal) is requesting that the newer success criteria approved by the Coastal Commission in 2005 based on empirical observations within the Guadalupe Nipomo Dunes Complex replace the more generic criteria that were required in Special Condition 11 of CDP E-00-003 for the loop road restoration work.

**Requested Amendment:** Chevron proposes the following changes to Special Condition 11 (additions are shown with underlining and deletions with ~~strikethrough~~):

*Revised Loop Road Restoration Plan. Prior to issuance of this permit, Unocal shall submit for approval by the Executive Director a revised loop road restoration plan that includes the following elements: The Loop Road shall be restored consistent with the site-specific and the site-wide criteria for re-vegetation of wetlands contained in the December 8, 2005 Wetland Restoration and Mitigation Plan as approved by the Coastal Commission. The performance criteria shall include the following elements:*

- *Three years after the cessation of maintenance activities (other than exotic species removal) mean richness and absolute cover values for native perennials must fall within the 96 percent confidence interval derived from the reference wetlands; mean richness and absolute cover values composed of non-natives excluding invasives must fall below the upper range of means for that association at the reference wetlands. The richness and the percent of absolute cover composed of invasive exotics shall be zero. At least six species from the following list (for transitional herbaceous scrub) shall be present: Juncus lesueurii, Carex Praegracilis, Baccharis pilularis, Artemisia dracunculus, Isocoma menziesii var. vernonioides, Leymus triticoides, Ambrosia psilostachya, Solidago californica, and Distichlis spicata. ~~there shall be  $\geq$  60% total vegetative cover of native species,  $\geq$  40% total cover of native perennials,  $\leq$  5% cover of exotic species. There shall be at least 80% similarity in native perennial species present at the restoration site and at an adjacent natural site.~~*
- *Performance monitoring shall be based on a stratified random sampling plan that can reasonably be expected to provide a 90% confidence interval of  $\pm$  10% absolute cover about the estimated mean ground cover. The replication proposed will be based upon a statistical power analysis. If, after three years of no maintenance other than exotic*

*species removal, the estimated 90% confidence interval for actual vegetative cover includes the performance value set for cover, the performance standard will be considered achieved. ~~Similarity in native perennial species will be calculated using a Sorenson index based on census of equal areas at the restoration and comparison sites.~~*

- *If performance standards have not been met after ten years without maintenance activities (other than exotic species removal), Unocal will submit to the Coastal Commission in the form of an amendment to this permit an alternate plan.*

**Findings:** The proposed amendment has been deemed “immaterial” for the following reasons:

The purpose of this amendment is to modify the loop road restoration success criteria in Special Condition 11 of CDP E-00-003 to make them consistent with the site-wide and site-specific performance criteria developed and approved by the Coastal Commission in 2005 in the Guadalupe Wetland Restoration and Mitigation Plan (“WRMP”). As described above, the newer requirements in the WRMP are based on actual site-specific data from a wide range of wetlands onsite and were used to define, among other things, wetland plant associations. This amendment will allow for a consistent and research-based application of wetland restoration performance criteria site-wide at the former oil field.

### ***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. Pursuant to section 13166(b)(1), 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 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. 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).

If you wish to register an objection to this notice, please send the objection in writing to Alison Dettmer at the above address. If you have any questions, you may contact her at (415) 904-5205 or via email at [adettmer@coastal.ca.gov](mailto:adettmer@coastal.ca.gov).