

CALIFORNIA COASTAL COMMISSION

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

**W15****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

OCTOBER 10, 2012 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
E-12-014-W Poseidon Water LLC	Extend the operation of the existing desalination test facility at the Encina Power Station up to October 31, 2013.	Encina Power Station San Diego County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-036-12 Department of the Navy	Fuel Facility Relocation Action: Concur, 9/13/2012	Naval Auxiliary Landing Field, San Clemente Island Los Angeles County
ND-043-12 Department of the Navy	Obtain California sea lions for service in the Navy marine mammal program Action: Concur, 9/25/2012	San Nicolas Island Naval Base, Ventura County



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-044-12 National Park Service	Emergency repairs to Coast Camp Road Action: Concur, 9/14/2012	Point Reyes National Seashore, Marin County
ND-045-12 Corps of Engineers Los Angeles District	Six-year maintenance dredging and beach nourishment program Action: Concur, 9/19/2012	Channel Islands and Port Hueneme Harbors Ventura County
ND-047-12 U.S. Marine Corps	Construction of helipad adjacent to military hospital Action: Concur, 9/17/2012	Vandegrift Blvd., near I-5 Camp Pendleton Marine Corps Base, San Diego Co.



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

DATE: September 27, 2012 **PERMIT NO:** E-12-014-W

TO: Coastal Commission and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

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

Applicant: Poseidon Resources Corporation

Background: This waiver would allow continued operation of an existing desalination test facility at the Encina Power Station in Carlsbad, San Diego County. The facility has operated since January 2003 under several one-year temporary waivers previously authorized by the Coastal Commission. This new waiver would allow the facility to operate until October 31, 2013, when the facility is to be removed and the site restored. The waiver would allow placement and operation of test equipment, connection to and use of the power plant cooling water system, and discharge of treated water to the cooling water system. It would also allow a small amount of the processed water (less than 1%) to be sent to laboratories for testing.

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

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

The facility includes sled-mounted desalination test equipment, a 500-gallon raw water tank, 500-gallon filter tank, pump/instrumentation skid, reverse osmosis equipment, operations office, and storage. The equipment covers less than 1500 square feet, and the tallest equipment is about 20 feet high. The facility is located on a parking lot west of the power plant, and covers about 30 of the plant's 184 parking spaces.

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


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

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

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 10-12 in Oceanside. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By:  _____

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

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W15

DATE: October 5, 2012

TO: Coastal Commissioners and Interested Parties

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

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

PROJECT #:	ND-036-12
APPLICANT:	Department of the Navy
LOCATION:	Naval Auxiliary Landing Field, San Clemente Island, Los Angeles Co.
PROJECT:	Fuel Facility Relocation
ACTION:	concur
ACTION DATE:	9/13/2012

PROJECT #:	ND-043-12
APPLICANT:	Department of the Navy
LOCATION:	San Nicolas Island, Naval Base Ventura Co.
PROJECT:	Obtain California sea lions for service in the Navy marine mammal program
ACTION:	concur
ACTION DATE:	9/25/2012

PROJECT #:	ND-044-12
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Emergency repairs to Coast Camp Road
ACTION:	concur
ACTION DATE:	9/14/2012

PROJECT #:	ND-045-12
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Channel Islands and Port Hueneme Harbors, Ventura Co.
PROJECT:	Six-year maintenance dredging and beach nourishment program
ACTION:	concur
ACTION DATE:	9/19/2012

PROJECT #:	ND-047-12
APPLICANT:	U.S. Marine Corps
LOCATION:	Vandegrift Blvd., near I-5, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Construction of helipad adjacent to military hospital
ACTION:	concur
ACTION DATE:	9/17/2012

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September 13, 2012

G.A. Mayes, Captain
Commanding Officer
Department of the Navy
Naval Base Coronado
Box 357033
San Diego, CA 92135-7033

Attn: Suzanne Smith

Re: **ND-036-12**, Navy, Negative Determination, Fuel Facility Relocation, Naval Auxiliary Landing Field, San Clemente Island

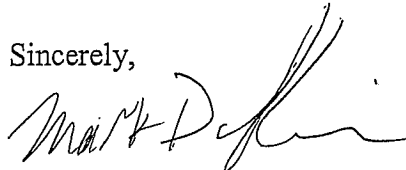
Dear Captain Mayes:

The Navy has submitted a negative determination for the relocation of the existing fuel storage facility and replacement of existing tanks at the Navy airfield on San Clemente Island. The activity would consist of relocating underground JP-5 fuel storage tanks and associated infrastructure, which are aging and located in an unstable area, to a stable site nearer the airfield. The project includes demolishing buildings and fencing at the existing site, site cleanup, backfilling the tank pits, and restoring the sites. At the new site the Navy would install three 100,000 gallon above-ground tanks, with associated infrastructure, including fuel filters and separators, waste tank, piping, control room, pump house, truck fill stand, fuel administration building, booster pumps and a pump station, and emergency generators.

The project would avoid adverse effects on sensitive marine and terrestrial habitats, protect water quality and include use of Best Management Practices and preparation of a stormwater pollution prevention plan (SWPPP), improve oil spill prevention risks, avoid known archaeological sites in the area, and include biological and archaeological monitoring during construction. Except where it would conflict with fire hazard control needs, disturbed areas would be revegetated with native species.

With the measures included, we **agree** that the project would reduce oil spill risks and avoid adverse effects on coastal zone resources. 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
Executive Director

cc: San Diego District Office

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September 14, 2012

Cicely A. Muldoon
Superintendent
Point Reyes National Seashore
ATTN: Jeffrey Jewhurst
Point Reyes, CA 94956

Subject: Negative Determination ND-044-12 (Emergency Repairs to Coast Camp Road, Point Reyes National Seashore, Marin County)

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service proposes to repair a 225-foot-long section of 10-foot-wide Coast Camp Road that is failing due to seasonal flooding, regular vehicle use, and occasional access by heavier emergency vehicles. The substantial depression in the road hinders access by hikers, bicyclists, equestrians, and NPS maintenance and law enforcement personnel to Coast Camp and the nearby shoreline area. Approximately 355 cubic yards of a mixture of cobble rock, drain rock, gravel, and road base will be placed over a geotextile fabric to bring the road surface 12-18 inches above the adjacent relative elevation. All construction materials will be transported to the project site, no stockpiling of fill or materials will occur in the project area, and the work is expected to take one week to complete. Silt fencing and sandbags will ensure that all fill material remains on the roadway and out of the adjacent riparian corridor and Laguna Creek.

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 "Charles Lester".

(FAN)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
Dale Dualan, Pt. Reyes National Seashore

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September 19, 2012

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

Subject: Negative Determination ND-045-12 (Six-Year Maintenance Dredging Program at Channel Islands and Port Hueneme Harbors, Ventura County)

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes a six-year maintenance dredging program at Channel Islands and Port Hueneme harbors. The Commission previously concurred with a similar six-year maintenance dredging program for these two harbors in 1994 (CD-052-94), and the Executive Director concurred with six-year maintenance dredging programs in 2000 (ND-040-00) and 2006 (ND-048-06). The proposed six-year program is necessary in order to maintain the two harbors at their authorized depths and widths, to maintain the sand traps outside Channel Islands Harbor at their design depths and capacities, and to replenish downcoast beaches (Hueneme and Silver Strand) which erode as a result of altered littoral drift patterns associated with the two harbors.

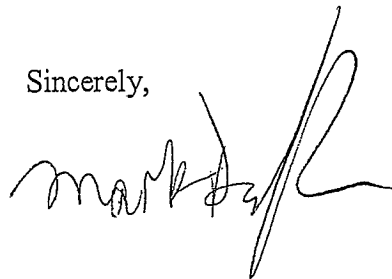
The six-year program includes three dredging cycles and dredging is scheduled to occur biennially. Channel Islands Harbor would be dredged three times and Port Hueneme Harbor dredged once during the 2012-2018 time period. However, should sediment accumulation at Channel Islands Harbor create navigation safety issues or should severe erosion occur at downcoast beaches during this time period, the Corps could dredge one year after the previous dredging cycle. However, even with this scenario, dredging would be limited to three cycles under the proposed six-year maintenance dredging program. At Channel Islands Harbor, up to 2.6 million cubic yards (cu.yds.) of material would be dredged per cycle. At Port Hueneme Harbor, the single dredge episode would remove up to 200,000 cu.yds. of material and would occur during one of the Channel Islands Harbor dredging cycles. The Corps estimates that over the six-year program, approximately 7.9 million cu.yds. of sediment will be dredged from the harbors and placed on downcoast beaches and/or in adjacent nearshore zones. Disposal of dredged material at Hueneme Beach is mandated by federal project authorization in order to fulfill existing commitments for shoreline protection. Disposal at Silver Strand Beach will occur on an as-needed basis to offset periodic erosion problems. Dredging and disposal operations will

occur between October 1 and March 15 to avoid California least tern and western snowy plover nesting seasons, California grunion spawning season, and the peak summer tourism period. Should the Corps find it necessary to extend project operations beyond March 15 (e.g., due to winter storms or other unavoidable circumstances), the Corps will coordinate with the Commission to determine what additional federal consistency review may be required. This coordination will occur such that any federal consistency review for extended project operations will be completed prior to March 15.

Sediment sampling test results and the Corps' proposed dredged material suitability determination were reviewed by the Southern California Dredged Material Management Team (SCDMMT, which includes Commission staff) at the team's May and June 2012 meetings. At the August 2012 SCDMMT meeting, staff from the Los Angeles Regional Water Quality Control Board, U.S. Environmental Protection Agency, and the Commission concurred with the Corps' determination that proposed dredged sediments were suitable from a physical and chemical standpoint for beach placement and nearshore disposal. The U.S. Fish and Wildlife Service determined in September 2012 that the proposed six-year maintenance dredging program would not result in any effects to the endangered California least tern or the threatened western snowy plover beyond those analyzed in the existing biological opinion (1-8-06-F-22) associated with maintenance dredging at Channel Islands and Port Hueneme harbors. The Service concluded that project activities, impacts areas, and avoidance and minimization measures analyzed in the biological opinion would remain unchanged.

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." As discussed above, the Commission and the Executive Director have concurred with similar consistency and negative determinations for six-year maintenance dredging programs at Channel Islands and Port Hueneme harbors. The Commission staff agrees that the proposed program will not adversely affect coastal resources, including public access and recreation and environmentally sensitive habitat areas. 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
Executive Director

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September 25, 2012

L.R. Vasquez, Captain
Department of the Navy
Attn: Suzanne Smith
Naval Base Ventura County
311 Main Rd., Suite 1
Point Mugu, CA 93042-5033

Re: **ND-043-12**, U.S. Navy, Obtaining California Sea Lions for Service in the Navy Marine Mammal Program, Naval Base Ventura County, San Nicolas Island

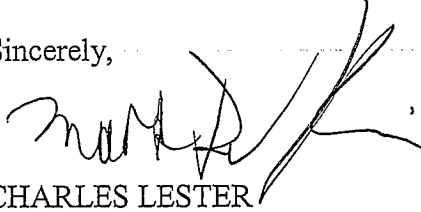
Dear Captain Vasquez:

The Coastal Commission staff has reviewed the above-referenced negative determination for the capture of up to 25 California sea lions from San Nicolas Island and relocation to the Navy's San Diego-based Marine Mammal Program, which trains animals to perform military tasks such as ship and harbor protection, mine detection and clearance, and equipment recovery.

The existing sea lion population at San Nicolas Island is between 43,000 and 57,000 animals. The maximum number captured represents 0.04-0.06% of the population, and natural pup mortality averages about 15%/year. Captured animals would be limited to those stranded, injured, or compromised animals that have been rescued and rehabilitated by stranding organizations. Special care would be taken to avoid harmful effects during the capture operation, and specially trained experts and veterinarians would be present during capture. In recent years the Navy has received animals from stranding networks, zoos, and aquaria, but the available numbers are not consistent and the Navy seeks permission to obtain animals from San Nicolas Island if other sources are inadequate for program needs.

The Commission staff **agrees** with the Navy's determination that the proposed project would not adversely sea lion populations at San Nicolas Island and, thus, would not affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 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,


CHARLES LESTER
Executive Director

cc: National Marine Fisheries Service (Long Beach)
Marine Mammal Commission

CALIFORNIA COASTAL COMMISSION

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September 17, 2012

W.J. Christensen, Head
Environmental Planning
U.S. Marine Corps
Marine Corps Installations West
Marine Corps Base Camp Pendleton
Box 555010
Camp Pendleton, CA 92055-5010

ATTN: Kristin Thomas

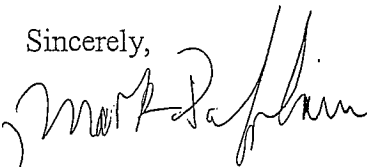
Re: **ND-047-12** U.S. Marine Corps Negative Determination, Helipad and Alternate electric power serving Naval Hospital, Marine Corps Base Camp Pendleton, San Diego Co.

Dear W.J. Christensen:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of a helipad and installation of an alternate power line to serve the Naval Hospital Camp Pendleton, east of I-5 and Vandegrift Rd., south of the Santa Margarita River on Marine Corps Base Camp Pendleton. The helipad would be 200 ft. by 200 ft. and would support helicopter operations at the hospital. The alternate power line would follow an existing power line route and would provide an independent backup power source for the hospital. The hospital is currently under construction and anticipated to open in 2014.

The project would not affect public access (which is restricted in this area due to military security needs), wetlands, sensitive habitat, or public views. Best Management Practices would be implemented to minimize sedimentation and erosion and protect water quality, including the nearby watercourse running between the helipad and the hospital. With these measures, the Commission staff **agrees** with the Marine Corps that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 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,


(fdu)

CHARLES LESTER
Executive Director

cc: San Diego District