

CALIFORNIA COASTAL COMMISSION

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

**F5****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

SEPTEMBER 14, 2012 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

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

IMMATERIAL AMENDMENTS

| APPLICANT | PROJECT | LOCATION |
|--|--|---|
| E-09-010-A2 Pacific Gas and Electric Company | Construct and operate a Groundwater Treatment System (GWTS) for treating shallow groundwater and stormwater encountered during the excavation phase of the Humboldt Bay Power Plant. | Humboldt Bay Power Plant Humboldt County |
| E-11-027-A1 Dynergy Power, LLC | Amend CDP E-11-027 to allow the boiler demolition to be done with a single implosion instead of a two-phase implosion. | South Bay Power Plant San Diego County |

DE MINIMIS WAIVER

| APPLICANT | PROJECT | LOCATION |
|--|---|--|
| E-12-010-W El Segundo Power, LLC | Replace a damaged diver-exclusion barrier on the El Segundo Generating Station (ESGS) Units 3 & 4 outfall with a new barrier. | El Segundo Generating Station (ESGS) Los Angeles County |



NEGATIVE DETERMINATIONS

| APPLICANT | PROJECT | LOCATION |
|--|---|---|
| ND-030-12 National Park Service | Sand Relocation Action: Concur, 8/13/2012 | Ocean Beach San Francisco |
| ND-037-12 National Oceanic and Atmospheric Administration | Sandbar Breaching and Ecological Function Analysis Project Action: Concur, 9/5/2012 | Pescadero Lagoon San Mateo County |
| ND-038-12 National Park Service | Install new sewer line for Sacramento Landing bunkhouses Action: Concur, 8/22/2012 | Pr. Reyes National Seashore Marin County |
| ND-041-12 National Oceanic and Atmospheric Administration | Willow Creek large wood recruitment fishery habitat improvement project Action: Concur, 8/22/2012 | East of Jenner Sonoma County |
| ND-042-12 Corps of Engineers San Francisco District | Maintenance dredging of Moss Landing Harbor entrance channel and disposal at SF-14 ocean site Action: Concur, 8/23/2012 | Moss Landing Monterey County |



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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-09-010-A2**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: August 31, 2012

SUBJECT: Application to amend Coastal Development Permit No. E-09-010 granted to Pacific Gas & Electric (PG&E) allowing initial demolition and decommissioning at the Humboldt Bay Power Plant, near King Salmon, Humboldt County.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would result in a minor change to the approved CDP, which allowed PG&E to demolish and conduct initial decommissioning of the Humboldt Bay Power Plant.

Background and Project Description: On December 10, 2009, the Commission approved CDP No. E-09-010 allowing PG&E to conduct initial demolition and decommissioning of the Humboldt Bay Power Plant. These activities are also subject to site cleanup requirements administered by the California Department of Toxic Substances Control and the federal Nuclear Regulatory Commission. Work approved by the CDP includes constructing access roads, equipment laydown areas, and staging areas, demolishing the existing power plant structures and associated facilities, and conducting initial site cleanup and remediation. It also includes excavating up to about 30,000 cubic yards of soil and some of the facility's below-grade structural components. Excavated soil that has no contaminants above soil cleanup thresholds is stored on site for re-use, while soil with contaminant levels above those thresholds is transported offsite for disposal at an approved facility.¹ The CDP also requires PG&E to later submit a CDP application for its proposed final site cleanup activities and restoration to be completed as part of the next phase of site decommissioning. On October 15, 2010, the Commission approved an immaterial amendment to the CDP allowing conversion of an on-site parking area at the site to a covered equipment storage area.

¹ Cleanup thresholds are identified in PG&E's *Interim Measures Removal Action Workplan (IM/RAW)* and include those established through California Human Health Screening Levels (CHHSLs), Regional Water Quality Control Board's Environmental Screening Levels (ESLs), U.S. EPA Regional Screening Levels (RSLs), and Nuclear Regulatory Commission standards.

Requested Amendment: PG&E has requested its permit be amended to allow construction and operation of a Groundwater Treatment System (GWTS) that would treat shallow groundwater and stormwater encountered during this phase of excavation activities. PG&E's excavation work must contend with water inflows from relatively high groundwater tables at the site and stormwater from frequent rains. To date, PG&E has captured that water in portable tanks and discharged it into the nearby publicly owned treatment works owned by the Humboldt Community Services District. However, PG&E's permit from the District limits those discharges to no more than 25,000 gallons per day during 9:00 am to 6:00 pm only, and PG&E anticipates that its upcoming excavation activities will at times exceed those allowable limits.

PG&E's proposed GWTS would include a 21,000 gallon receiver tank, two pumps and pipelines to convey water to a treatment area consisting of storage tanks, clarifiers, pumps, filters, sampling equipment, and other components. The GWTS would be capable of treating and discharging up to about 300 gallons per minute, though PG&E expects that most operations would be at 100 gallons per minute or less. The treated water would be discharged through an above-grade 6-inch diameter pipe to the riprapped side of the power plant's existing discharge canal. The GWTS would be located on a paved area just east of the power plant's discharge canal in area currently used for equipment laydown. The excavations and water treatment are scheduled to occur between late 2012 and 2016 after which the GWTS would be removed.

FINDINGS: THE PROPOSED AMENDMENT HAS BEEN DEEMED “IMMATERIAL” FOR THE FOLLOWING REASONS:

- Marine Resources and Water Quality: The proposed activities would be subject to Best Management Practices and other requirements established in CDP E-09-010, which include several meant to be protective of marine resources and water quality. Discharges will additionally be subject to the concentration limits of the state's Construction Storm Water General Permit (WDID 12C357418), National Pollutant Discharge Elimination System Permit No. 005622, and Nuclear Regulatory Commission requirements.
- Visual Resources and Public Access: The excavation sites are centrally located within the power plant complex and largely not visible from public viewpoints. Work at those locations would be similar to the cleanup activities already occurring. The GWTS would be located on an existing laydown area near a public shoreline access train on the site's western boundary; however, the structures would be similar to, and smaller than, much of the equipment already at the site and are not expected to alter the site's existing visual character. Additionally, PG&E will place the more visually neutral components of the GWTS towards the shoreline where they would partially block other equipment from public views. Overall, the GWTS would represent only a relatively minor visual component of the ongoing site activities.

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 Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at tluster@coastal.ca.gov.

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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-11-027-A1**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: August 31, 2012

SUBJECT: Application to amend Coastal Development Permit No. E-11-027 granted to Dynegy South Bay, LLC (Dynegy) allowing demolition of the South Bay Power Plant and associated structures in the City of Chula Vista, County of San Diego.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would result in a minor change to the approved CDP, which allowed Dynegy to demolish and remove a number of structures at the South Bay Power Plant.

Background and Project Description: On June 14, 2012, the Commission approved CDP No. E-11-027 allowing Dynegy to demolish the decommissioned South Bay Power Plant and other associated above-grade structures at the power plant site. The approved work included removing most of the structures on site using conventional demolition methods, but using a two-phase controlled implosion to demolish the power plant's four boilers and supporting structures. Dynegy planned to first implode the outer two boilers, remove those materials, and then repeat the process several weeks later with the inner two boilers. The Commission's approval was based in part on Dynegy's submittal of plans showing that it would control dust, noise, and runoff associated with the demolition activities.

Requested Amendment: Dynegy has requested its permit be amended to allow the boiler demolition to be done with a single implosion instead of a two-phase implosion. Dynegy expects this single implosion to reduce the overall demolition period by about two months and thereby reduce the project's overall impacts. Although dust and noise levels from the single implosion will be slightly greater than those from two separate implosions, they are expected to stay within the levels in the currently approved CDP, as described below.

FINDINGS: THE PROPOSED AMENDMENT HAS BEEN DEEMED “IMMATERIAL” FOR THE FOLLOWING REASONS:

- **Biological Resources and Water Quality:** The Commission’s initial project approval included several conditions meant to control dust, runoff, and noise in a manner protective of nearby marine waters, wetlands, and sensitive habitat areas. The proposed amendment would be subject to these same conditions, as well as permit requirements of the San Diego County Air Pollution Control Authority. The Dust Control and Air Monitoring Plan approved as part of the CDP showed that dust from the two-phase implosion would stay fairly close to the power block and was not expected to be detectable at 500 feet distance, which is well within the fenceline of the project site. Dynergy has submitted a revised Plan showing that dust from the single implosion is also expected to stay within this range. Even so, Dynergy has proposed adding barriers – including a stacked metal container wall and dust screen netting – on the windward side of the power block along the adjacent switch yard to further reduce any transport of fugitive dust. The previously approved Plan also required Dynergy to use water for dust suppression before and during the implosions, and the revised Plan proposes to increase the amount of water used for dust suppression. The other required mitigation and monitoring requirements would remain, including those limiting the implosion to when wind speeds are less than 15 miles per hour and the wind direction is away from nearby sensitive resources.

The previously-approved CDP also included measures to avoid and reduce noise-related impacts, such as conducting the implosions outside of bird breeding and nesting season. The single implosion will result in the same noise levels as the two-phase implosion, though they will last just a few seconds longer, and the implosion will occur outside of breeding and nesting season, as before. The previously required measures will remain.

- **Visual Resources:** The decommissioned and partially dismantled power plant and associated structures are significant visual components at the project site, and is visible from nearby shoreline areas as well as roadways used for public access. Removal of the structures is meant to allow eventual site remediation, restoration, and redevelopment with improved visual amenities, and conducting a single implosion will remove the adverse visual components of the power plant more quickly than the previously approved two-phase method.

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.

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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 Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at tluster@coastal.ca.gov.

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

DATE: August 31, 2012 **PERMIT NO:** E-12-010-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 Power, LLC

Project Location: In Santa Monica Bay, offshore of the El Segundo Generating Station, 301 Vista del Mar, El Segundo, Los Angeles County.

Background: El Segundo Power, LLC operates the El Segundo Generating Station (ESGS) located near the Santa Monica Bay shoreline at Dockweiler State Beach. The power plant recently switched to new generating units that no longer require the use of the plant's existing seawater once-through cooling system; however, the facility's seawater intake and outfall structures are still in place, with the outfall continuing to be used to discharge treated stormwater and brine.

Project Description: The applicant proposes to replace a damaged diver-exclusion barrier on the facility's Unit 3 & 4 outfall with a new barrier. Divers operating from a barge will remove the existing barrier and will then install a new prefabricated barrier over the discharge outlet. The new barrier, which is a steel frame with 1-1/2-inch steel rods on 10-inch centers, will be placed over the 27-foot by 16-foot oval outlet structure and anchored in place. Work will include cleaning the existing barrier, cutting its connections to the outlet riser, and then welding and attaching the new barrier to the top of the outfall riser.

Note: This project, and the work needed to implement it, is similar to the applicant's installation of similar barriers on the facility's intake structures pursuant to CDP Waiver E-11-020-W, approved by the Commission in September 2011.

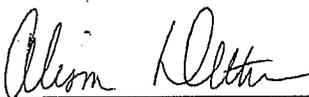
Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Biological Resources and Water Quality: Any effects on marine life or water quality are expected to be temporary and minor, as project activities would take place over about a five-day period during relatively calm ocean conditions in the fall of 2012, with the work footprint largely on or immediately adjacent to an existing structure. In addition to presenting a barrier to divers, the proposed structure will likely result in reduced risk to marine mammals that might otherwise enter the outlet.
- Public Access and Recreation: The work will take place about 2600 feet offshore from a floating work platform. Because the work is expected to take no more than about five days, any adverse effects on recreational fishing or navigation would be temporary and minor. To further reduce potential impacts, the applicant will issue a Notice to Mariners before starting inwater work. The new structure will have roughly the same dimensions as the existing 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 its meeting of September 12-14, 2012 in Caspar. 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: September 7, 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-030-12 |
| APPLICANT: | National Park Service |
| LOCATION: | Ocean Beach, San Francisco |
| PROJECT: | Sand Relocation |
| ACTION: | concur |
| ACTION DATE: | 8/13/2012 |

| | |
|---------------------|--|
| PROJECT #: | ND-037-12 |
| APPLICANT: | National Oceanic and Atmospheric Administration |
| LOCATION: | Pescadero Lagoon, San Mateo County |
| PROJECT: | Sandbar breaching and ecological function analysis project |
| ACTION: | concur |
| ACTION DATE: | 9/5/2012 |

| | |
|---------------------|--|
| PROJECT #: | ND-038-12 |
| APPLICANT: | National Park Service |
| LOCATION: | Point Reyes National Seashore, Marin County |
| PROJECT: | Install new sewer line for Sacramento Landing bunkhouses |
| ACTION: | concur |
| ACTION DATE: | 8/22/2012 |

| | |
|--------------|---|
| PROJECT #: | ND-041-12 |
| APPLICANT: | National Oceanic and Atmospheric Administration |
| LOCATION: | East of Jenner, Sonoma County |
| PROJECT: | Willow Creek large wood recruitment fishery habitat improvement project |
| ACTION: | concur |
| ACTION DATE: | 8/22/2012 |

| | |
|--------------|---|
| PROJECT #: | ND-042-12 |
| APPLICANT: | Corps of Engineers, San Francisco District |
| LOCATION: | Moss Landing, Monterey County |
| PROJECT: | Maintenance dredging of Moss Landing Harbor entrance channel and disposal at SF-14 ocean site |
| ACTION: | concur |
| ACTION DATE: | 8/23/2012 |

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August 13, 2012

Frank Dean, General Superintendent
National Park Service
Golden Gate National Recreation Area
ATTN: Steve Ortega
Fort Mason, #201
San Francisco, CA 94123

Re: **ND-030-12**, Negative Determination, National Park Service (NPS)/Golden Gate National Recreation Area (GGNRA), Sand Management Project – Sand Relocation from north to south Ocean Beach, City and County of San Francisco

Dear Mr. Dean:

The Coastal Commission staff has reviewed the above-referenced NPS negative determination for the relocation of 100,000-150,000 cu. yds. of sand from the north end of Ocean Beach to the south end. Excess sand exists in northern Ocean Beach, where sand levels are at historic highs and have reached the top of the O'Shaughnessy seawall, and severe erosion has been continuing over a number of years at the south end (south of Sloat Blvd.), threatening the Great Highway and sewage treatment facility infrastructure. The NPS proposes to load the sand onto approximately 30-cu.-yd.-capacity trucks, and deposit the sand on the beach south of Sloat Blvd. The intent is to provide temporary protection for infrastructure pending completion and implementation of the long term master plan for Ocean Beach. The NPS is working cooperatively with the City; the NPS owns the beach, the SF Public Utilities Commission operates the wastewater treatment facilities, and the SF Dept. of Public Works maintains the Great Highway.

The excavation area is 4200 ft. long and 150-200 ft. wide (and up to 13 ft. deep). Trucks would enter the excavation area off Lincoln Way. The sand would be dumped south of Sloat and spread by dozers and loaders. Prior to any sand placement, receiver areas would be cleared of hazards, rebar, creosote wood, and some asphalt (asphalt removal will occur where rubble material is being moved). Southbound lanes on the Great Highway would be closed during

construction periods, which would occur between 7:00 am and 8:00 pm; no night or weekend work would occur. A City-approved traffic management plan would be implemented. Project duration is approximately 5 weeks. This would be a one-time (not multi-year) authorization.

The NPS initially submitted this matter as a consistency determination; however it was submitted too late to be scheduled for the August 2012 Commission meeting. The NPS hoped to be able to commence the activity in August, due to habitat restrictions and other logistical limitations. The NPS states it needs to stop working in September. The Commission staff therefore agreed to bring this matter to the Commission's attention, with this draft concurrence letter, at the August Commission meeting (during the Deputy Director's report on Friday, August 10, 2012) ,which appears to be the only Commission review procedure available that would allow the sand to be relocated this year.

After several discussions between the Commission staff, the NPS, and the City, the NPS has agreed to modify the proposal as follows:

Project Changes: Based on discussions with the Commission and suggestions from the interested community, the following elements have been added to the project: 1) Remove existing monitoring poles and other safety hazards on the beach and bluffs, relocate rubble and rock washed out on beach back to eroded slope for bluff protection, and cut steel rebar protruding from rubble; 2) Separation of hazardous materials from excavated and relocated sand and disposal in a licensed landfill; 3) Develop a monitoring plan.

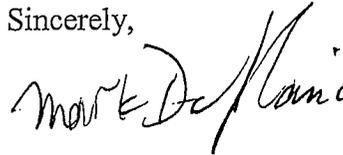
The federal consistency staff has historically used the administrative review process to encourage beach replenishment, albeit most often in the context of encouraging dredgers to place suitable sandy materials on the beach or in nearshore areas. In this case it is the timing limitations that led staff to consider an administrative authorization, combined with the fact that at the north end of the beach sand levels have reached the top of the O'Shaughnessy seawall.

The Commission staff **agrees** that the proposed activity will temporarily benefit public access and recreation, and not adversely affect coastal zone resources. This concurrence does not and should not be interpreted to condone any unauthorized development, including City-placed structures, on the beach, and the Commission urges, in no uncertain terms, all parties to work together to implement interim and long range plans to remove unauthorized development and provide managed retreat solutions. The Commission also intends to be clear that any materials that are not removed/disposed of but rather are relocated landward (or otherwise repositioned) by the NPS, shall not be considered to have any sort of permanent authorization by the Commission to remain in place by virtue of this negative determination, but rather shall be considered and treated consistent with the remainder of the unauthorized development present here, including rocks placed by the City under emergency permits (which have expired).¹

¹ The material referenced herein is generally referred to as "rubble" and is material fill placed to create the Great Highway. The rubble is not considered to be unauthorized development by the Commission; however, it is the expectation of the Commission that the treatment (removal) of the rubble be an integral component of the long-term managed retreat solution.

With these understandings, we 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,



(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
City of SF (DPW, PUC)
Corps of Engineers, SF District (both Regulatory and Planning Divisions)
SPUR

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September 5, 2012

Patrick Rutten
Southwest Region Supervisor
NOAA Restoration Center
777 Sonoma Avenue, Room 219-A
Santa Rosa, CA 95404-6528

Subject: Negative Determination ND-037-12 (Pescadero Creek Lagoon Sandbar Breaching and Ecological Function Project, San Mateo County)

Dear Mr. Rutten:

The Coastal Commission staff has reviewed the above-referenced negative determination. The NOAA Restoration Center (NOAA) proposes to manually breach the Pescadero Creek lagoon sandbar up to two times between September and December 2012 to test a method to maintain sufficient water quality in the estuary to reduce the likelihood of fish kills. A channel will be excavated using hand tools through the Pescadero Lagoon sandbar, which typically forms between 200 feet west and 100 feet east of the Highway 1 bridge. The channel will extend from the ocean to the seaward edge of the lagoon and will measure approximately 75 feet long, three feet wide, and one foot below the lagoon water surface elevation. Approximately eight cubic yards of sand will be excavated and sidecast on the beach during each day-long breach. The state beach will remain open during each of the breaching episodes but access to the immediate work areas will be restricted to project personnel, which is expected to number approximately 10-15 people.

The proposed initial breaching would occur between seven and 30 days after the sandbar closes the lagoon to tidal flows, during daylight hours with an incoming high tide, with low winds and calm water surface conditions, and when there is sufficient dissolved oxygen in the lagoon (at least 7.0 mg/L). Should the sandbar reform, a second manual breaching would follow the same procedures as the first and would occur within seven to 30 days after lagoon closure. These procedures will maintain a low head differential between the lagoon and the ocean, reduce the scouring effect of breaching, and minimize loss of water volume in the lagoon.

Pescadero Lagoon is an approximately 340-acre coastal wetland formed at the confluence of Pescadero and Butano creeks. The lagoon changes seasonally from an open tidal estuary to a closed lagoon, the result of a sandbar that forms across the mouth of Pescadero Creek during the spring, summer or fall and which persists until the late fall or early winter. After the sandbar forms, the water level in the lagoon and wetland complex rises until the sandbar is breached. The lagoon/wetland complex provides habitat for five federally threatened and endangered

species: Central California Coast (CCC) steelhead, CCC coho salmon, tidewater goby, San Francisco garter snake, and California red-legged frog. Agricultural activities in the lagoon/wetland complex, Pescadero Road, and upstream development combined to yield large increases in sediment loads in the two creeks; this significantly altered physical and biological processes in the lagoon/wetland complex. Several wetland restoration projects took place in the 1990s and while this work resulted in an increase in tidal prism within the lagoon, continued marsh accretion has reduced those prism gains to near pre-restoration levels.

NOAA reports that ongoing lagoon/wetland dysfunction results in poor water quality, which in turn causes the annual die-off of CCC steelhead residing in the lagoon. Pescadero Lagoon is the only lagoon in the range of the CCC steelhead and on the California coast where fish kills have occurred 11 years in a row and during 13 of the last 17 years. The fish kills have occurred following the initial fall breach of the lagoon sandbar; there are no reported fish kills during a spring or winter breach. Counts of dead steelhead after the fall breach range from single digits up to several hundred. NOAA believes that rapid, mixing-induced hypoxia upon breaching of the sandbar is the main cause of the fish kill. During the fall, water quality is degraded in the lagoon due to the sandbar closing off tidal flow and reduced freshwater inflow to the lagoon. In addition, a relatively high level of hydraulic head pressure exists between the perched lagoon behind the sandbar and the lower ocean surface. Once the sandbar is naturally breached, the outgoing water velocity and resulting scouring of the lagoon floor is maximized, which facilitates the resuspension of sediments in the lagoon. The rapidly increasing biological oxygen demand of those sediments on dissolved oxygen levels in the lagoon quickly leads to the death of steelhead and other fish and marine invertebrates in the lagoon.

In the 2010 report, *Southern Steelhead Resources Evaluation: Identifying Promising Locations for Steelhead Restoration in Watersheds South of the Golden Gate*, Becker et al. state that:

Although sandbar formation in the 1980s typically occurred between the months of May and July, bar formation since completion of the [mid-1990s Pescadero Marsh] enhancement project may be delayed until September or October. Late sandbar formation has been linked to a strongly salinity-stratified lagoon in fall with severe hypoxia and anoxia. Hypoxic/anoxic bottom water conditions observed while the sandbar is in place have been observed to persist until several days after the breaching of the sandbar. Fish kills (including steelhead) coinciding with the breach of the sandbar have been observed in multiple years since completion of the enhancement project. The first large fish kill was documented in 1995, and is believed to be a result of rapid mixing of anoxic bottom water into the main area of the lagoon at the time of sandbar breach.

NOAA states that the proposed one-year project is an urgent matter and that another fish kill this fall is likely if the manual sandbar breaching is not implemented. NOAA also believes that the annual fish kills are adversely affecting the Pescadero Creek steelhead run, and that the proposed project will provide valuable information for developing long-term measures to protect and conserve the listed CCC steelhead.

The Commission's Executive Director concurred with negative determinations in 2006 and 2009 for the placement of experimental, temporary weirs in Butano Channel, a tidal side channel in Pescadero Lagoon to evaluate whether rapid drainage of the Butano Marsh after breaching of the sandbar was depressing downstream water quality and contributing to the annual fish kill of steelhead and other fish in the lagoon. However, both weirs failed soon after installation and the potential for temporary weirs to prevent rapid water quality degradation and fish kills in the lagoon could not be tested.

NOAA does not expect the proposed project to create direct adverse effects on marine resources or habitat, and in particular does not expect juvenile steelhead residing in the lagoon to be flushed out to the ocean because the velocity of the outflow during the breach is expected to be below the swimming threshold of juvenile steelhead in the lagoon. The project will slightly reduce lagoon volume and the lagoon will drain slowly to an equilibrium level. The main factor in lagoon scouring from outflow is hydraulic head; during the experimental breach, head pressure will be minimized as the breach will occur during an incoming high tide. As a result, there will be reductions in velocity, scour, resuspension of sediment, and biological oxygen demand. The project includes numerous avoidance and minimization measures to protect sensitive habitat and species. Pre- and post-project water quality data collection (dissolved oxygen, salinity, temperature, and pH) at multiple locations and times (beginning when the sandbar forms and extending through the time the sandbar reforms and is breached naturally) is a key element of the proposed project.

In its negative determination, NOAA addressed the need for a long-term solution to the water quality problems and associated marine resource impacts at Pescadero Lagoon and stated that the proposed project is also designed to:

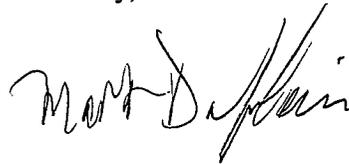
... obtain information that may be useful in working towards the conservation and recovery of listed species and other aquatic biota dependent on a healthy aquatic ecosystem in Pescadero marsh. The project has been coordinated with California Department of Fish and Game (CDFG) and CDPR. This project offers an interim solution to potentially prevent the recent steelhead fish kill and to help evaluate, guide and determine a long term solution for improving the function of the lagoon ecosystem. The hypothesis being evaluated is whether a pre-emptive manual breach conducted earlier than what has occurred recently can provide for sufficient water quality and reduce the likelihood of a fish kill. This interim project and study information may help shape the long term study that is currently being developed by the National Marine Fisheries Service (NMFS), FWS, CDPR and CDFG for management of all species dependent on a functioning lagoon. NOAA RC, NMFS, and the FWS consider the proposed interim project an urgent matter.

NOAA's negative determination initially requested concurrence with a five-year-long manual breaching program at Pescadero Lagoon. The Commission staff was concerned that this time period was excessive for an experimental program, given the potential for unintended effects on lagoon/wetland function, hydrology, sedimentation, and other listed and non-listed species

dependent on the lagoon/wetland complex. NOAA agreed to modify its negative determination and limit the project to one year, and will brief Commission staff on the results of the proposed project. If NOAA then proposes one or more additional years of manual breaching of the sandbar, the Commission staff will evaluate that project based in part on the success of and lessons learned from the proposed one-year experimental breaching project. At that time, the Commission staff will request that NOAA submit an analysis of the potential effects of an annual, multi-year breaching program on the plant and animal species, sensitive habitats, and biological and physical processes at Pescadero Lagoon.

In conclusion, the Commission staff **agrees** that the proposed manual breaching of the sandbar at Pescadero Lagoon up to two times between September and December 2012 will not adversely affect coastal resources. The project is designed to test a method to maintain sufficient water quality in the lagoon to reduce the likelihood of fish kills, an event which has occurred the previous 11 years immediately after the natural breaching of the sandbar. The project includes avoidance and minimization measures to protect sensitive habitat and species, and pre- and post-project water quality data collection and analysis. The information obtained from this project will assist NOAA and other federal and state agencies in developing a long-term program to eliminate fish kills while protecting other sensitive species and habitats at Pescadero Lagoon. 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

cc: CCC – Central Coast District
CCC – Dr. John Dixon
California Department of Parks and Recreation
California Department of Fish and Game
National Marine Fisheries Service
U.S. Fish and Wildlife Service

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 22, 2012

Cicely A. Muldoon
Superintendent
Point Reyes National Seashore
ATTN: David Demko
Point Reyes, CA 94956

Re: **ND-038-12**, Negative Determination, National Park Service, Sewer Line Installation, Sacramento Landing, Point Reyes National Seashore, Marin Co.

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced National Park Service (NPS) negative determination for the installation of 300 ft. of sewer line between two existing residences and an existing septic tank at Sacramento Landing on the Tomales Bay side of Point Reyes National Seashore. The work includes digging a 1 ft. wide by 300 ft. long trench, which will be backfilled. Care (including manual digging) will be taken to avoid cutting tree roots. No wetlands or sensitive habitat will be affected.

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 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 D. Lester", written over a large, stylized flourish.

(Car)
CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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August 22, 2012

Patrick J. Rutten
Southwest Region Supervisor
NOAA Restoration Center
NMFS Southwest Region
777 Sonoma Avenue, Room 219-A
Santa Rosa, CA 95404-6528

Attn: Joe Pecharich

Re: **ND-041-12**, Negative Determination, National Marine Fisheries Service/NOAA
Restoration Center, Willow Creek Large Wood Recruitment Project, Sonoma Co.

Dear Mr. Rutten:

The Coastal Commission staff has reviewed the above-referenced negative determination for a stream restoration project near Jenner in Sonoma County. The proposal is to recruit key wood pieces (in a manner that mimics natural recruitment) into Willow Creek, a tributary to the Russian River. The project will increase habitat complexity, will improve salmonid, amphibian, and other natural and sensitive habitats, and is similar to a number of similar NOAA Restoration Center restoration projects conducted in northern California streams and rivers. The project includes monitoring, public outreach, and education components.

The Commission staff **agrees** that the proposed restoration project will benefit, and not adversely affect, 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 at (415) 904-5289 if you have any questions on this matter.

Sincerely,

(f8v)

A handwritten signature in black ink, appearing to read "Mark D." followed by several long, sweeping strokes.

CHARLES LESTER
Executive Director

cc: North Central Coast District
Corps of Engineers, San Francisco District (Regulatory)

CALIFORNIA COASTAL COMMISSION

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August 23, 2012

Edward Keller, P.E.
Chief, Environmental Section A
San Francisco District
U.S. Army Corps of Engineers
ATTN: William Brostoff
1455 Market Street, 15th Floor
San Francisco, CA 94103-1398

Subject: Negative Determination ND-042-12 (Moss Landing Harbor Emergency Maintenance Dredging and Disposal at SF-14, Monterey County).

Dear Mr. Keller:

The Coastal Commission staff has reviewed the above-referenced negative determination. Moss Landing Harbor is located halfway between the cities of Santa Cruz and Monterey and supports approximately 600 commercial and recreational vessels; access to Monterey Bay from the berths in the North and South harbors is provided by the federally-maintained Entrance and Lagoon channels. The Corps of Engineers (Corps) proposes to undertake emergency maintenance dredging at the mouth of the federal entrance channel in a four-acre area between Stations 0.0 and 10.0. The authorized depth of the entrance channel is -15 feet mean lower low water (MLLW). Excessive shoaling has reduced the channel depth to -8.6 feet MLLW and severely limited the movement of vessels in and out of the harbor. On July 30, 2012, the U.S. Coast Guard declared the shoaling to be a hazard to navigation and requested the Corps to dredge the channel to its authorized depth as soon as practical. Approximately 12,600 cubic yards of clean sandy sediment would be removed by the federal hopper dredge *Yaquina* and disposed at the EPA-designated SF-14 ocean disposal site, located in 600 feet of water 1.5 miles offshore of Moss Landing Harbor. The Corps proposes to complete the work over a five-day period in mid- to late-August 2012.

During previous scheduled maintenance dredging at Moss Landing Harbor (activity which typically occurs, on average, every three years, but which last took place in 2007 due to a lack of Congressional funding), sandy sediments from the entrance channel are beneficially reused and placed on South Sandspit Beach using a hydraulic pipeline dredge, and finer-grained sediments from the lagoon channel are disposed at either the SF-14 or SF-12 ocean disposal sites. The volume of sand placed on this beach immediately south of the entrance channel during maintenance dredging since 1996 has averaged 20,000 cu.yds. The Corps monitors the entrance

channel on an annual basis and no serious shoaling was noticed until May of this year; a bathymetric survey in June confirmed the depth and extent of the shoal. However, given the emergency nature of the proposed maintenance dredging, the Corps was unable to secure a hydraulic dredge and was only able to obtain the aforementioned federal hopper dredge, which can only bottom-dump dredge material in open coastal waters and cannot pump out materials onto the beach or other upland areas.

The Corps consulted with the Commission staff regarding the proposed project prior to formal submittal of the negative determination. At that time the Commission staff expressed concern that the project would result in the loss of clean sandy sediment from the littoral system and requested that the Corps examine project alternatives that would avoid disposal at the SF-14 ocean site, including the use of the SF-12 ocean disposal site, nearshore disposal, use of the Moss Landing Harbor District hydraulic dredge, stockpiling the dredged sand at an upland site, and dredging to only -12 feet MLLW. The Corps evaluated those alternatives and concluded that none were feasible given the current navigation emergency. Disposal at SF-12 would still lead to loss of sand from the littoral system as the depth at SF-12 is 70 feet MLLW and materials placed here will flow into the Monterey Bay submarine canyon. Nearshore disposal is currently prohibited by management regulations governing the Monterey Bay National Marine Sanctuary. The Harbor District hydraulic dredge is currently dredging harbor berths, and the logistical, contracting, and timing constraints in combination with the existing navigation hazard make this alternative infeasible. Stockpiling the dredged sand is infeasible because the *Yaquina* cannot pump out sand to an upland site. Finally, the Corps stated that while there is adequate funding at present to remove the shoal at the mouth of the entrance channel to the authorized channel depth of -15 feet MLLW, there is no guarantee of funding to complete the dredging to this depth at a later date should the Corps only dredge to -12 feet MLLW this month.

Given the navigation emergency, the lack of feasible alternatives to ocean disposal of the dredged sands, and Coastal Act policies calling for retaining sand in the littoral zone, the Corps stated in its negative determination its commitment to beneficially using dredged sediment to the maximum extent feasible at Moss Landing Harbor. In addition, the Corps, as the lead federal agency member of the Coastal Sediment Management Workgroup (CSMW), has initiated a coastal regional sediment management plan for the Santa Cruz Littoral Cell (SCLC; Half Moon Bay to Moss Landing) in fiscal year 2012. A previous plan developed for southern Monterey Bay presented several options for responding to coastal erosion over the next 50 years, including placement of sand on beaches and the nearshore and moving sand from deeper water into the nearshore. Given the similarity of erosion issues in the SCLC, the Corps believes that analogous sand placement and relocation recommendations are likely.

The Corps also stated in its negative determination that it is Corps policy to prepare a Dredged Material Management Plan (DMMP) for each of its dredging projects and that it is preparing one for the Moss Landing Harbor region:

The purpose of a DMMP is to forecast dredged volumes and identify suitable placement sites for twenty years into the future. The DMMP for Moss Landing Harbor will manage sediment placement for both the federal Entrance and Lagoon

channels and portions of the harbor maintained by the Harbor District. Development of the DMMP will involve input from stakeholders, including the California Coastal Commission and the CSMW. The plan will stress maximum placement of clean sand on the beach and will identify appropriate sites in Elkhorn Slough. Material placed at SF-12 and SF-14 would be minimized to the greatest extent practicable.

The Corps states in the project *Environmental Assessment* that the Moss Landing Harbor Entrance Channel is a high energy system that is dominated by sandy sediment. Sediment testing in this area since 1993 has shown that the channel mouth is comprised of predominately clean sediment that is at least 95 percent sand. The Corps reports that the newly shoaled material is not expected to differ from previous sediment testing results and as a result requested a Tier 1 sediment testing exclusion; U.S. EPA and the Central Coast RWQCB recently concurred with this request. Due to sediment grain size at the entrance channel shoal, project dredging and disposal will generate only minor and temporary impacts on water quality in the entrance channel and at SF-14 and will not adversely affect marine habitat or resources.

The Corps coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding potential project impacts on listed species and has incorporated into the project avoidance and minimization measures to protect the Southern sea otter, Western snowy plover, and Pacific harbor seals. The presence of the *Yaquina* will partially restrict vessel traffic to the harbor during the approximate five-day dredging project. However, boat access to the harbor will be maintained during this period and safe navigation around the dredge, support vessels, and the shoal area will be supported by a Local Notice to Mariners, marked and lighted project vessels, and existing navigation aids. Impacts to commercial and recreational boating from the project will be minor and temporary and are far outweighed by the long-term benefits to the boating community from removal of the hazardous shoal.

In conclusion, the Commission staff **agrees** that the proposed emergency dredging at the mouth of the Moss Landing Harbor entrance channel will not adversely affect coastal resources. The need to immediately remove the shoaling hazard in the entrance channel prevents the Corps from disposing clean dredged sand on South Sandspit Beach as it normally does during scheduled maintenance dredging at Moss Landing Harbor due to the lack of appropriate dredging equipment. The loss of 12,600 cu.yds. of sand from the littoral system is an unavoidable result of the proposed emergency dredging, is not reflective of past Corps maintenance dredging projects at Moss Landing Harbor, and is a unique situation that does not serve as a precedent for any future dredging projects at Moss Landing Harbor or elsewhere. In addition, the Corps will release for public and agency comment a draft Dredged Material Management Plan (DMMP) for Moss Landing Harbor in the spring of 2013. Implementation of the final DMMP should eliminate the need for emergency dredging projects and the disposal of beach-suitable dredged materials outside the littoral system. With these understandings and commitments, we **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 that reads "Mark D. Delpain". The signature is written in a cursive style with a large initial "M".

(for)

CHARLES LESTER
Executive Director

cc: CCC – Central Coast District
Thomas Kendall, Corps of Engineers
Cynthia Fowler, Corps of Engineers