

CALIFORNIA COASTAL COMMISSION

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

**W 12****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT****FOR THE****AUGUST 13, 2014 MEETING OF THE CALIFORNIA COASTAL COMMISSION****TO: Commissioners and Interested Parties**

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

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0019-14 U.S. Fish and Wildlife Service	Bolsa Levee Water Control Structure and Culvert Replacement Action: Concur, 7/15/2014	Seal Beach National Wildlife Refuge, Orange Co.
ND-0021-14 Department of the Navy	On-Base Housing Transfer to Public/Private Venture Action: Concur, 7/16/2014	Pt. Mugu, Naval Base Ventura County
ND-0022-14 Department of the Navy	Floating dock attachments to existing pier Action: Concur, 7/18/2014	Naval Amphibious Base Coronado, San Diego Co.
ND-0023-14 Golden Gate National Recreation Area	Flood Damage Repair Action: Concur, 7/31/2014	Stinson Beach, Marin Co.
ND-0026-14 NOAA	Flourescein dye oil spill simulation and related exercises Action: Concur, 7/29/2014	Offshore Santa Barbara and Ventura Counties (near Platform Gail and offshore Vandenberg AFB)



CALIFORNIA COASTAL COMMISSION

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



W12

DATE: August 4, 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 #:	ND-0019-14
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Seal Beach National Wildlife Refuge, Orange Co.
PROJECT:	Bolsa Levee Water Control Structure and Culvert Replacement
ACTION:	Concur
ACTION DATE:	7/15/2014

PROJECT #:	ND-0021-14
APPLICANT:	Department of the Navy
LOCATION:	Pt. Mugu, Naval Base Ventura County
PROJECT:	On-Base Housing Transfer to Public/Private Venture
ACTION:	Concur
ACTION DATE:	7/16/2014

PROJECT #:	ND-0022-14
APPLICANT:	Department of the Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Floating dock attachments to existing pier
ACTION:	Concur
ACTION DATE:	7/18/2014

PROJECT #:	ND-0023-14
APPLICANT:	Golden Gate National Recreation Area
LOCATION:	Stinson Beach, Marin Co.
PROJECT:	Flood Damage Repair
ACTION:	Concur
ACTION DATE:	7/31/2014

PROJECT #:	ND-0026-14
APPLICANT:	NOAA
LOCATION:	Offshore Santa Barbara and Ventura Counties (near Platform Gail and offshore Vandenberg AFB)
PROJECT:	Flourescein dye oil spill simulation and related exercises
ACTION:	Concur
ACTION DATE:	7/29/2014

CALIFORNIA COASTAL COMMISSION

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



July 15, 2014

Kirk Gilligan
Refuge Manager
Seal Beach National Wildlife Refuge
U.S. Fish and Wildlife Service
P.O. Box 815
Seal Beach, CA 90740

Subject: Negative Determination ND-0019-14 (Bolsa Levee Water Control Structure/Culvert Replacement Project)

Dear Mr. Gilligan:

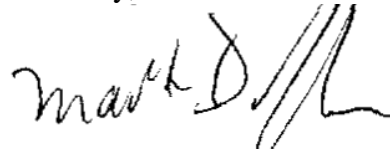
The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service proposes to remove two degraded and collapsing concrete culverts in the Bolsa Levee on the Seal Beach National Wildlife Refuge and subsequently install one comparatively-sized concrete box culvert with a sluice gate in the same general location as the existing structures. The Bolsa Levee and the existing culverts were constructed on the Refuge in 1990 as elements of a Port of Long Beach-sponsored wetland restoration project, which provided habitat mitigation for marine resource impacts arising from the Port's Pier J landfill project. The proposed project is designed to protect habitat for the State-endangered Belding's savannah sparrow located in the Bolsa Cell from the adverse effects that would occur after culvert failure, the resulting levee breach, and subsequent uncontrolled flooding of the Bolsa Cell. The proposed box culvert and sluice gate will also enable Refuge management to more efficiently control water levels in the Bolsa Cell for habitat management purposes and for protection of U.S. Navy buildings located adjacent to the Bolsa Cell.

Up to 80 cubic yards of existing rip-rap in the immediate vicinity of the culverts will be temporarily removed and stockpiled nearby. Cofferdams will be installed to dewater the construction site. The Service estimates that no more than 170 linear feet of cofferdams will be used to dewater an area of 1,500 sq.ft., and water removed will be filtered and placed back in Refuge waters adjacent to the project site. Silt fencing or weed-free straw bale rolls will be placed as appropriate around the perimeter of the construction footprint to avoid or minimize the potential for siltation into the salt marsh during construction. Once the box culvert and sluice gate is installed, the stockpiled rip-rap will be repositioned to the area around and in front of the culvert to prevent further erosion from wind, wave, or water currents.

Construction is scheduled to commence in the fall of 2014 and is expected to take less than three weeks to complete. Project staging will occur on the gravel shoulder on the south side of Bolsa

Avenue across the street from the work site. Construction will occur after completion of nesting activity by the Belding's savannah sparrow and after California least tern foraging in the vicinity of the project area has ended. Given the timing of project construction and the water quality protections incorporated into the project, the Commission staff **agrees** that the proposed Bolsa Levee culvert replacement on the Seal Beach NWR will not adversely affect coastal resources. The project will protect wetland and endangered species habitat created in 1990 as mitigation for port landfill construction impacts. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Lester", with a stylized flourish at the end.

(for)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District

CALIFORNIA COASTAL COMMISSION

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



July 16, 2014

Captain L.R. Vasquez
Naval Base Ventura County
ATTN: Chris Stathos
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Subject: Negative Determination ND-0021-14 (Transfer of Point Mugu Navy Housing to a Public/Private Venture, Naval Base Ventura County)

Dear Captain Vasquez:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Navy proposes to transfer ownership of 226 Military Family Housing (MFH) units on 54.2 acres of land within the Anacapa, Santa Cruz, and San Miguel neighborhoods on Naval Base Ventura County (NBVC) Point Mugu to a Public/Private Venture (PPV) entity. The Navy would grant a ground lease and transfer the ownership of the improvements to a PPV entity for a period not to exceed 50 years. The PPV entity would own, operate, and maintain the MFH units but would also demolish up to 190 units that are not needed to meet the housing requirements of NBVC Point Mugu. Minor renovations would be performed by the PPV entity to the remaining homes, and recreational amenities may be constructed where existing homes will be demolished.

The PPV entity will obtain and implement a storm water pollution prevention plan to ensure that construction activities will not adversely affect water quality in wetlands and coastal waters adjacent to NBVC Point Mugu. The project area is within a U.S. Navy facility where public access is not available due to military security restrictions and therefore the proposed lease, demolition, and renovations will not affect public access in this area. In 2006 the Executive Director concurred with negative determinations for four similar PPV entity housing projects at other naval facilities in California. The Commission staff **agrees** that the proposed project at NBVC Point Mugu will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

(for) CHARLES LESTER
Executive Director

cc: CCC – South Central Coast District

CALIFORNIA COASTAL COMMISSION

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



July 18, 2014

C. E. Sund
Department of the Navy
Commanding Officer
Naval Base Coronado
Box 357033
San Diego, CA 92135-7033

Attn: Chris Stathos

Re: **ND-0022-14** Navy Negative Determination, Attachment of Floating Docks to Pier 21,
Naval Amphibious Base, Coronado

Dear Mr. Sund:

The Commission staff has reviewed the above-referenced negative determination for the proposed addition of a concrete floating dock system to Pier 21 at the Naval Amphibious Base (NAB) in Coronado. The project involves the installation of (a) a 12 ft wide by 330 ft long (3960 square foot) floating pier adjacent to the existing pier, (b) a gangway over the existing pier fenders to provide access to the floating portion, and (c) 15 new structural piles needed to support and secure the floating dock. The addition of a floating dock section is needed in order to retrofit the pier to accommodate a new vessel type, the MK-VI Patrol Boat, which the Navy has begun to deploy. The concrete floating dock would be lifted into the water by a crane and towed into place adjacent to the existing pier. The concrete structural piles would be installed using a hammer pile-driver. Construction would last up to two months, including approximately two weeks during which pile driving would occur.

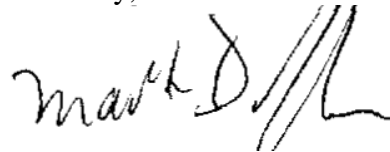
The proposed action is similar to those covered by previous negative declarations for floating pier components and upgrades at Naval Base Point Loma (e.g., ND-0219-13), and falls within the definition of pier modification and extension outlined in ND-0001-14, *Navy Negative Determination, Extension of General Consistency Determination for Periodic Replacement of U.S. Navy Piers and Shoreline Structures, San Diego, Ventura County and San Clemente Island*, with which the Commission concurred on January 27, 2014, except that the proposed 3960 square foot addition to Pier 21 is greater than 10% of the size of the existing pier (~14,000 square feet). Accordingly, the Navy determined that ND-0001-14 did not apply to this project. Nonetheless, the potential environmental effects of the project, and the appropriate avoidance and mitigation measures, are similar to those contemplated in ND-0001-14 and the previous *General Consistency Determination for Periodic Replacement of Navy Piers and Shoreline Structures* (CD-070-98).

The proposed project would not affect public access; the area is and will continue to be restricted for military security reasons. The proposed project does not include in-water dredging, and would implement best management practices to protect water quality. Previous bottom surveys

have not shown the presence of eelgrass beds or other sensitive seafloor habitat in the project area, and the Navy would undertake additional pre- and post-construction surveys to update this information and to monitor for project impacts to eelgrass. Should loss of eelgrass habitat occur, it would be mitigated for through the Navy's Eelgrass Mitigation Bank Management Plan. The construction period has been scheduled to avoid the least tern nesting season. Pile driving included in the project has the potential to adversely affect sea turtles and marine mammals. However, these species are expected to occur within the project area only infrequently, to avoid the area during pile driving operations. Furthermore, the Navy proposes to use a cushion block to reduce noise during pile driving, employ observers to monitor the marine environment, and would not begin or would cease pile driving operations if a sea turtle or marine mammal moves within site of the project area. The Navy has consulted with the National Marine Fisheries Service, which has concurred that the proposed project is not likely to adversely affect the green sea turtle provided that these avoidance and minimization measures are implemented. Thus, adverse effects on sensitive species would be minimal.

In conclusion, the Commission staff **agrees** with the Navy's determination that the proposed project would 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 regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester", written over a white background.

(for) CHARLES LESTER
Executive Director

cc: CCC San Diego District Office
U.S. Army Corps of Engineers, San Diego Field Office

CALIFORNIA COASTAL COMMISSION

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



July 31, 2014

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

Subject: Negative Determination ND-0023-14 (Stinson Beach Flood Damage Repair, Marin Co.)

Dear Mr. Dean:

The Coastal Commission staff has reviewed the above-referenced negative determination for flood damage repair on National Park Service (NPS) property at Stinson Beach. High intensity rainfall in early February 2014 caused Easkoot Creek to overtop its banks, and combined with the intentional breaching of a sediment detention basin by Marin County Flood Control on February 9, NPS parklands were flooded and significant damage occurred to NPS infrastructure, pedestrian pathways, and the North Parking Lot at Stinson Beach.

As a result, the NPS proposes to place engineered fill in the erosion scarp that developed at the southwest corner of the North Parking Lot, repair damaged sections of the parking lot, recreate and revegetate the sand dune at the erosion scarp, create a vegetated swale to direct flood flows off the parking lot through the dunes to a new beach discharge location, and permanently relocate a beach access pathway from the erosion scarp area approximately 200 feet southward to a site designated by the NPS and used by the public since the February 9 flood event. Materials excavated from the new swale will be used to fill the erosion scarp, which will be revegetated consistent with the adjacent dunes. Water quality will be improved by capturing storm water runoff from the parking lot and directing it into the vegetated swale before it is discharged onto the beach. The NPS will implement best management practices during all construction activities, which are scheduled to occur later this summer.

In conclusion, the Commission staff **agrees** that the proposed flood damage repairs will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

(for) CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

CALIFORNIA COASTAL COMMISSION

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



July 29, 2014

Rob Ricker, Ph.D.
Regional Manager, SW Region
Assessment & Restoration Division
Office of Response and Restoration, NOAA
1410 Neotomas Ave, Suite 110
Santa Rosa, CA 95405

Re: **ND-0026-14**, NOAA Negative Determination, Fluorescein Dye Oil Spill Simulation, off Platform Gail, and other exercises off Vandenberg Air Force Base, Santa Barbara County

Dear Mr. Ricker:

The Coastal Commission staff has reviewed the above-referenced negative determination, described further in the attached letter from you to Elizabeth Petras at NMFS, dated July 28, 2014. The Coastal Commission staff **agrees** with your conclusion that the exercise as described therein would not adversely affect coastal zone resources.

In addition, under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity “which is the same as or similar to activities for which consistency determinations have been prepared in the past.” We **agree** that the proposed activities are the same as or similar to previous negative determinations for Coast Guard fluorescein dye exercises (e.g., ND-0010-14, ND-018-11) with which we have concurred.

We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact me at (415) 904-5289, or Jonathan Bishop, Oil Spill Program Coordinator, at (415) 904-5247 if you have any questions regarding this matter.

Sincerely,

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

(for) CHARLES LESTER
Executive Director

Attachment

cc: Jonathan Bishop, Santa Cruz Office

Elizabeth Petras
NOAA NMFS
501 West Ocean Blvd, Suite 4200
Long beach CA, 90802

28 July 2014

Dear Elizabeth:

In accordance with the Federal Coastal Zone Management Act of 1972, Section 307 © (1) and 15 CFR Section 930.35, the National Oceanic and Atmospheric Administration (NOAA), Office of Response and Restoration (ORR), Assessment and Restoration Division (ARD) has determined that the proposed fluorescein dye mixture deployment and Unmanned Aerial Systems (UAS) in the area described and depicted below on Aug 4, 2014 will not effect and coastal use or resource.

Project Description

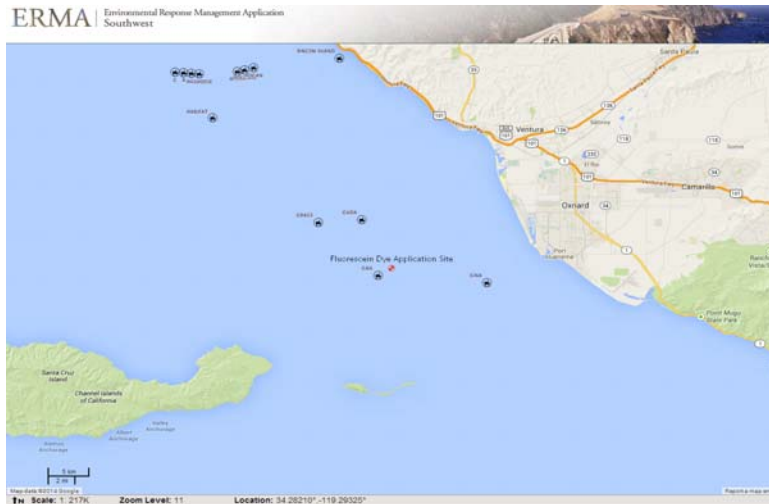
NOAA in conjunction with California Fish and Wildlife and Chevron propose to conduct an exercise in which fluorescein dye mixture is deployed to simulate surface oil. The purpose of this exercise is to simulate an oil spill and assess the ability of an Unmanned Aerial System (UAS) to locate and characterize the footprint of the simulated oil. We intend to record the location and movement of simulated oil via video, photo and GPS for aiding work on future natural resource damage assessments and spill responses. The UAS will also be flown over the shoreline of the Vandenberg Air Force Base to identify real and placed targets. There will be 2 types of placed targets in use. The first will consist of rubber mats that have white rectangles on them that will allow us to determine the resolution of the photographs being taken. The second type of placed targets will be artificial targets made to mimic dead birds. The real targets will consist of locations where various species are known to inhabit along the shoreline. The UAS system will be flown over them and pictures and video will be taken to assess the ability to identify wildlife. Our overall goal is to show that a UAS could be used in remote areas to collect evidence of oil exposure to surrounding marine life and their habitats for the purposes of conducting a Natural Recourses Damage Assessment (NRDA).

During the week of Aug 4 – 8, 2014 NOAA will be flying a Puma UAS in the area bounded by the following coordinates and as depicted by the highlighted orange area in the map near the Channel Islands.

Latitude (DD MM)	Longitude (DDD MM)
A 34 13	N 120 00 W
B 34 13	N 119 25 W
C 34 07	N 119 23 W
D 34 05	N 119 21 W



The fluorescein dye will be administered in this area in the waters 1 mile south of oil platform Gail at coordinates 34 07 N 119 23 W



The fluorescein dye mixture would consist approximately of 3 gallons of dye per 100 gallons of freshwater and 500 gallons of seawater. The dye will color the sea water and act as a target for the UAS to locate and photograph and video.

The UAS system that will be used is a RQ-20A Puma AE manufactured by AeroVironment. The PUMA UAS will be deployed for approximately 3.5 hours above the ocean surface. The PUMA system is fixed wing with a propulsion system that produces little to no sound.

Public Access

The proposed exercise is a water dependent activity which involves the use of a boat and a UAS system. The proposed exercise and deployment of dye is in open waters approximately 1 mile south of oil platform Gail and approximately 8 miles from the closest shoreline away from public access points to the Ocean and therefore would not have any effect on the ability of the public to have access to beach areas, fishing piers, public boat launches or any other ocean use related activities. The dye mixture deployment will only take place when the area is considered clear of boating traffic.

Recreation

The proposed exercise location is approximately X miles from the closest shoreline, away from public access points and popular water-oriented recreational activities, therefore, would not have any effect on the recreational activities. The rowed boats, small sailboats, and small recreational motorized boats normally stay near shore and would not venture to or near the proposed location. The dye mixture deployment and freshwater dispersant will only take place when the target area is considered clear of boating traffic.

Marine Environment

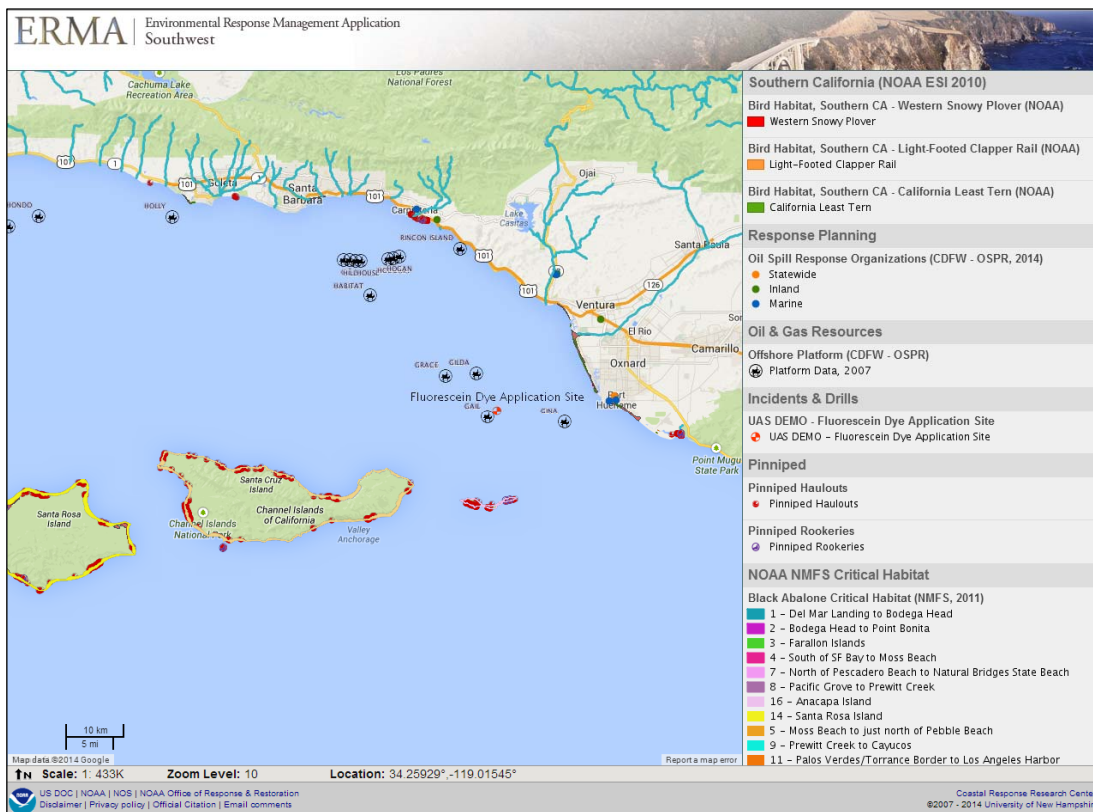
The purpose of this exercise is to simulate an oil spill and assess the ability of an Unmanned Aerial System (UAS) to locate the simulated oil and record its location via video, photo and GPS. Our goal is to show that a UAS could be used in remote areas to collect evidence of oil exposure to surrounding marine life and their habitats for the purposes of conducting a Natural Resources Damage Assessment (NRDA). There are 2 main areas where the PUMA system will be flying for this exercise the first as depicted above where the fluorescein dye application will occur. The second area is along the Vandenberg Air Force Base shoreline.

Area 1. Species of significance known to be present during the time of flight and fluorescein dye use include:

Birds – Ashy Storm-Petrel, Cassin’s Auklet

Marine Mammals – Blue Whale, Fin Whale, Humpback Whale, North Pacific Right Whale, Sperm Whale

For a full listing of species presence and life stages please refer to the ESI report enclosed.

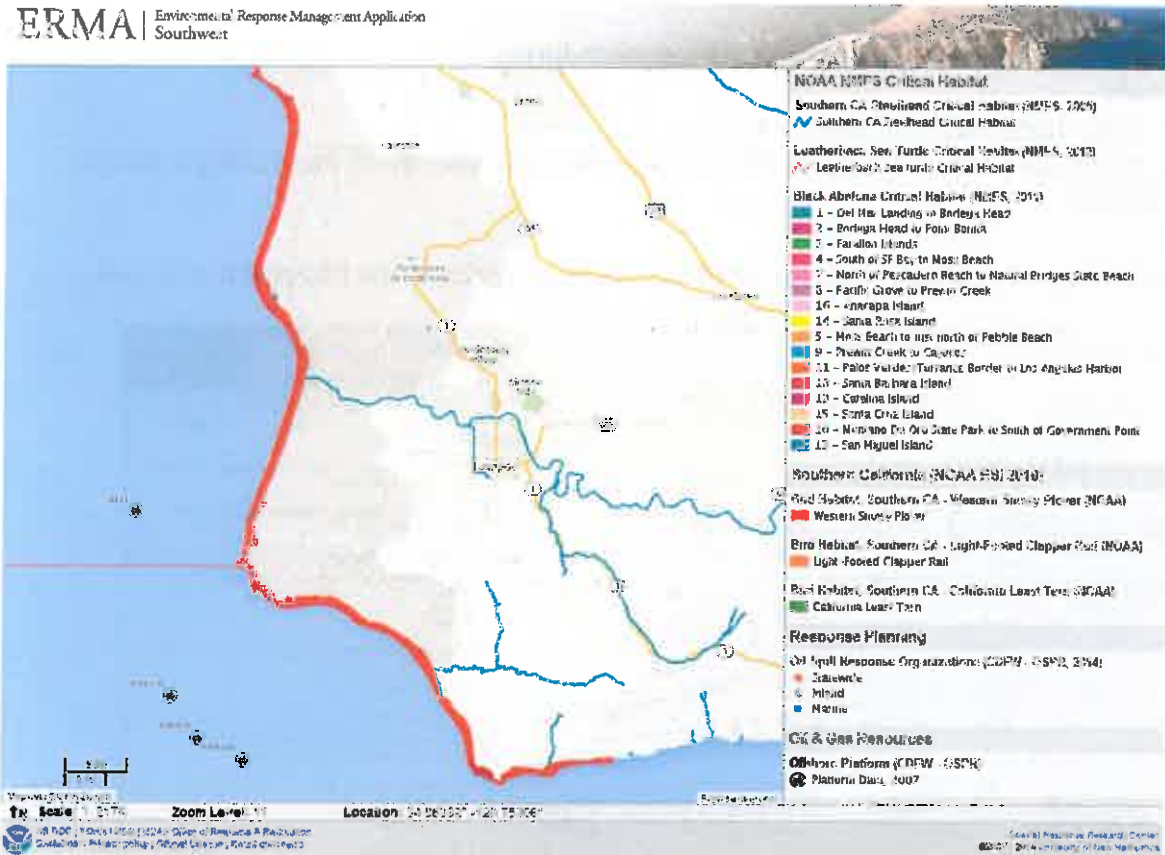


Area 2.

Species of significance known to be present during the time of flight and fluorescein dye use include:

Birds - Brown pelican, California least tern, Marbled murrelet, Western snowy plover
 Fish - Steelhead Tidewater goby
 Marine Mammals - Blue whale, Fin whale, Humpback whale, Sea otter and Stellar sea lions
 Invertebrates - Black abalone

Black abalone, Leatherback turtle and Steelhead Critical Habitat as designated under the Endangered Species Act is present throughout the area of flight as well as many Pinniped Haulouts and Rookeries as depicted in the map below.
 For a full listing of species presence and life stages please refer to the ESI report enclosed.



We request your review in hopes of receiving a negative determination to allow us to proceed with the exercise. If there are any questions please contact me at (707) 570-1760 or (240) 460-6473.

Sincerely, *Rob Ricker*

Rob Ricker, Ph.D.
 Regional Manager, SW Region
 Assessment & Restoration Division, Office of Response and Restoration, NOAA
 1410 Neotomas Ave, Suite 110, Santa Rosa, CA 95405
 Office (707) 570-1760 Cell (240) 460-6473 email: rob.ricker@noaa.gov