

CALIFORNIA COASTAL COMMISSION

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



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 the addendum to this report.

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ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

AUGUST 10, 2012 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

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

IMMATERIAL AMENDMENT

APPLICANT	PROJECT	LOCATION
E-99-009-A3 Chevron Environmental Management Company	Remove contaminated soil, road-base material, and other oil field debris and inactive groundwater monitoring wells from the “TB4 West” site at the Guadalupe Oil Field.	Guadalupe Oil Field San Luis Obispo County

DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
E-12-008-W Poseidon Resources	Remove and relocate the wastewater system control room at the Encina Power Station’s seawater desalination facility.	Encina Power Station San Diego County



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-022-12 Air Force	Electric Line Replacements Action: Concur, 7/9/2012	Vandenberg AFB Santa Barbara County
ND-025-12 GGNRA	Equestrian Facility Improvements Action: Concur, 8/2/2012	Southern Marin Co.
ND-026-12 National Park Service	Lagoon Dune Restoration Plan Action: Concur, 8/2/2012	Abbott's Lagoon Pr. Reyes National Seashore Marin County
ND-028-12 U.S. Fish and Wildlife Service	Salmon Creek Estuary Enhancement Action: Concur, 7/13/2012	Humboldt Bay National Wildlife Refuge Humboldt County
ND-033-12 National Park Service	Invasive Species Removal (scotch broom) Action: Concur, 8/3/2012	Drake's Estero Pt. Reyes National Seashore Marin County
ND-034-12 Channel Islands National Park	Pier Stabilization Action: Concur, 8/3/2012	Prisoners Harbor Santa Cruz Island Santa Barbara County

NO EFFECT DETERMINATION

APPLICANT	PROJECT	LOCATION
NE-029-12 Phillips 66	Disposal of Dredge Material at SF-8 Action: No Effect, 7/17/2012	Offshore Ocean Beach San Francisco



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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-99-009-A3**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: July 27, 2012

SUBJECT: Application to amend Coastal Development Permit (“CDP”) E-99-009 granted on November 3, 1999, to Unocal (subsequently acquired by Chevron) for remediation of soil and groundwater petroleum-hydrocarbon contamination at the former Guadalupe oil field 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 allow Chevron to remove contaminated soil, road-base material, and other oil field debris from the “TB4 West” site and remove up to 10 inactive groundwater monitoring wells as described in a TB4 West Work Plan (July 11, 2012) and a Monitoring Well Abandonment Work Plan (July 23, 2012). The work includes:

- Remove and stockpile vegetated and clean “overburden” (estimated 34,242 cubic yards);
- Install 1236 linear feet of temporary sheetpile;
- Excavate hydrocarbon-affected soil (estimated 22,000 cubic yards);
- Remove road base, portions of the “A” road, piping, concrete debris, and other oilfield remnants (estimated 1803 cubic yards) from inside the excavation disturbance boundary;
- Backfill and re-contour remainder of disturbed site with clean overburden.
- “Destroy” inactive groundwater monitoring wells by filling each well with hydrated bentonite pellets, cut off and remove each well casing one foot below grade, remove the surface well monument, other well materials and supporting concrete, and backfill remaining holes with sand. Five wells located off the beach are within wetlands and will be destroyed with hand tools only (no heavy equipment). The five wells located on the beach require a drill rig to properly destroy.

Background and Proposed Amendment: In 1998, the Central Coast Regional Water Quality Control Board (“RWQCB”) issued to Unocal Cleanup and Abatement Order (“CAO”) 98-38 to remediate petroleum-hydrocarbon soil and groundwater contamination at the oil field site. The CAO ordered site characterization, decommissioning, excavation, product recovery, and treatment of affected soils. In 1999, the Coastal Commission approved CDP E-99-009

authorizing Unocal to excavate shoreline areas of contaminated soil and groundwater that contain plumes of diluent (a form of petroleum), sumps and “oil layers,” as directed by CAO 98-38, and install up to 100 groundwater monitoring wells. The County of San Luis Obispo also approved a CDP to remediate areas of contamination, remove old oil field infrastructure, and add monitoring wells located within its certified Local Coastal Program (“LCP”) jurisdiction.

During one of the excavations authorized by CDP-99-009, Unocal/Chevron discovered an additional plume (located west of the “A” road). The RWQCB determined that this newly discovered area of subsurface contamination, TB4 West, which is the primary subject of this amendment request, also be removed. Chevron would also remove 10 inactive monitoring wells.

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

CDP E-99-009, which in part authorized the excavation of nine areas of diluent plumes, sumps or oil layers, includes 44 Special Conditions that direct how the work will be performed to minimize wetland, ESHA, wildlife, water quality, and public access impacts. All activities proposed as part of this amendment request are similar to the work authorized by CDP E-99-009 and all relevant conditions of CDP E-99-009 will be implemented. For example, although the proposed work will be in areas used by the western snowy plover for nesting and breeding, it will be carried out after the 2012 nesting and breeding season and before the start of the next one (generally ends September 15 and starts March 15 of each year).

In a July 13, 2012, letter to the Army Corps of Engineers, the US Fish and Wildlife Service concluded that the proposed excavation and site restoration work is not likely to affect designated critical habitat for the western snowy plover because survey evidence from past excavations demonstrate that plovers continue to use newly excavated areas for nesting, even choosing such areas preferentially over undisturbed areas.

As required by CDP E-99-009, all development is overseen daily by qualified biologists as well as an independent on-site environmental coordinator (“OEC”) chosen by the County and Coastal Commission staffs to monitor compliance with permit requirements. The work proposed as part of this permit amendment will be conducted in consultation with the OEC and modified in the field as necessary in order to minimize impacts to coastal resources.

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 no later than **August 10, 2012**, at the above address. If you have any questions, you may contact her at (415) 904-5205 or via email at Alison.Dettmer@coastal.ca.gov.

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

DATE: July 31, 2012 **PERMIT NO:** E-12-008-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

Project Location: At the Encina Power Station in Carlsbad, San Diego County.

Background: Poseidon Resources is constructing a desalination facility at the site of the Encina Power Station in Carlsbad. The Commission approved the facility in November 2007 through CDP #E-06-013. Part of the approved project includes demolishing one of two main sections of an onsite wastewater treatment facility at the power plant site – the lower section remains in operation, but the upper section is no longer needed and is within the footprint of the area to be used for construction and operation of the desalination facility. Also within this footprint is the control room for the wastewater system. At the time of the Commission's above-referenced approval, Poseidon had identified the need to relocate this control room, but had not yet identified the eventual new location.

Project Description: The proposed work consists of removing and relocating the above-referenced wastewater system control room. The current control room is housed in a two-story building in the upper portion of the wastewater treatment facility within the power plant site. The proposed control room would be located about one hundred feet from the existing room, also within an already developed area of the power plant. It would be housed in a 24-foot long by 8-foot wide by 10-foot high prefabricated enclosure. The proposed removal and relocation would occur on existing paved surfaces and would not require any grading.

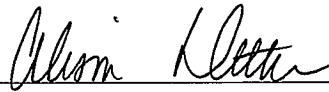
Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Resources / Water Quality / Wetlands: Work will occur more than one hundred feet from the waters of Agua Hedionda Lagoon at a location within the power plant site's existing developed industrial footprint and stormwater control system, thereby resulting in little, if any, risk to nearby coastal waters.
- Visual Resources: Work will occur within the existing industrial complex and the new structure will be much smaller than the surrounding facilities, tanks, and other equipment, so will not affect public views to and along the shoreline.
- Public Access: The project will be within the existing industrial complex where public access is not allowed and is not expected to adversely affect existing access to or along the Agua Hedionda shoreline or waters. It will therefore result in few, if any, adverse effects on public access to the shoreline.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of August 8-10, 2012, in Santa Cruz. 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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F5

DATE: August 6, 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-022-12
APPLICANT:	Air Force
LOCATION:	Vandenberg AFB, Santa Barbara Co.
PROJECT:	Electric Line Replacements
ACTION:	Concur
ACTION DATE:	7/9/2012

PROJECT #:	ND-025-12
APPLICANT:	GGNRA
LOCATION:	Southern Marin Co.
PROJECT:	Equestrian facility improvements
ACTION:	Concur
ACTION DATE:	8/2/2012

PROJECT #:	ND-026-12
APPLICANT:	National Park Service
LOCATION:	Abbott's Lagoon, Pt. Reyes National Seashore, Marin Co.
PROJECT:	Lagoon Dune Restoration Plan
ACTION:	Concur
ACTION DATE:	8/2/2012

PROJECT #:	ND-028-12
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Humboldt Bay National Wildlife Refuge, Humboldt Co.
PROJECT:	Salmon Creek Estuary Enhancement
ACTION:	Concur
ACTION DATE:	7/13/2012

PROJECT #:	NE-029-12
APPLICANT:	Phillips 66
LOCATION:	Offshore Ocean Beach, San Francisco
PROJECT:	Disposal of dredge material at SF-8
ACTION:	No effect
ACTION DATE:	7/17/2012

PROJECT #:	ND-033-12
APPLICANT:	National Park Service
LOCATION:	Drake's Estero, Pt. Reyes National Seashore, Marin Co.
PROJECT:	Invasive species removal (scotch broom)
ACTION:	Concur
ACTION DATE:	8/3/2012

PROJECT #:	ND-034-12
APPLICANT:	Channel Islands National Park
LOCATION:	Prisoners Harbor, Santa Cruz Island, Santa Barbara Co.
PROJECT:	Pier Stabilization
ACTION:	Concur
ACTION DATE:	8/3/2012

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July 9, 2012

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-022-12 (Repair and replacement of overhead electrical lines, Vandenberg AFB, Santa Barbara County)

Dear Ms. Kephart:

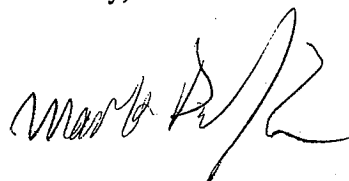
The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to repair and replace aging overhead electrical distribution lines (Feeders K1, K4, K6, K7, K8, N5, N9, and N10) on South Vandenberg Air Force Base. The Air Force states that the existing lines do not provide a reliable power source required to support Vandenberg AFB's launch and range missions and must be replaced. Approximately 31 miles of existing overhead lines would be replaced with approximately 33.7 miles of new lines. The replacement overhead lines would be located adjacent to existing roads or within close proximity to the old lines to the extent feasible to provide easy access and facilitate regular maintenance. In areas where the new feeder alignments cannot be located near existing roads, new access roads would be established. Following installation, testing, and initial operation of the new lines, the existing wires, electrical equipment, and poles would be removed. In environmentally sensitive areas, poles would be removed in stages and the use of non-invasive techniques (e.g., removal by helicopter, manual transport to roads) will be used. The replacement project is expected to take up to five years to complete.

Project construction activities hold the potential to temporarily affect soils, vegetation, and water quality at and adjacent to work areas. All exposed soil areas will be revegetated with a native seed mix and sufficient mulch to prevent erosion. The Air Force will implement a Stormwater Pollution Prevention Plan and incorporate best management practices into the project design to avoid adverse effects to water resources. The Air Force undertook formal consultation with the U.S. Fish and Wildlife Service due to known and potential occurrence of federally threatened and endangered species within the project area. The Service issued a Biological Opinion on May 9, 2012, stating that the proposed project would not jeopardize the continued existence of any federally listed species, and the Air Force stated that it would comply with all reasonable and prudent measures and all terms and conditions listed in the Biological Opinion to protect the El Segundo blue butterfly, vernal pool fairy shrimp, and California red-legged frog. The Air Force

also undertook consultation with the California State Historic Preservation Office (SHPO) to comply with Section 106 of the National Historic Preservation Act due to the presence of sensitive archaeological resources near Feeder Lines K1 and K7. In a letter dated April 23, 2012, the SHPO concurred with the Air Force's determination that the project will not adversely affect archaeological resources given a slight redesign in the project to avoid archaeological resources and implementation of cultural resource protection measures.

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 "Charles Lester", written in a cursive style.

(for)

CHARLES LESTER
Executive Director

cc: CCC – South Central Coast District

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August 2, 2012

Frank Dean
General Superintendent
Golden Gate National Recreation Area
ATTN: Andrea Lucas
Fort Mason
San Francisco, CA 94123

Subject: Negative Determination ND-025-12 (Marin Equestrian Stables Plan, Marin Co.)

Dear Mr. Dean:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to comprehensively improve equestrian sites, facilities, programs, and stables management in the Golden Gate National Recreation Area in southern Marin County. The NPS states that the proposed Marin Equestrian Stables Plan is designed to improve visitor services and to preserve, protect, and enhance natural and cultural resources. The Plan calls for the retention of three existing public stable sites on NPS lands at Rodeo Valley, Tennessee Valley, and Golden Gate Dairy, and the relocation of the Park Horse Patrol operations from Lower Tennessee Valley to the Rodeo Valley stables. (Only the Golden Gate Dairy stable is located seaward of the coastal zone boundary.) The Plan also includes improvements to equestrian programs, trails, maps, and public outreach; upgraded and enhanced stables facilities; improved drainage and wastewater management; measures to protect and enhance cultural resources; incorporation of best management practices to protect water quality and sensitive habitat; and sustainability benchmarks for any new buildings. The Plan is designed to protect public access and recreation, water quality, sensitive habitat, and visual resources within the Golden Gate National Recreation Area.

The Commission staff **agrees** that the proposed Marin Equestrian Stables Plan 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".

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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August 2, 2012

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

Subject: Negative Determination ND-026-12 (Abbott's Lagoon Coastal Dune Restoration – Phases III and IV, Point Reyes National Seashore, Marin County)

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to implement Phases III and IV of the ongoing Abbott's Lagoon Coastal Dune Restoration Project in Point Reyes National Seashore. In January 2004 and November 2009 the Commission's Executive Director concurred with negative determinations (ND-006-04 and ND-070-09, respectively) for small, 15-acre pilot dune restoration programs involving the mechanical removal of European beachgrass and iceplant in areas southwest of Abbott's Lagoon. In June 2010 the Commission concurred with a consistency determination (CD-026-10) for a 300-acre coastal sand dune restoration project along the shoreline southwest of the lagoon. Mechanical and hand removal methods were used in the spring of 2001 to remove non-native European beachgrass and iceplant over an 80-acre Phase I project area in an effort to improve native habitat for the federally threatened western snowy plover and the federally endangered Tidestrom's lupine and beach layia. In addition, spot-spraying with herbicide was used to control resprouts in mechanically-treated areas. After completion and evaluation of this Phase I project, the NPS concluded that mechanical treatment was too costly to be a feasible alternative to implement the balance of the dune restoration projects.

In August 2011 the Commission's Executive Director concurred with a negative determination (ND-039-11) for a pilot project to test alternative methods for removal of European beachgrass and iceplant, given that these invasive species were reoccupying areas that had been previously cleared using mechanically methods, and given the high cost of mechanical treatment methods. This Phase II project was implemented in fall 2011 using combinations of chemical treatment and mowing practiced by other resource managers working to restore coastal dune systems on the Pacific coast. The NPS reports that the pilot project was successful in eliminating beachgrass and that native dune habitat appears to have persisted and/or re-established within the treatment areas.

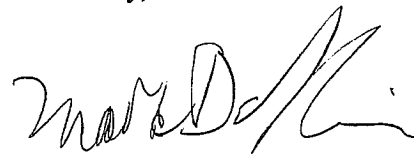
Based on the success of the Phase II pilot project, the NPS is now proposing to implement Phases III and IV of the original project and treat the final 41 acres of beachgrass within the 300-acre footprint of the Abbott's Lagoon Restoration Project. Phases II and III would treat 30 and

11 acres respectively with a combination of chemical, mechanical, and hand removal methods. Phase II would also extend an existing fence along the eastern edge of Phases I-III to maintain appropriate boundaries around moving dunes in this area. As with the pilot project, Phases II and IV chemical treatment would be conducted using either a backpack sprayer with a calibrated nozzle or through direct contact with wicking from a wand; no broadcast application methods are allowed. In addition, when work is conducted near rare plants or native dune plant communities, either a 10-foot buffer will be implemented or a drift shield used, and no chemical treatment will take place during windy or rainy conditions.

While there are no wetlands located within the proposed treatment areas, wetlands are present within the 300-acre project area and these would be staked and avoided during all project operations. In addition, NPS staff will be present during treatment activities in close proximity to these wetlands to ensure that no adverse effects occur to wetlands. Small pockets of native dune and rare plant habitat occur in the project areas. During treatment, these native plants will be protected by using specially designed drift shields that completely enclose the beachgrass plant – or alternately enclose the sensitive plant – thereby eliminating any potential for herbicide drift. To the extent practicable, work would be carried out in the fall to reduce potential impacts to nesting birds, California red-legged frog, and Myrtle’s silverspot butterfly.

Under the federal consistency regulations (15 CFR 93035), 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 European beachgrass treatment activities adjacent to Abbott’s Lagoon, including both mechanical removal and herbicide applications, are similar to those previously reviewed by the Executive Director and the Commission since 2004. The proposed combinations of mechanical removal and herbicide applications are designed to assist the NPS in its efforts to restore rare and environmentally sensitive dune habitats in the Seashore. The Commission staff **agrees** that the project includes adequate measures to protect sensitive native habitats and 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,



(for) CHARLES LESTER
Executive Director

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July 13, 2012

Aldaron Laird, Environmental Planner
Trinity Associates
980 7th St., Suite K
Arcata, CA 95518

Eric Nelson, Refuge Manager
Humboldt Bay National Wildlife Refuge Complex
U.S. Fish and Wildlife Service
P.O. Box 576
Loleta, CA 95551

Re: **ND-028-12**, Negative Determination, U.S. Fish and Wildlife Service, Phase III, Salmon Creek Estuary Enhancement, Humboldt Bay National Wildlife Refuge, Humboldt Co.

Dear Mr. Laird and Mr. Nelson:

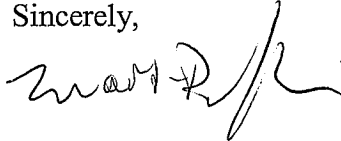
On May 11, 2010, July 20, 2009, and January 30, 2006, the Commission staff concurred with the U.S. Fish and Wildlife Service's (Service's) Negative Determinations (ND-017-10, ND-031-09, and ND-111-05, respectively) for Phases II and I of the Salmon Creek Estuary Enhancement Project, an element of the Final Comprehensive Conservation Plan (CCP) for the Humboldt Bay National Wildlife Refuge Complex (Refuge). Prior to those concurrences, the Commission staff concurred with the Service's consistency determinations for the underlying management plans: the 1989 *Refuge Management Plan* (CD-040-91) and the 1992 *Refuge Habitat Restoration and Enhancement Plan* (CD-033-92).

The Service is now proposing Phase III of the Enhancement Project, which is similar to Phase II and would include activities in Cattail Creek and Long Pond, within the Salmon Creek Unit of the Refuge. The Phase III activities will expand on the interconnectivity between multiple stream and tidal channels, backwaters, off-channel ponds and wetlands, and will involve creating 5,060 feet of stream channel and 7.05 acres of stream and floodplain habitats, as well as enhancement of 650 feet of stream channel and 0.27 acres of stream and floodplain habitats. As with Phase II activities, the Service will use surplus excavated material to repair the Refuge's perimeter dike. Where applicable, the Phase II mitigation measures will be incorporated into Phase III activities.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission and its staff have concurred with the above-noted consistency and negative determinations for similar activities at the

Refuge, and we agree that the proposed activities are the same as or similar to consistency and negative determinations with which we have previously concurred. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Lester", written in a cursive style.

(for)

CHARLES LESTER
Executive Director

cc: CCC – North Coast District

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July 17, 2012

Dennis Quillici
Phillips 66
San Francisco Refinery
1380 San Pablo Ave.
Rodeo, CA 94572-1354

Re: **NE-029-12**, No Effects Determination, Phillips 66, disposal at SF-8 of material dredged from Rodeo Refinery, San Francisco Bay Area

Dear Mr. Quillici:

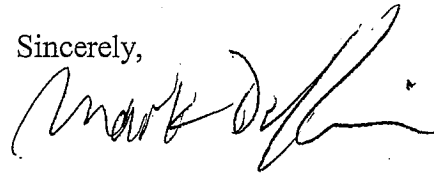
The Coastal Commission staff has received the above-referenced "no effects" determination for SF-8 disposal of 8,000 cubic yards of material being dredged at the Phillips 66 (formerly the ConocoPhillips Refinery) in the San Francisco Bay area in Rodeo (San Pablo Bay). SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco. The material has been tested and is 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 DMMO also determined that an additional approximately 6,000 cu. yds. could be authorized for SF-9 (i.e., in-SF Bay) disposal, which is outside our jurisdiction.) 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-027-11, 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." In this regard, we have generally treated "No Effects" determinations similarly to federal agency negative determinations, and we believe such treatment is appropriate in this instance. 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)

CHARLES LESTER
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

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



August 3, 2012

Cicely A. Muldoon
Superintendent
Point Reyes National Seashore
ATTN: Bobbi Simpson
Point Reyes, CA 94956

Subject: Negative Determination ND-033-12 (Scotch Broom Control Project, Point Reyes National Seashore, Marin County)

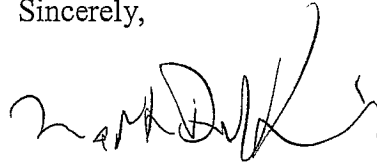
Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced project. The National Park Service (NPS) proposes to implement a Scotch broom control project in an upland area above Drake's Estero in Point Reyes National Seashore. Scotch broom is an invasive, non-native plant species and one of the Seashore's highest priorities for invasive species management. In April 2010 the Commission's Executive Director concurred with a negative determination (ND-012-10) for a pilot Scotch broom control project in outlying areas of the core infestation area near Drake's Estero. That project used mechanical, chemical, and hand-pulling methods to evaluate the effectiveness of each of these methods. The NPS now proposes to convert 68 acres of Scotch broom to a mix of rangeland and coastal scrub, maintain Scotch broom at a controlled level (less than 1% of the original infestation), and use manual, mechanical, herbicide, and fire treatments starting in 2012 with follow-up treatments through 2017.

The NPS states that elimination of Scotch broom depends on successful mortality of mature plants and significant reduction of the seed bank. Multiple treatment methods (excavator removal, cutting, hand-pulling, and herbicide treatment) will be applied to prepare the project site for a follow-up fire, which is designed to eliminate remaining broom specimens and destroy the seed bank. Approximately 61 of the 68 infested acres in the project site may be burned safely; the balance will be treated mechanically and with herbicides. The project includes conservation measures to protect listed species, species of concern, and sensitive habitat in and adjacent to the project area. These measures include seasonal work restrictions, inclement weather restrictions, limitations on the methods used to apply herbicides, restrictions on geographic areas where herbicides cannot be used, and sensitive species and habitat education and training programs for all personnel involved in the project. The project also includes specific conservation measures (e.g., personnel training, seasonal buffer zones around located species, herbicide-free buffer zones) to protect the endangered California red-legged frog (CRLF), which occurs on two ponds in the project area. In addition, the NPS will adhere to all conditions arising from formal consultation with the U.S. Fish and Wildlife Service regarding protection of the CRLF and its habitat in the project area.

The NPS concludes that removal of invasive Scotch broom will increase the extent of native vegetation communities in the Seashore, and will increase non-breeding habitat for CRLF and breeding and foraging habitat for Myrtle's silverspot butterfly. Wetland and other sensitive habitats in the project area will be protected during removal activities by strict adherence to conservation measures incorporated into the project. The Commission staff **agrees** that the 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,



CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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August 3, 2012

Russell E. Galipeau Jr.
Superintendent
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001-4354

Subject: Negative Determination ND-034-12 (Pier Stabilization at Prisoners Harbor, Santa Cruz Island, Santa Barbara County)

Dear Mr. Galipeau:

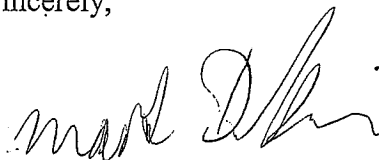
The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to stabilize the land connection of the existing timber pier at Prisoners Harbor on Santa Cruz Island. Soil erosion from extreme high tides combined with winter storm waves periodically creates a gap between the pier and the shoreline, and this cycle of erosion and temporary repair restricts normal use of the pier. After civil engineering consultations, the NPS determined that placing rock riprap underneath the base of the pier would stabilize this connection area and not lead to erosion of adjacent shoreline areas. The NPS states that the proposed work and periodic maintenance to keep the rocks in place will protect the 10-year-old pier for the remaining 20 years of its expected utility, and that a future replacement pier will be designed to accommodate rising sea level and shoreline retreat.

The project area encompasses approximately 4,350 square-feet and 25 cubic yards of rock currently within a 500-foot-long section of beach will be selectively harvested and used as the source material for the stabilization project. This rock was previously imported and placed on the shoreline for an unknown purpose but the NPS states that it does not appear to be critical for shoreline stabilization, in part because the Prisoners Harbor shoreline area is undeveloped and able to accommodate shoreline movements. Portland concrete will be placed in the riprap voids during a period of minimal tides to allow the concrete to cure before the riprap is submerged. The project also includes installation of steel anchors to connect the existing abutment to three pier pilings and the loosening of pier deck planks to provide a "pressure relief valve" for high wave energy. The project is expected to take five days to complete and the NPS proposes to undertake the work in November 2012 prior to the arrival of winter storms.

The Commission staff **agrees** that the proposed pier stabilization project at Prisoners Harbor will not adversely affect coastal resources or interfere with natural shoreline processes, and will protect public access to and recreation on the Santa Cruz Island unit of Channel Islands National Park. 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 cursive script, appearing to read "Charles Lester".

(For)

CHARLES LESTER
Executive Director

cc: CCC – South Central Coast District