

CALIFORNIA COASTAL COMMISSION

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

FOR THE

AUGUST 15, 2013 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

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

DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
9-13-0490-W Shell Exploration and Production Company	Remove approximately 50 cu. yds. of polychlorinated biphenyl (PCB) contaminated soil at the seacliff from behind a seawall.	Gaviota Coast Santa Barbara County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-020-13 Cabrillo National Monument	Trail Repairs Action: Concur, 6/25/2013	Cabrillo National Monument Point Loma, San Diego



ND-0203-13 NOAA	Tomales Bay Vessel Management Program Action: Concur, 6/13/2013	Tomales Bay, Gulf of the Farallones National Marine Sanctuary, Marin County
ND-0209-13 Department of Veterans Affairs	Construct Spinal Cord Injury (SCI) / Community Loving Center (CLC) Building Action: Concur, 3/20/2013	Naval Base Ventura County Point Mugu

NO EFFECT DETERMINATIONS

APPLICANT	PROJECT	LOCATION
NE-0202-13 Marin County Flood Control & Water Conservation District	Construct sediment removal terrace in creekbed Action: No Effects, 7/11/2013	Easkoot Creek, Stinson Beach Marin County
NE-0203-13 North County Transit District	Install positive train control radio towers Action: No Effects, 7/16/2013	Leucadia to San Diego San Diego County



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NOTICE OF COASTAL DEVELOPMENT PERMIT
DE MINIMIS WAIVER

DATE: August 2, 2013 **PERMIT NO. 9-13-0490-W**

TO: Coastal Commissioners and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

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

Applicant: Mark Humberger
Shell Exploration and Production Company
HSSE SD/SE – C440 D, 150 North Dairy Ashford St.
Houston, Texas 77079-1197

Project Description: The applicant proposes to remove approximately 50 cubic yards of polychlorinated biphenyl (PCB) contaminated soil located above and landward of an existing seawall approximately one mile upcoast of Arroyo Quemada on the Gaviota coast of Santa Barbara County. Clean-up activities would involve the transit of a material transport truck, excavator, and mini-excavator across approximately one mile of wet- and dry-sand beach at low tide in order to access the site and remove the targeted material. All proposed work would be carried out during daylight hours and would be limited to approximately four hours per day for approximately eight days.

Background: The applicant has assumed responsibility for remediation and restoration of the now-decommissioned natural gas plant that Shell previously operated within the Canada de la Huerta area of the Gaviota coast, directly inland of the proposed project site. Extensive soil contamination was found at the former gas plant site and cleanup and restoration activities are being carried out under the direction of an Interagency Workgroup Team comprised of representatives of the County of Santa Barbara, the Department of Toxic Substances Control, the Department of Fish and Wildlife, and the Regional Water Quality Control Board. In addition to the clean-up of the gas plant site, additional contaminants were found to have accumulated in soil located seaward of the gas plant adjacent to an existing seawall. The proposed clean-up project would target the most highly contaminated of this soil, a total of

approximately 50 cubic yards, and would transfer it to an authorized storage facility before additional erosion can cause it to disperse into the ocean.

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

The contaminated soil to be removed is located adjacent to areas above and behind and existing seawall in which small rocks and wave-cast cobblestones have accumulated. The targeted soil is covered with a plastic tarp that has prevented the establishment of vegetation on it and has limited its viability as plant or animal habitat. The removal of this material and all equipment operation and removal activities will be carried out within areas of bare ground or loose cobblestone and will be carried out without disturbing or removing any vegetated habitat areas. In addition, all work areas will be covered with plastic sheeting, construction matting, or tarps to contain the targeted soil and ensure that all contaminated material is captured, transferred, and removed in a secure manner and that no material is lost or discharged onto any beach or habitat areas. Review and oversight of clean-up operations will be carried out by staff of those agencies represented on the Interagency Workgroup Team.

Clean-up activities will be carried out with light equipment, vehicles, and hand tools to the extent feasible. Use of heavy equipment on beach areas will be limited to no more than a transport truck, excavator, and min-excavator, and will be carried out only when use of light equipment and hand tools cannot be carried out in a manner consistent with technical requirements or human health and safety needs. Any heavy equipment used on the beach or project site will use vegetable based hydraulic oil and spill containment and clean-up material will be maintained on site to address any accidental release of hazardous material due to equipment operation. All equipment transit and soil removal activities will be carried out during daylight hours when tide heights, weather, and surf conditions assure that seawater is not present within equipment transit and staging areas. All project equipment and vehicles will be removed and stored at an appropriate offsite facility at the conclusion of each work day.

The equipment transit and material transport route will be inspected by a qualified biologist prior to each use by vehicles or equipment to ensure that no sensitive species or marine mammals are located within its proximity. If such species are observed within the transit route, transit will be delayed until the species have left the area. Worker environmental awareness training will be provided to all site personnel by a qualified biologist prior to the initiation of project activities.

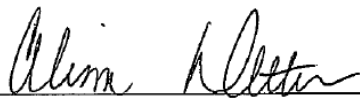
All exposed rocks and rock outcrops located on the beach along the transit and transport route will be avoided or covered with sandbags and/or construction matting to chipping or breakage during vehicle and equipment transit. In addition, no low-ground-clearance (less than 12-inches) vehicles or equipment will transit the beach area.

The proposed project site is not near any public access sites and project work will not require closure or restricted access of any public coastal access. Public access to the work area will be restricted due to safety concerns, however, the work area is located approximately one mile from the nearest coastal access and provides limited recreation potential due to the presence of the seawall and associated lack of dry sand beach. Vehicle and equipment transit along the beach area to and from the work site will be carried out during weekdays and project personnel will proceed ahead of vehicles and equipment to inform beach users or recreationists of the location of the transit path and recommend that they remain at a safe distance temporarily during transit.

Important: This waiver is not effective unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of August 14-15, 2013 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

CALIFORNIA COASTAL COMMISSION

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DATE: July 31, 2013

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-20-13
APPLICANT:	Cabrillo National Monument
LOCATION:	Cabrillo National Monument, Point Loma, San Diego
PROJECT:	Trail Repairs
ACTION:	Concur
ACTION DATE:	6/25/2013

PROJECT #:	NE-0202-13
APPLICANT:	Marin County Flood Control and Water Conservation District
LOCATION:	Easkoot Creek, Stinson Beach, Marin County
PROJECT:	Construct sediment removal terrace in creekbed
ACTION:	No effects
ACTION DATE:	7/11/13

PROJECT #:	NE-0203-13
APPLICANT:	North County Transit District
LOCATION:	Leucadia to San Diego, San Diego County
PROJECT:	Install positive train control radio towers
ACTION:	No effects
ACTION DATE:	7/16/13

PROJECT #:	ND-0203-13
APPLICANT:	NOAA
LOCATION:	Tomales Bay, Gulf of the Farallones National Marine Sanctuary, Marin County
PROJECT:	Tomales Bay Vessel Management Program
ACTION:	Concur
ACTION DATE:	6/13/2013

PROJECT #:	ND-0209-13
APPLICANT:	Department of Veterans Affairs
LOCATION:	VA Medical Center (I-5 and La Jolla Village Drive), San Diego
PROJECT:	Construct Spinal Cord Injury SCI)/Community Living Center (CLC) Building
ACTION:	Concur
ACTION DATE:	7/31/2013

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June 25, 2013

Tom Workman
Superintendent
Cabrillo National Monument
1800 Cabrillo Memorial Drive
San Diego, CA 92106-3601

Re: **ND-020-13** Cabrillo National Monument, Negative Determination, Trail Repair, Point Loma, San Diego

Dear Mr. Workman:

The Coastal Commission staff has reviewed the above-referenced negative determination for repairs to the Bayside Trail and Drainage Structures at Cabrillo National Monument. Mudslides in 2005 damaged the trail, and as you noted in your letter, this trail is a major visitor attraction. The trail would be restored to its previous width, and the repairs would include retaining walls and drainage improvements, up to 20 ft. high and 50 ft. long, using natural colors which would blend in with the surrounding environment. Surface waters would be channeled through culverts and discharged downslope. Disturbed areas would be revegetated with native species and stabilized using erosion control mats. At the request of the Commission staff, the Cabrillo National Monument has agreed to provide the Commission staff design documentation showing the planned size of the retaining wall and its color, and has assured that the height of the wall shall be kept to the smallest size needed to adequately accomplish the trail repair objectives.

With this commitment, the Commission staff **agrees** that the repairs would benefit coastal recreation and would not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine", written over the typed name.

(for)

CHARLES LESTER
Executive Director

cc: San Diego District Office

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July 11, 2013

Kallie Kull, Sr. Planner
Marin Co. Flood Control and
Water Conservation District
Dept. of Public Works
PO Box 4186
San Rafael, CA 94913-4186

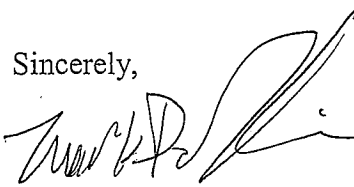
Re: **NE-0202-13** Marin Co. Flood Control and Water Conservation District, No
Effects Determination, Sediment Control, Stinson Beach, Marin Co.

Dear Ms. Kull:

The Marin Co. Flood Control and Water Conservation District has submitted a “no effects” determination for the construction of a sediment removal site within the banks of Easkoot Creek on National Park Service (GGNRA) land in Stinson Beach. The project purpose is to maximize flood control in this portion of the creek which has been historically channelized, while protecting habitat values in the creek, by creating a floodplain terrace that will allow sediment to drop out (and be easily removed). The work will be performed during low flows and avoiding peak recreational periods. Vegetation removal will be limited to predominantly non-native invasive species, and a number of best management practices and other habitat protection measures will be incorporated into the project, including revegetation with native species (and using native plant stock), pre-project surveys for special status species and additional protection measures if special status species are found, and if salmonids are present, temporary relocation by qualified personnel. With the measures included, the project would benefit water quality and environmentally sensitive habitats.

In conclusion, we **agree** with the your conclusion that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your “no effects” determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,


(for) CHARLES LESTER
Executive Director

cc: North Central District Office
Army Corps, San Francisco District
NPS/GGNRA

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July 16, 2013

Eric Roe
Deputy Chief Operating Officer – Rail Systems
North County Transit District
810 Mission Avenue
Oceanside, CA 92054


Subject: No-Effects Determination NE-0203-13 (Positive Train Control Radio Tower Project,
San Diego County)

Dear Mr. Roe:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. The North County Transit District (NCTD) proposes to install positive train control radio towers at seven sites within the NCTD right-of-way (ROW) in San Diego County between Mile Post (MP) 234.5 (north of Leucadia) and MP 267.2 (downtown San Diego). The proposed towers will be used to support and improve radio communications for train operations within the rail corridor. The towers are 40 feet tall and will be placed between 15 and 25 feet from existing railroad signal houses, locations which are devoid of environmentally sensitive habitat. Existing wooden poles serving as antenna towers (ranging in height between 16 and 54 feet) at six of the project sites would be removed and replaced with the proposed monopoles. A cultural and historic resources records search and site inspection was undertaken for NCTD by ASM Affiliates, Inc. NCTD will implement the report recommendation that archaeological monitors be present during tower installation at MP 249.8 (Control Point Pines) and at MP 260.4 (Control Point Morena) in order to ensure that construction would not adversely affect cultural or archaeological resources.

The Commission's Executive Director previously concurred with a No-Effects Determination (NE-0201-13) in May 2013 for installation of five positive train control radio towers between MP 209.2 and MP 221.9 on Camp Pendleton in northern San Diego County. The Commission staff agrees with NCTD's no-effects determination that the proposed radio tower project will not adversely affect coastal resources. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


(for) CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Erich Lathers, BRG Consulting, Inc.

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June 13, 2013

Maria Brown
Superintendent
Gulf of the Farallones National Marine Sanctuary
ATTN: Brad Damitz
991 Marine Drive
San Francisco, CA 94129

Subject: Negative Determination ND-0203-13 (Tomales Bay Vessel Management Plan, Marin County)

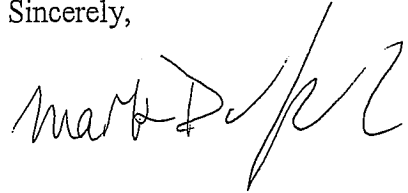
Dear Ms. Brown:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Gulf of the Farallones National Marine Sanctuary [Sanctuary] proposes to implement the Tomales Bay Vessel Management Program [Program]. The Program is solely a planning document comprised of goals, recommendations, and a streamlined recreational vessel mooring permitting program. The Program aims to improve water quality, protect wildlife and habitat, protect public health, and ensure recreational opportunities in Tomales Bay. The Program does not serve as an application for any development activity on the ground or in the water, does not establish any new legal authorities, and does not alter existing legal authorities regarding management of resources or regulation of activities within Tomales Bay. The Sanctuary, California State Lands Commission [SLC], and nine other local, state, and federal agencies with jurisdiction in Tomales Bay developed the Program over a ten-year period with input from the boating community and other interested parties. The Program will implement the existing mandates and regulations of both the Sanctuary and the SLC and will address vessel sewage discharge, impacts from moorings, derelict or deserted vessels, introduction of invasive species, disturbance of wildlife, and discharges of oil, fuel, and vessel maintenance products. On April 26, 2013, the SLC adopted a Negative Declaration for the *Environmental Assessment and Initial Study* (prepared as an appendix to the Program), approved the Program, and authorized the SLC to be subject to a permit from the Sanctuary for leasing and managing the mooring buoys in Tomales Bay.

The Commission staff **agrees** that the Tomales Bay Vessel Management Program will not adversely affect coastal resources. We therefore **concur** with your negative determination made

pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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July 31, 2013

Larry Villaluna, Project Manager
Department of Veterans Affairs
Office of Construction & Facilities Management
1175 Nimitz Ave.
Vallejo, CA 94592

Re: **ND-0209-13**, Department of Veterans Affairs (VA), Spinal Cord Injury SCI/Community Living Center (CLC) Building, VA Medical Center San Diego

Dear Mr. Villaluna:

The Coastal Commission staff has reviewed the above-referenced negative determination you have submitted for the replacement of an existing, seismically deficient, building on the VA's San Diego campus with a new building to house a Spinal Cord Injury (SCI)/Community Living Center (CLC). The site is located northwest of I-5 and La Jolla Village Drive, and is on federal land and located outside the coastal zone. The project would include a 143,437 sq. ft. building and a 1,600 car parking structure.

The VA has reviewed potential effects on coastal resources, including scenic and water quality impacts, and has concluded that the project would not affect coastal zone resources. The project would concentrate development within an existing developed area, would be visually compatible with the surrounding development, and would improve drainage patterns and decrease existing rates of stormwater runoff. Best Management Practices would be incorporated into construction activities.

We **agree** with your determination that the proposed project would not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine".

(for) CHARLES LESTER
Executive Director

cc: San Diego District Office