

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

FEBRUARY 12, 2014 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

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

DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
E-11-029-A1 Taylor Mariculture	Modify the shellfish seed nursery facility to make use of some of the existing structures and infrastructure available on the newly leased Harbor District site.	Samoa Peninsula area of Humboldt Bay Humboldt County

NO EFFECTS DETERMINATION

APPLICANT	PROJECT	LOCATION
NE-0001-14 SANDAG	Potholing to identify utility locations for San Elijo Double-track bridge. Action: No effects, 1/15/2014	13 Locations San Diego County



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0001-14 Navy	Extension of general consistency determination for periodic repair and maintenance activities Action: Concur, 1/27/2014	Naval Bases, San Diego, Ventura, San Clemente Island
ND-0002-14 National Park Service	Guardrail Replacement Action: Concur, 1/28/14	Crescent Beach Overlook, Redwood National Park Del Norte Co.



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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-11-029-A1**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: January 30, 2014

SUBJECT: Application to amend Coastal Development Permit No. E-11-029 to construct and operate a shellfish nursery facility in Samoa, 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 allow several modifications to be made to the location and design of upland elements of the project, including vehicular access and parking, waste water disposal, and shellfish seed wash facilities.

Background: On November 14, 2012, the Commission approved CDP No. E-11-029 allowing Taylor Mariculture (Taylor) to construct and operate an in-water and shore-side shellfish seed nursery facility in the Samoa Peninsula area of Humboldt Bay in Humboldt County, adjacent to an existing forestry products processing plant. Development of the nursery facility included installation of several rafts and grow-out structures in the waters of Humboldt Bay as well as retrofits and upgrades to an existing shipping pier and dock area and construction of an onshore shellfish seed wash system, waste water disposal leach field, and parking and storage area near the base of the shipping pier. Prior to the initiation of construction of the onshore project elements, the Humboldt County Harbor and Recreation District (Harbor District) obtained ownership of the adjacent forestry products plant and associated land and infrastructure. On January 24, 2014, the Harbor District approved a lease to Taylor for a portion of this site and authorized its use of some of the site's existing structures and infrastructure.

Requested Amendment: To make use of some of the existing structures and infrastructure available on the newly leased Harbor District site, Taylor proposes to modify its shellfish seed nursery facility to (1) use an existing leach field and associated sewer lines rather than constructing and operating a new leach field and associated plumbing; (2) use existing access roads in place of the development of new vehicular access routes and installation of an 80-foot long access bridge; (3) use an existing warehouse building onshore to support shellfish seed setting operations instead of retrofitting an existing building on the shipping pier; (4) install two water lines in an approximately 121-foot long by 2-foot wide by 2-foot deep trench between the

shipping pier and warehouse; (5) relocate the seed wash system (freshwater storage tank, mixing tanks, and wash tanks) from near the base of the shipping pier to immediately adjacent to the existing warehouse building; (5) relocate the parking area from near the base of the shipping pier to immediately adjacent to the existing warehouse building; (6) construct a 192-square foot, ten foot high building adjacent to the existing warehouse and install and operate a boiler system inside; (7) eliminate the construction of a storage/maintenance shed; and (8) expand the surface footprint of the nursery raft by approximately 200-square feet.

The proposed modifications would not increase the nursery facility's capacity or scope of operations.

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

- **Land Use:** The proposed relocated project elements would be installed within and adjacent to the existing facilities and structures associated with the former Freshwater Tissue Company forestry products processing plant. Most of the areas proposed for development in the new proposed site plan are covered with asphalt or concrete and have a long history of industrial uses. Only minor excavation in unpaved areas would occur and this would be limited to areas adjacent to existing structures. The majority of proposed modifications would facilitate the re-use of existing structures and infrastructure and minimize the need for excavation, grading, and the construction of new structures. The proposed modifications would not allow for an increase in the nursery facility's capacity or change the intensity of use at the site.
- **Natural Hazards:** The proposed modifications would not increase the nursery facility's current exposure to natural hazards and may reduce inundation risk by increasing the distance between the shoreline of Humboldt Bay and project structures and infrastructure.
- **Coastal Access/Marine and Terrestrial Resources:** The proposed modifications would occur within the previously-developed industrial footprint of the site and involve minimal construction activities and ground disturbance. Marine and terrestrial resource protection measures included in CDP No. E-11-029 remain in effect, including adherence to the Osprey Protection Plan which requires pre-construction osprey surveys to be carried out and prohibits construction activities from occurring during the nesting season for osprey. In addition, Taylor has committed to carry soil contaminant testing prior to all excavation activities and to implement measures to properly contain and dispose of any contaminated soil at a state-approved facility if such materials are encountered. Further, the proposed modifications would not increase seawater intake or discharge volumes, velocities, or temperatures.

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 Cassidy Teufel at the above address. If you have any questions, you may contact him at (415) 904-5502 or via email at cteufel@coastal.ca.gov.

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DATE: February 7, 2014

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 #:	NE-0001-14
APPLICANT:	SANDAG
LOCATION:	13 Locations, San Diego Co.
PROJECT:	Potholing to Identify Utility Locations for San Elijo Double-track bridge
ACTION:	No effects
ACTION DATE:	1/15/2014

PROJECT #:	ND-0001-14
APPLICANT:	Navy
LOCATION:	Naval Bases, San Diego, Ventura, San Clemente Island
PROJECT:	Extension of General consistency determination for Periodic Repair and Maintenance Activities
ACTION:	Concur
ACTION DATE:	1/27/2014

PROJECT #:	ND-0002-14
APPLICANT:	National Park Service
LOCATION:	Crescent Beach Overlook, Redwood National Park, Del Norte Co.
PROJECT:	Guardrail replacement
ACTION:	Concur
ACTION DATE:	1/28/2014

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January 15, 2014

Erich R. Lathers
President
BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101-2030

Subject: No-Effects Determination NE-0001-14 (Potholing to Identify Utility Locations for the San Elijo Double Track Project, San Diego County)

Dear Mr. Lathers:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. SANDAG proposes to undertake potholing work at 13 locations adjacent to the existing mainline railroad track in southern Encinitas and northern Solana Beach in order to confirm the exact location and depth of utility lines prior to final design of the proposed San Elijo double track project. The work involves vacuuming overlaying soil to expose the utility line at the 13 locations, each of which will involve disturbing a surface area of up to 12 inches in diameter. The holes will be backfilled with the native materials vacuumed out of the holes upon completion of the work. Work at each location will last one to two hours, vacuum trucks will be parked only in existing disturbed or graded areas, and vacuum hoses will be hand-carried to those pothole locations at a distance from existing access roads. Seven potholes are located in developed areas, one in non-native grassland, two outside the edge of salt marsh habitat, and two outside the edge of coastal sage scrub habitat. No work will occur in coastal waters or wetlands and all work in the vicinity of coastal waters will be completed prior to February 15, 2014, to avoid indirectly affecting nesting light-footed clapper rails or coastal California gnatcatcher. The Commission staff **agrees** with SANDAG's no-effects determination that the proposed potholing work in support of the final design of the San Elijo double track project will not adversely affect coastal resources. 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 – San Diego Coast District

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January 27, 2014

C. L. Stathos
Dept. of the Navy
Commander Navy Region Southwest
ATTN: Suzanne Smith
937 North Harbor Dr.
San Diego, CA 92132-0058

Re: **ND-0001-14** Navy Negative Determination, Extension of General Consistency Determination for Periodic Replacement of Navy Piers and Shoreline Structures, San Diego, Ventura County, and San Clemente Island

Dear Mr. Stathos:

The Commission staff has reviewed the above-referenced negative determination for an extension of the Navy's previously-concurred-with *General Consistency Determination (GCD) for Periodic Replacement of Navy Piers and Shoreline Structures (CD-070-98)*. The Commission concurred with this consistency determination in August 1998, which extended an earlier five-year general consistency determination, CD-012-93. The Commission staff concurred with subsequent five-year administrative extensions in 2003 and 2009 (ND-091-03 and ND-006-09).

The activities previously covered by the proposed extension fall within three categories:

- a. Repair, maintenance, partial replacement, modification and extension of piers, pier appurtenances (e.g., decking, pilings, load-out cradles, moorings, dolphins, fender systems), pier utilities (e.g., lighting, water, sewer), floating docks, and wharves. Pilings will consist of concrete or other benign materials. Fender piling replacement will be one-to-one, and/or will include the installation of less than 100 new pilings, but may require jetting. Jetting facilitates pile removal by loosening sediment around pile stubs by using a high-pressure water stream. Some projects may require scraping of marine growth in order to perform repairs. Noise impacts from pile driving activities will be mitigated by placing marine observers in appropriate locations. If marine mammals or green sea turtles are sighted in the action area, pile driving will cease until the animal voluntarily leaves. Silt curtains will be used to minimize turbidity. This category excludes projects that result in any of the following:
 - (1) Repair and replacement of greater than 50% of the pier, or extension of greater than 100 new piles.
 - (2) A significant change in use of the pier.

- (3) Result in a substantial (greater than 10% increase in the original size) change in size or location of the structure.
- b. Repair, maintenance, replacement, and removal of ramps and shore protection structures, including seawalls, bulkheads, and revetments. This category would also include the repair, maintenance, partial replacement and removal of wave attenuation systems. Some projects may require scraping of marine growth in order to perform repairs. This category excludes projects that result in any of the following:
- (1) An alteration in the foundation of the structure.
 - (2) Repair and replacement of greater than 50% of the structure, or extension of greater than 100 new piles.
 - (3) Result in a substantial (greater than 10% increase in the original size) change in size or location of the structure.
 - (4) The significant seaward expansion of the structure.
- c. Removal of in-water structures including piers, pilings, moorings, load-out cradles, dolphins, and fender systems that are no longer required by the Navy.

Additional conditions applicable to this General Consistency Determination follow:

- (1) Shore construction and dredging is excluded.
- (2) Any work in sensitive habitat areas, including but not limited to wetlands, eelgrass beds, and designated least tern foraging and nesting areas during the tern nesting season, is excluded.
- (3) The Navy will notify the Federal Consistency Manager at least 45 days before the award of any contract conducted pursuant to this General Consistency Determination.
- (4) Projects located in public access areas are excluded.
- (5) This General Consistency Determination is valid for five years only.

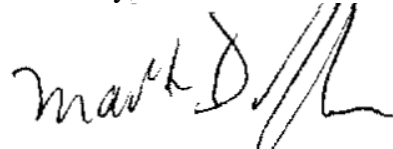
In addition, in the previously submitted general determination, the Navy requested, and the Commission staff concurred with (ND-006-09), the addition of Naval Base Ventura (Port Hueneme and Point Mugu Naval bases) and San Clemente Island to the areas in which these types of activities would be authorized.

In our previous concurrences we agreed with the Navy that the activities would not affect public access or recreation, marine resources, water quality, environmentally sensitive habitat, or natural shoreline processes. Access would not be affected because activities covered would occur on Navy facilities closed to the general public due to military security requirements. Sensitive habitat would not be affected because activities would “not include work in sensitive

habitat areas, including but not limited to wetlands, eelgrass beds, and designated least tern foraging and nesting areas during the tern nesting season (April 1 through September 15).” No new shoreline structures would be authorized.

In conclusion, the Commission staff **agrees** that the proposed five-year extension of the General Consistency Determination for periodic replacement of Navy piers and shoreline structures in San Diego, Ventura County, and San Clemente Island, 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." We agree with the Navy that the proposed extension is similar to previous Commission and Commission staff concurrences with the above-described consistency and negative determinations submitted by the Navy (ND-006-09, ND-091-03, CD-070-98, and CD-012-93) for these activities. 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 regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester", written over a set of three parallel diagonal lines.

(for) CHARLES LESTER
Executive Director

cc: CCC San Diego, Long Beach, and Ventura District Offices
U.S. Army Corps of Engineers, San Diego and Ventura Field Offices
U.S. Army Corps of Engineers, Los Angeles District

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January 28, 2014

Stephen Prokop, Superintendent
National Park Service
U.S. Dept. of the Interior
Redwood National Park
1111 Second Street
Crescent City, CA 95531

RE: **ND-0002-14** Negative Determination, National Park Service, Replacement of guardrail at Crescent Beach Overlook parking area, Redwood National Park, Del Norte Co.

Dear Mr. Prokop:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of guardrail at the Crescent Beach Overlook parking area/trailhead, at the southern end of Enderts Beach Rd. in Redwood National Park. The existing wood guardrail is too low, does not meet Federal Highway Administration standards, and is inadequate to keep vehicles away from the several hundred foot drop adjacent to the parking area. The would guardrail would be replaced with a 400 ft. long, higher (31 inch high), and stronger steel-backed timber guardrail.

We agree with your assessment that the project would improve public access and recreation by improving public safety, that adequate measures have been incorporated to minimize construction impacts on access and recreation, that public views would not be adversely affected, and that archaeological monitoring (both by the Park Service and tribal monitors) will protect cultural resources.

In conclusion, we **agree** with the Park Service that the project will not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester".

CHARLES LESTER
Executive Director

cc: North Coast District