

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
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# F 4

**ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**  
**FOR THE**  
**SEPTEMBER 9, 2011 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO: Commissioners and Interested Parties**  
**FROM: Alison Dettmer, Deputy Director**  
**Energy, Ocean Resources & Federal Consistency**

<b>DE MINIMIS WAIVERS</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>LOCATION</b>
<b>E-11-013-W</b> San Diego County Water Authority.	Conduct geotechnical and hydrogeologic tests and marine environment studies to determine whether the project area might be a suitable location for a desalination facility.	Camp Pendleton Marine Base San Diego County
<b>E-11-014-W</b> Southern California Edison Co.	Take four soil borings at three sites within the San Onofre Nuclear Generating Station (SONGS) facility to gather information on the area's soil and rock structure as part of SONGS ongoing seismic program.	San Onofre Nuclear Generating Station (SONGS) Orange County
<b>E-11-020-W</b> El Segundo Energy Center, LLC	Replace the existing fish and diver protection barriers on the El Segundo Generating Station Units 3 & 4 water intake with new narrower barriers about nine inches apart.	Santa Monica Bay Offshore El Segundo Los Angeles County
<b>E-11-021-W</b> Hopkins Marine Station - Stanford University	For a two-week period install a variety of data collection equipment to study a kelp forest ecosystem in nearshore waters adjacent to Hopkins Marine Station.	Hopkins Marine Station Monterey County



## NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
<b>ND-019-11</b> U.S. Customs and Border Protection	San Diego Surf Fence replacement and maintenance Action: <b>Concur</b> , 6/30/11	U.S. Mexican Border San Diego
<b>ND-021-11</b> Bureau of Land Management	Fish habitat improvements Action: <b>Concur</b> , 6/6/11	Lower Mattole River King Range, Humboldt County
<b>ND-024-11</b> Air Force	Electric distribution line repairs Action: <b>Concur</b> , 7/12/11	Vandenberg Air Force Base Santa Barbara County
<b>ND-025-11</b> Bureau of Land Management	Demolition of buildings at Lighthouse Ranch Action: <b>Concur</b> , 6/29/11	Table Bluff Humboldt County
<b>ND-027-11</b> ConocoPhillips	Disposal of 7,500 cu. yds. of sand at SF-8 Action: <b>Concur</b> , 6/21/11	Offshore Ocean Beach San Francisco
<b>ND-028-11</b> Army Corps of Engineers	Maintenance dredging Action: <b>Concur</b> , 8/21/11	Lower Newport Bay Orange County
<b>ND-033-11</b> U.S. Navy	Pipeline replacement Action: <b>Concur</b> , 7/7/11	East side of Point Loma Peninsula San Diego



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

**DATE:** August 22, 2011 **PERMIT NO:** E-11-013-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:** San Diego County Water Authority

**Project Location:** In and adjacent to the Pacific Ocean, at Camp Pendleton Marine Base, San Diego County.

**Background:** The San Diego County Water Authority (SDCWA) is proposing studies to determine whether the project area might be a suitable location for components of a desalination facility that may be proposed at a future date. The studies include conducting various tests and surveys to characterize onshore, water column, and seafloor conditions at the southern end of Camp Pendleton Marine Base near the mouth of the Santa Margarita River to determine if they might be suitable for surface or subsurface intakes and discharge pipes to be used by a potential desalination facility.

**Project Description:** The proposed work includes the following:

- Geotechnical Survey: SCDWA would use a truck-mounted drill rig to drill four exploratory borings up to 230 feet deep. Two would be drilled on previously developed areas within the Marine Base and two would be on the U.S. Navy's Oceanside Harbor jetty.
- Hydrogeologic Investigation: From one of the jetty boreholes, SDCWA would conduct a 48-hour aquifer pump test. The other boreholes would be converted to monitoring wells to allow data collection during the test and for quarterly data collection for up to a year. All water generated will be discharged to a settling tank before release to coastal waters.
- Marine Environment Studies: SDCWA plans to evaluate nearshore water temperature and current conditions for up to 14 months by mooring two Acoustic Doppler Current Profilers (ADCPs) at 35- and 90-foot depths and a subsurface thermistor string (T-string) at the 90-foot depth.


**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 Biological Resources and Water Quality: Project activities would be subject to a Spill Prevention and Response Plan, Best Management Practices, and authorization by the State Lands Commission (General Permit for Geophysical Surveys and Surface Land Lease), the Regional Water Quality Control Board (NPDES/Waste Discharge Permit), and the Corps of Engineers (Nationwide Permit #5 – Scientific Measuring Devices). The moorings for the ADCPs and T-string would each cover only about two square feet of sandy seafloor. The T-string's single cable in the water column minimizes potential entanglement.
- Public Access and Recreation: The work will take place in onshore areas of Camp Pendleton that are closed to the public and in nearby offshore areas that have relatively little use by the public. The drilling work is expected to each take no more than about four weeks, so any adverse effects would be temporary and minor; and the T-string placed in the water column for up to 14 months would be entirely below the water surface, so is not expected to affect recreational boating or navigation in the area.

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 September 7-9, 2011, in Crescent City, Del Norte County. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

Peter M. Douglas  
Executive Director

By: 

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

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

**DATE:** August 18, 2011

**PERMIT NO. E-11-014-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  
Corporate Environment Health & Safety  
1218 South 5<sup>th</sup> Ave.  
Monrovia, CA 91016

**Background and Project Description:** Southern California Edison Company (SCE) proposes to take four soil borings at three sites within the San Onofre Nuclear Generating Station (SONGS) facility to characterize the soil and rock structure as part of SONGS' ongoing seismic program. The data gathered will provide updated information on the area's soil types and soil stability. The coring program will be carried out as follows:

- The first hole would have a two-inch diameter and would be drilled to 200-feet to perform a seismic cone penetration test. If the material at this drill site is too dense and the drill bit encounters obstructions within the first 50-feet, up to two additional drill holes would be attempted, one within 10-feet and one within 50-feet of the site of the initial attempt. This operation is expected to take one day.
- The second bore hole would be drilled using a five-inch diameter drill bit for the initial 60-feet and a four-inch diameter bit for the remaining distance to a total depth of 315-feet. This bore hole would require an estimated six days to complete.
- The third bore hole would be drilled using a five-inch diameter drill bit to a depth of 315-feet adjacent to the initial 200-foot hole. Soil would be sampled at 10-foot to 25-foot intervals and sampling operations are anticipated to take ten days.
- The final bore hole would be drilled at a third site using a four-inch diameter drill bit to a depth of 1,100-feet. Drilling operations would last 13-19 days.

After drilling and sampling activities are completed at each site, the core/bore holes would be backfilled with cement-bentonite grout to within three-feet of the surface and the remaining three-feet filled with quick-set concrete. Drilling operations in excess of 200-feet would require the use of water to facilitate drill bit penetration. In total, approximately 2,000 gallons of water per drilling day would be used (for a project total of 58,000 to 78,000 gallons of water). All drill mud, cuttings, excess water, and excavated material would be captured at the drill sites in 55-gallon drums. These drums would be removed from the site at the completion of the project and transported offsite for disposal at a certified facility.

The County of San Diego Department of Environmental Health has approved the proposed project activities.


**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:

- All project activities would be carried out within the industrial SONGS facility on paved or gravel areas. No vegetation removal would occur and no placement of materials or equipment would occur within habitat areas.
- All drilling operation sites would be prepared with sand bags, straw waddle, and protective tarps to prevent the spread of drill mud, cuttings, or fluids in the event of a spill. The SONGS Spill Prevention Control and Countermeasure Plan and the SONGS Spill Contingency Plan would be adhered to during all project activities.
- All project water requirements would be met by transferring water to the three proposed drill sites from existing fire hydrants located in adjacent areas and no importation of water from offsite would be required.

**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 September 7-9, 2011 in Crescent City, 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 WAIVER – DE MINIMIS**

**DATE:** August 25, 2011 **PERMIT NO:** E-11-020-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:** El Segundo Energy Center, LLC

**Project Location:** In Santa Monica Bay, offshore of El Segundo, Los Angeles County

**Background:** The applicant operates the El Segundo Generating Station, which uses two open water intakes to pull in cooling water for the power plant's four generating units. The intakes include velocity caps, which reduce the downward pull of water being drawn into the intake, thereby reducing fish entrapment, and also include exclusion bars, which are meant to prevent larger fish and recreational divers from entering the intake. The applicant is proposing to replace the existing exclusion bars on the ESGS Units 3 & 4 intake with new exclusion bars that are spaced more closely together – i.e., about nine inches apart – to reduce marine life and recreational diving impacts. The work is being done pursuant to the State Water Resources Control Board's adoption in October 2010 of the *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*, which requires various mitigation measures be incorporated into these intakes.

The State Lands Commission staff has determined that the proposed work is consistent with the applicant's Surface Land Lease.

**Project Description:** The proposed work includes the following:

- **Removal of Existing Exclusion Bars:** From a vessel-mounted work platform, divers would first hydro-blast encrusted marine growth from the existing structure to allow clean removal of the existing bars. The cap is about twenty by twenty-five feet in diameter and rests about three feet over the intake entrance. Divers would cut away the bars for loading on the workboat and disposal at an inland location.

- Installation of New Exclusion Bars: Divers would then install 12 pre-fabricated panels around the intake, each with exclusion bars set nine inches apart. Work is expected to take from two to five days.

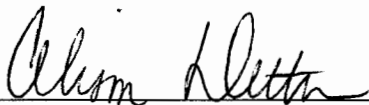
**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Biological Resources and Water Quality: Project activities will occur on an existing structure and are meant to reduce potential impacts on marine mammals. The work would be carried out under the terms of the facility's NPDES Permit and the work vessel is subject to a Spill Prevention and Response Plan. The applicant proposes to conduct the work during relatively calm ocean conditions in the fall of 2011, which will reduce potential hazards.
- Public Access and Recreation: The work will take place about 2600 feet offshore on an existing structure below the water surface. The work is expected to take no more than about five days, so any adverse effects to recreational fishing or navigation would be temporary and minor. At least two weeks prior to starting the work, the applicant will issue a Notice to Mariners that identifies the work dates and shows the location of the work. The new structure will have roughly the same dimensions as the current structure, so no ongoing impacts to navigation are expected.

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 September 7-9, 2011, in Crescent City, Del Norte County. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER  
Acting Executive Director

By: 

ALISON DETTMER  
Deputy Director  
Energy, Ocean Resources, and Federal Consistency Division



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

**DATE:** September 1, 2011

**PERMIT NO. E-11-021-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:** Hopkins Marine Station of Stanford University  
Oceanview Blvd.  
Pacific Grove, CA 93950

**Background and Project Description:** Researchers with the Hopkins Marine Station, a Stanford University marine science facility located in Pacific Grove, propose to install a variety of data collection equipment and associated infrastructure in the nearshore waters adjacent to the facility. The equipment would be installed in waters with a depth of approximately 33-feet and would be in place for roughly two weeks to carry out a series of experiments directed at understanding the movement and behavior of plankton within a kelp forest ecosystem. Equipment includes:

- Five vertical taught-line moorings, each of which would extend from a 100-pound anchor on the seafloor to a 50-pound float located near the surface. Each mooring line would be approximately 30-feet in length and would support five to ten plankton sampling pumps or three chlorophyll monitors. The lines would be installed at each of the four corners and center of a 33-foot wide by 66-foot long rectangular area surrounding a kelp forest. All anchors would be placed on soft, sandy bottom.
- A sonar-enabled monitoring device to connect two of the mooring lines. This device and the monitoring equipment installed on the mooring lines would be connected with a series of data and power cables and bundled together and routed approximately 1000-feet to shore where they would be directed to one of the Hopkins Marine Station buildings located near the shoreline.
- Two physical oceanographic data collection arrays to include battery powered acoustic current profilers, tide/wave height recorders, and water pressure and temperature sensors. One array would be installed on a one square foot anchor plate

within the area of the mooring lines and the other would be installed on a similar anchor plate approximately 600 feet farther offshore.

All installation activities would be carried out with the use of a small support boat and divers. All equipment, cables, anchors, and floats would be removed at the completion of the approximately two-week experimental period.

The Monterey Bay National Marine Sanctuary and Department of Fish and Game have issued permits for the proposed activity.

**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:

- All equipment would be installed in areas of soft, sandy substrate and all sensitive kelp forest and rocky reef areas would be avoided.
- Equipment would be in place for a limited duration of approximately two weeks and would be completely removed at the completion of the experiment.
- No fish or other large marine life would be removed or taken during the proposed activity.
- The proposed mooring lines, data cables and power lines would be maintained in a taught condition and would be evaluated and monitored on a daily basis throughout the experimental period to minimize the potential risk of entanglement for marine life.
- Care would be taken during all installation, data collection, and retrieval activities to limit and avoid the disturbance and disruption of intact intertidal and subtidal habitats.
- The proposed cable route from the experimental site to the Hopkins Marine Station onshore facility would be selected to remain within areas of soft, sandy substrate.

**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 September 7-9, 2011 in Crescent City, CA. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER  
Acting Executive Director

By: \_\_\_\_\_  
ALISON DETTMER  
Deputy Director

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**F 4**

**DATE:** August 23, 2011

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Charles Lester, Acting 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]

PROJECT #:	ND-019-11
APPLICANT:	U.S. Customs and Border Protection
LOCATION:	U.S./Mexican Border, San Diego
PROJECT:	San Diego Surf Fence replacement and maintenance
ACTION:	Concur
ACTION DATE:	6/30/11

PROJECT #:	ND-021-11
APPLICANT:	Bureau of Land Management
LOCATION:	Lower Mattole River, King Range, Humboldt Co.
PROJECT:	Fish habitat improvements
ACTION:	Concur
ACTION DATE:	6/6/11

PROJECT #:	ND-024-11
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Electric distribution line repairs
ACTION:	Concur
ACTION DATE:	7/12/11

PROJECT #:	ND-025-11
APPLICANT:	Bureau of Land Management
LOCATION:	Table Bluff, Humboldt Co.
PROJECT:	Demolition of buildings at Lighthouse Ranch
ACTION:	Concur
ACTION DATE:	6/29/11

PROJECT #:	NE-027-11
APPLICANT:	ConocoPhillips
LOCATION:	Offshore Ocean Beach, San Francisco
PROJECT:	Disposal of 7,500 cu. yds. of sand at SF-8
ACTION:	Concur
ACTION DATE:	6/21/11

PROJECT #:	ND-028-11
APPLICANT:	Army Corps
LOCATION:	Lower Newport Bay, Orange Co.
PROJECT:	Maintenance dredging
ACTION:	Concur
ACTION DATE:	8/21/11

PROJECT #:	ND-033-11
APPLICANT:	Navy
LOCATION:	East side of Point Loma peninsula, San Diego
PROJECT:	Pipeline replacement
ACTION:	Concur
ACTION DATE:	7/7/11

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June 30, 2011

Loren Flossman, Director  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1300 Pennsylvania Ave., NW  
Washington DC 20229

ATTN: John Petrilla

Re: **ND-019-11** U.S. Customs and Border Protection (CBP), Negative Determination,  
Replacement of existing border surf fence, U.S./Mexican Border, San Diego

Dear Mr. Flossman:

The Coastal Commission staff has received the above-referenced negative determination for the replacement in kind of the seawardmost segment of the U.S./Mexican border fence. The fence to be replaced, a bollard style fence, was installed in 1994 and repaired in 2003. The Coastal Commission concurred with a consistency and negative determination for these activities (CD-90-92 and ND-109-01). The CBP states the proposed fence/pile replacement will be similar to the existing, previously authorized fence proposals. The metal bollards have been corroded and damaged by sea water, weather conditions and vandalism; many are severely corroded and need to be replaced. Bollards are used because they allow sand transport but inhibit human passage (bollards are 6.5 inch diameter steel poles, with four inches of space between each bollard). The fence extends seaward from the toe of Monument Mesa below Border Field State Park, out to approximately mean lower low water.

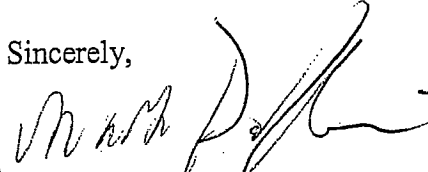
In our 2002 review we noted that despite the availability of somewhat more durable materials (e.g., cathodic protection), the fence would likely need to be replaced every seven to ten years. The 2002 replacement project (ND-109-01) only involved replacing the easternmost approximately 145 ft. of the originally-proposed 465 ft. segment. The remaining approximately 320 feet was not replaced in 2002, due to difficulties experienced during construction at that time. This is the segment now proposed for replacement, which will remain within the alignment of the originally planned (and built) fence.

Environmentally sensitive areas north of the fence will be flagged, fenced and avoided where feasible during construction. Equipment staging will occur at the parking area on the north side of Border Field State Park (just north of the mesa). Biological resource monitoring will occur during construction to protect against the unanticipated discovery and/or disturbance of Federally-listed species, including least terns and snowy plovers. The CBP has agreed to schedule the construction activities outside the sensitive breeding season. The CBP has also

agreed to include snow fencing on the west side of the access road, to ensure that all vehicles remain on the road and off the beach north of the secondary fence. Finally, in discussions with the U.S. Fish and Wildlife Service, the CBP has committed to implementing the attached additional avoidance, mitigation, and monitoring measures (Attachment 1), and the CBP agrees to provide the final monitoring report to the Commission staff when it is completed.

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 consistency and negative determination with which we previously concurred (CD-90-92 and ND-109-01). 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,

(Sd)   
PETER M. DOUGLAS  
Executive Director

Attachment

cc: San Diego District  
Army Corps, San Diego Field Office  
Army Corps, Ventura Field Office (Tiffany Troxel)  
U.S. Fish and Wildlife Service, Carlsbad Office (Patrick Gower)

Attachment 1

1. Fence construction will occur from September 15 to February 28 to avoid the tern and plover breeding season, or sooner if a qualified biologist demonstrates to the satisfaction of the Service that all nesting is complete;
2. CBP will temporarily mark (with flagging or orange fencing) the project impact limits (including construction staging areas and access routes). CBP will submit to the Service for approval, at least 7 days prior to initiating project impacts, the final construction plans, including photographs of the marked project impact limits. If work occurs beyond the marked limits, all work will cease until the problem has been remedied to the satisfaction of the Service. Temporary marking will be removed upon project completion;
3. CBP will staff a CFWO-approved project biologist who will be responsible for overseeing compliance with protective measures for the tern and plover and will be approved by the Service. The project biologist will be a trained ornithologist with at least 40 hours in the field observing terns and plovers and documented experience locating and monitoring tern and plover nests. In order to receive CFWO approval, the biologist's name, address, telephone number, and work schedule on the project must be submitted to the Agencies at least 5 working days prior to initiating project impacts. The project biologist will perform the following duties:
  - a) Be on site during work to ensure compliance with all conservation measures;
  - b) Oversee installation of the temporary marking;
  - c) Be present during all construction to direct work personnel, maintain the temporary marking, enforce the limits of impact, and ensure that no harm to terns and plovers occurs. The project biologist will walk project impact limits daily before work begins to determine if tern and plovers have entered the project area. If a tern and plover is detected or the limits of impact are exceeded, the tern and plover biologist will notify the construction manager of any activities that might harm or harass terns and plovers. Upon such notification, the construction manager will suspend construction and notify CBP and the Service so the situation can be resolved. Work may not resume until approved by CBP and the Service;
  - d) Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the tern and plover and their habitats; 3) the conservation measures that should be implemented during project construction to avoid impacts to the tern and plover, including strictly limiting activities, vehicles, equipment, and construction materials to the marked project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by marking); 4) environmentally responsible construction practices in Conservation Measure 7; 5) the

protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act;

e) Halt work, if necessary, for any project activities that are not in compliance with any conservation measures. The tern and plover biologist will report any non-compliance issues to the Service within 24 hours of its occurrence and confer with the Service to ensure the proper implementation of species and habitat protection measures;

f) Submit weekly compliance reports (including photographs of impact areas) to the Service to show that authorized impacts were not exceeded and general compliance with all conservation measures. The reports will also outline the tern and plover survey results. A separate memo/report will be prepared and submitted to the Service immediately if/when an impact occurs outside of the approved project limits; and

g) Submit a Biological Monitoring Report to the Service within 60 days of project completion that includes: as-built construction drawings with an overlay of areas that were impacted or preserved; a summary of the tern and plover survey results; and other relevant information documenting that authorized impacts were not exceeded and that general compliance with the conservation measures was achieved.

4. If night work is necessary, night lighting will only be used in the surf fence construction area and will be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats. Night lighting will not be used in the staging area;

5. CBP will ensure that the following conditions are implemented during project construction:

a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the marked impact limits;

b. To avoid attracting predators of federally listed species, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site;

c. Pets of project personnel will not be allowed on the project site;

d. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment



will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.

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June 6, 2011

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

Subject: Negative Determination ND-021-11 (Fish Habitat Improvement Structures,  
Lower Mattole River and Estuary, King Range National Conservation Area  
Humboldt Co.)

Dear Ms. Roush:

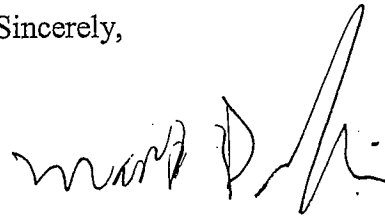
The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to construct fish habitat improvement and stream bank stabilization structures in the lower Mattole River and estuary, and to plant approximately 1,500 willow and black cottonwood cuttings and seedlings to re-vegetate adjacent riparian areas. Approximately 500 feet of stream bank would be stabilized through the installation of riprap, large wood, and willow siltation baffles. These structures, along with the re-vegetation work, will stabilize banks and slopes, promote long-term shade and channel stability, and enhance large-wood recruitment in the lower Mattole River. The proposed work will be designed and constructed in accordance with the California Department of Fish and Game's *California Salmonid Stream Habitat Restoration Manual*, in coordination with staff from the California Department of Fish and Game, the Mattole Technical Advisory Committee, and the Mattole Salmon Group. In-stream work would be limited to the low-flow season between July 1 and November 1, which is also outside the spawning and egg incubation period for salmon and steelhead fisheries. Hand planting of tree seedlings would occur during the wet season between December 1 and March 31 to improve survival rates for planted seedlings.

The proposed project is an element of the *King Range National Conservation Area Resource Management Plan*, concurred with by the Commission in January 2005 in consistency determination CD-085-04. The also Commission concurred in May 2007 with consistency determination CD-014-07 for construction of fish habitat improvement structures in the lower Mattole River estuary, and the Executive Director subsequently concurred with negative determination ND-033-09 for additional fish habitat improvement structures in the lower river and estuary.

Under the federal consistency regulations (15 CFR 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The proposed fish habitat improvement structure and riparian re-vegetation project on the lower Mattole River and estuary is similar to the BLM's previous habitat improvement projects at this location, thereby qualifying it for review under the negative determination process.

The Commission staff **agrees** that the proposed project 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 dark ink, appearing to read "Peter M. Douglas", with a stylized flourish at the end.

(fdr)

PETER M. DOUGLAS  
Executive Director

cc: CCC – North Coast District  
California Department of Water Resources  
Governor's Washington, D.C., Office

**CALIFORNIA COASTAL COMMISSION**

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July 12, 2011

Beatrice L. Kephart  
Chief, Asset Management Flight  
ATTN: Dina Ryan  
30 CES/CEA  
1028 Iceland Avenue  
Vandenberg AFB, CA 93437-6010

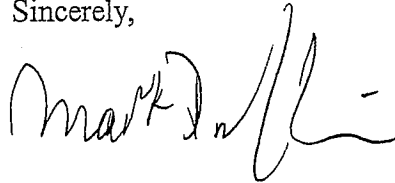
Subject: Negative Determination ND-024-11 (Repair and replacement of overhead electrical lines, Vandenberg AFB, Santa Barbara Co.)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to remove aging overhead electrical distribution lines (Feeders N1, N3, and N6) and construct new overhead lines. The Air Force states that existing conditions do not provide a reliable power source required to support launch operations on South Vandenberg AFB. Additionally, the deteriorated power lines are unsafe and substantially increase the risks of wildfire on the base. Approximately 95,000 linear feet (20 miles) of existing line would be replaced with approximately 55,500 linear feet (10.5 miles) of new line on the southwestern portion of South Vandenberg AFB. The majority of new lines would be constructed within close proximity to the old lines, except where deviations are necessary or old locations are no longer needed. The new overhead lines would be sited adjacent to existing roads to the extent feasible. Following installation, testing, and initial operation of the new lines, the majority of the existing line infrastructure (e.g., wires, wood poles, and electrical equipment) would be removed. In environmentally sensitive areas (approximately five percent of the project area), wood poles will be removed in stages and the use of non-invasive techniques (e.g., removal by helicopter, manual transport to roads) will be used. Pole removal methods near cultural resources and endangered species habitats were determined through Section 106 consultation with the State Historic Preservation Officer (SHPO) and Section 7 consultation with the U.S. Fish and Wildlife Service (Service), respectively. The Service issued a Biological Opinion for the project, stating that the proposed activities would not jeopardize the continued existence of any federally listed species. The Air Force determined that implementation of environmental protection measures would ensure that the proposed project would have no adverse effect on historic properties and cultural resources within the project area. SHPO concurred with the Air Force's determination in a June 2011 letter.

In conclusion, the Commission staff **agrees** that the proposed project 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 Douglas", with a stylized flourish at the end.

(f+n)

PETER M. DOUGLAS  
Executive Director

cc: CCC – South Central Coast District  
California Department of Water Resources  
Governor's Washington, D.C., Office

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June 29, 2011

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

Re: **ND-025-11** Bureau of Land Management, Building demolitions, Lighthouse Ranch, Table Bluff, Humboldt Co.

Dear Ms. Roush:

The Coastal Commission staff has reviewed the above-referenced negative determination submitted by the Bureau of Land Management (BLM) for the demolition of 11 one- and two-story buildings at Lighthouse Ranch, Table Bluff area, south of Humboldt Bay. BLM states that the former Coast Guard buildings are a hazard and have deteriorated due to exposure to natural hazards and poor initial construction. The buildings may contain asbestos and lead paint, the removal of which would reduce risks to public health; removal will be performed in strict accordance with state and federal regulations and statutes. The project will improve visual resource protection. The project will not affect traffic or public access.

In conclusion, we agree with BLM that the project would not adversely affect coastal zone resources, and 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) *Mark Delaplaine*  
PETER M. DOUGLAS  
Executive Director

cc: North Coast District

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June 21, 2011

Dennis Quillici  
ConocoPhillips Co.  
San Francisco Refinery  
1380 San Pablo Ave.  
Rodeo, CA 94572-1354

Re: **NE-027-11**, No Effects Determination, ConocoPhillips Co., disposal at SF-8 of material dredged from Rodeo Refinery, San Francisco Bay Area

Dear Mr. Quillici:

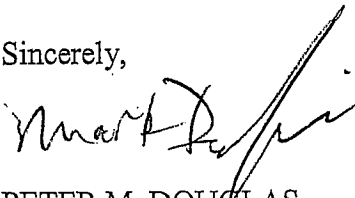
The Coastal Commission staff has received the above-referenced "no effects" determination for SF-8 disposal of 7,500 cubic yards of material being dredged at ConocoPhillips' Refinery in the San Francisco Bay area in Rodeo (San Pablo Bay). SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco. The material has been tested and are suitable for beach disposal. The Commission is not reviewing the dredging itself, nor the disposal of the remaining sediments; those aspects of the project come under the 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 ConocoPhillips Co. Rodeo Refinery dredging/disposal in the following cases: 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 resources. In addition, 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 above-listed projects involving SF-8 disposal of beach-compatible material. Accordingly, and consistent with these past reviews, we concur with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

(for)   
PETER M. DOUGLAS  
Executive Director

cc: North Central Coast Office  
EPA (Brian Ross, Allan Ota)  
U.S. Army Corps of Engineers, S.F. District (Rob Lawrence)  
BCDC (Brenda Goeden)  
RWQCB, S.F. Bay Region



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August 22, 2011

Josephine R. Axt, Ph.D.  
Chief, Planning Division  
Los Angeles District  
U.S. Army Corps of Engineers  
ATTN: Larry Smith  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-028-11 (Lower Newport Bay maintenance dredging,  
Newport Beach, Orange County)

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to undertake maintenance dredging in Lower Newport Bay and, remove up to 1.3 million cubic yards of sediment from several federal channels to provide safe navigation for recreational and commercial vessels. The proposed project would be the disposal of up to 1.0 million cubic yards of clean, non-beach-compatible sediment at the LA-3 ocean disposal site; the remaining dredged sediments are unsuitable for ocean disposal and are targeted for disposal within the Port of Long Beach Slip 1 landfill construction site. However, should the Port be unable to accept these unsuitable sediments (e.g., due to conflicts in landfill construction and/or dredging schedules or insufficient space at Slip 1 for the Lower Newport Bay sediments), the Corps would not dredge the areas in Lower Newport Bay that contain the unsuitable sediments. These materials would be left in place as there are no other feasible disposal locations available at this time for these sediments determined to be unsuitable for unconfined aquatic disposal. The Corps most recently undertook maintenance dredging in Lower Newport Bay in 2003 (27,000 cubic yards) and in 1998-99 (270,000 cubic yards), but that work took place in federal channel segments not currently proposed for dredging. The Corps is scheduled to begin maintenance dredging in October 2011, Monday through Saturday during daylight hours, and expects to complete the work in approximately 260-290 days. Should unsuitable sediments be dredged, transported, and placed in the Slip 1 landfill site, construction schedules may require the Corps to temporarily dredge a portion of or all of these sediments Monday through Saturday, 24-hours-per-day.

The multi-agency Southern California Dredged Material Management Team (including Coastal Commission staff) reviewed and approved the sediment testing program for the project, the sediment test results, and the suitability determination for placement of the project sediments at LA-3 and the POLB Slip 1 (if space is made available). The project will create localized

increases in turbidity and suspended solids at and adjacent to dredging areas and at the LA-3 disposal site. While benthic organisms will be lost due to dredging, they will recolonize these areas once dredging has ceased. The Corps' project contractor will implement a water quality monitoring program at all dredging locations; the program will include weekly monitoring of salinity, pH, temperature, dissolved oxygen, and light transmissivity, and monthly monitoring of total dissolved solids, copper, DDT, PCBs, and mercury. The Corps states that dredging will be controlled to protect water quality and that controls will include modifying dredging operations, using silt curtains, and ensuring that turbidity, dissolved oxygen, and contaminant standards are adhered to within the project monitoring areas. Dredging will also create temporary and localized impacts to navigation and recreation in Lower Newport Bay as dredging activity moves from one location to another. However, these temporary impacts are outweighed by the long-term benefits from improved and safer navigation channels for recreational, commercial, and public-safety vessels. In addition, the Corps and its contractor will coordinate all dredging work with the U.S. Coast Guard to ensure navigation safety in the lower bay and entrance channel.

The project also holds the potential to adversely affect eelgrass beds located at numerous locations in Lower Newport Bay. The project *Draft Environmental Assessment (DEA)* reports that in the years 2004, 2008, and 2010 the City of Newport Beach completed surveys to map the extent of eelgrass beds in Lower Newport Bay. The Corps stated that these surveys were used during project design to ensure that no adverse impacts would occur to eelgrass beds from the proposed channel dredging; this would be achieved by not dredging in areas containing eelgrass and by maintaining a 50-foot wide buffer between eelgrass beds and the top of all channel dredge slopes. In addition, the Corps stated in the *DEA* that:

*Not earlier than 90 days and not later than 30 days prior to the start of construction, the project area shall be surveyed and all occurrences of eelgrass shall be mapped. Additionally, within 30 days of completion of the work, the project area shall be resurveyed and all occurrences of eelgrass mapped should the preliminary survey show eelgrass within 50 m [165 feet] of any dredging activities. Any losses will be mitigated in accordance with the "Southern California Eelgrass Mitigation Policy" published by the National Marine Fisheries Service.*

After discussion with Commission staff regarding the adequacy of these eelgrass protection measures, particularly following the unexpected damage to eelgrass beds during the recent Corps federal channel maintenance dredging project in Morro Bay (San Luis Obispo County), the Corps agreed to the following project modifications to better ensure protection of eelgrass beds in Lower Newport Bay:

- After completion of the pre-project eelgrass survey and subsequent production of the map of eelgrass beds in the project area, and after confirmation of the project budget and identification of the actual channel segments to be dredged, the Corps will increase the buffer between eelgrass beds and the top of adjacent dredge slopes to 75 feet. Any exceptions to this buffer width, in order to meet the project objective of creating safe navigation in the federal channels, will be minimized and mapped prior to the start of

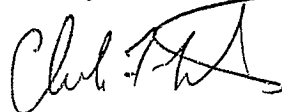
dredging, and these maps will be provided to the Commission prior to the start of dredging. Mitigation will be provided where eelgrass removal is unavoidable.

- Within 30 days of completion of the dredging project, the dredging project area shall be resurveyed and all occurrences of eelgrass mapped.
- The Corps will include in the *Final Environmental Assessment* for the proposed project language found in the project contract specifications regarding Corps oversight of contractor dredging operations, in order to ensure to the maximum degree possible that dredging will only occur within the delineated federal navigation channels.
- Based on the pre-project eelgrass survey, the actual project budget, and the actual channel segments that will be dredged, the Corps will calculate the area, if any, of eelgrass beds that are expected to be adversely affected by project dredging; this calculation will be undertaken in consultation with staff from the Commission and the National Marine Fisheries Service (NMFS). If there are expected eelgrass losses, prior to the start of construction the Corps will estimate the mitigation costs for that loss and reserve that dollar amount in the project budget for eelgrass mitigation at a location in Newport Bay, consistent with the Southern California Eelgrass Mitigation Policy. In addition, during this estimation process the Corps will consult with staff from the Commission and NMFS and agree on a reasonable contingency factor to be added to the cost of mitigation. After completion of the maintenance dredging project, the Corps will implement the eelgrass mitigation project. In addition, should the post-project eelgrass survey indicate eelgrass losses in excess of the pre-project estimate, the Corps will undertake all reasonable efforts to obtain funding for the additional mitigation costs associated with the additional eelgrass impacts, and implement that additional mitigation in a timely manner.

The Corps will provide copies of the pre- and post-project eelgrass surveys, eelgrass/dredge slope setback maps, calculations of expected eelgrass impacts, and eelgrass mitigation measures to be implemented (if necessary) to the Commission. With these project modifications and commitments, adverse impacts to eelgrass beds in Lower Newport Bay from maintenance dredging will be minimized.

In conclusion, the Commission staff agrees with the Corps of Engineers that the Lower Newport Bay maintenance dredging project (as modified) 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,



CHARLES LESTER  
Acting Executive Director

cc: CCC – South Coast District  
California Department of Water Resources  
Governor's Washington, D.C., Office  
National Marine Fisheries Service – Long Beach  
California DFG – San Diego

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July 7, 2011

CDR Patrick Hochstein  
Public Works - Naval Base Point Loma  
Commander, U.S. Navy  
140 Sylvester Rd.  
San Diego, CA 92106-3521

Attn: Suzanne Smith

Re: **ND-033-11**, U.S. Navy, Negative Determination, Fuel Pipeline Exposure Sandbag Cover  
Repair #2, La Playa Easement, East side of Pt. Loma peninsula near Shelter Island, San Diego

Dear CDR Hochstein:

The Coastal Commission staff has reviewed the above-referenced negative determination for temporary repairs to three exposed sections of an aviation fuel (JP-5) pipeline, located along the Bayside Trail at La Playa Beach, west of Shelter Island on the Pt. Loma peninsula. The Navy proposes emergency repairs to reduce the risk of fuel spills and maintain the integrity of the pipeline. The repairs are needed because erosion (primarily caused by upslope residential landscaping practices) has eroded several areas around the pipeline.

Sandbags would be placed by hand and abrasion protection material would be wrapped around the pipeline in the three exposed areas. The repair work would temporarily affect public access along the Bayside Trail; however the impact would be limited to 30 days or less and would avoid trail closures on weekends. Sandbags will be exposed; however sandbag material will be dark in color, resistant to UV damage, and inert to biological degradation. The project would not affect environmentally sensitive habitat or cultural resources, and would not alter the visual character of the surrounding area. The pipeline has been in place since 1953 and has been repaired numerous times, as needed. The Navy's long-term goal is to relocate the pipeline from the La Playa area to the road along Rosecrans Ave. Additional funding will be needed before this relocation can proceed.

The Coastal Commission staff **agrees** that the proposed pipeline repairs are needed to protect coastal resources and will not adversely affect coastal resources. Temporary access closures are similar to those we have previously authorized in reviewing past Navy repair proposals for this pipeline. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Douglas", written over a printed name.

(607) PETER M. DOUGLAS  
Executive Director

cc: San Diego District  
Corps of Engineers, San Diego Field Office