

**CALIFORNIA COASTAL COMMISSION**

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

**W 10****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT****FOR THE****MARCH 11, 2015 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO: Commissioners and Interested Parties**

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

**DE MINIMIS WAIVERS**

APPLICANT	PROJECT	LOCATION
<b>9-15-0162-W</b> Southern California Edison Company	Install an independent cooling system known as a "Spent Fuel Pool Island" (SFPI) to replace the existing once-through cooling system at SONGS Units 2&3.	San Onofre Nuclear Generating Station (SONGS) San Diego County
<b>9-15-0216-W</b> Bay Area Water Trucks	Withdraw an average of approximately 2500 gallons (one truckload) of seawater per day from the Harbor for a seawater-energy research project being conducted by the Palo Alto Research Center.	Pillar Point Harbor San Mateo County

**NEGATIVE DETERMINATIONS**

APPLICANT	PROJECT	LOCATION
<b>ND-0052-14</b> Navy	Repair/Relocation of Miramar Pipeline Action: <b>Concur, 2/19/2015</b>	Naval Base Point Loma San Diego
<b>ND-0002-15</b> National Park Service	Argentine Ant Management Action: <b>Concur, 3/2/2015</b>	Santa Cruz Island Santa Barbara County



<b>ND-0003-15</b> Federal Aviation Administration	Runway Safety Improvements Action: <b>Concur, 2/19/2015</b>	Los Angeles International Airport, Los Angeles County
<b>ND-0006-15</b> Marine Corps	Construction of Three (3) Cottages Action: <b>Concur, 2/27/2015</b>	Del Mar Boat Basin, Marine Corps Base Camp Pendleton San Diego County

## CALIFORNIA COASTAL COMMISSION

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



## NOTICE OF COASTAL DEVELOPMENT PERMIT DE MINIMIS WAIVER

**DATE:** February 26, 2015 **PERMIT NO. 9-15-0162-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(s):** Southern California Edison Company  
1218 South 5th Ave.  
Monrovia, CA 91016

**Project Background:** Southern California Edison Company (SCE) proposes to install an independent cooling system to serve the existing spent fuel pools at Units 2 and 3 of the San Onofre Nuclear Generating Station (SONGS), near Camp Pendleton, in San Diego County. The cooling system, known as a “spent fuel pool island” (SFPI), would replace the existing once-through-cooling system, which draws seawater from the Pacific Ocean to cool spent nuclear fuel submerged in large pools inside the SONGS spent fuel handling buildings. The proposed project represents a preliminary step in the decommissioning of SONGS Units 2 and 3, and would provide an alternate system for dissipating heat from the spent nuclear fuel while eliminating the plant’s use of ocean cooling water, consistent with the State of California’s Once-Through Cooling Water Policy.<sup>1</sup>

SCE permanently ceased operation of SONGS Units 2 and 3 in June 2013 and has begun the process of plant decommissioning. Prior to initiating formal decommissioning activities, which include the decontamination and dismantling of major structures (e.g., generating units and containment buildings, spent fuel pools and buildings, cooling water intake and discharge conduits, etc.), SCE must undertake several preliminary projects to enable decommissioning to proceed.

---

<sup>1</sup> Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling, effective Oct. 1, 2010. [http://www.waterboards.ca.gov/water\\_issues/programs/ocean/cwa316/policy.shtml](http://www.waterboards.ca.gov/water_issues/programs/ocean/cwa316/policy.shtml)

The proposed SFPI project would enable the future decommissioning of the Units 2 and 3 seawater intake structures, and provide a stable interim system for spent fuel cooling until the fuel can be transferred to dry cask storage. An independent spent fuel storage installation (ISFSI), approved by the Coastal Commission in 2001 (CDP# E-00-014), exists on the SONGS site. SCE is separately applying for a CDP for a new ISFSI to accommodate all the nuclear fuel currently stored in the spent fuel pools.

**Federal pre-emption:** The Nuclear Regulatory Commission has exclusive jurisdiction over radiological aspects of the proposed project. The state is preempted from imposing upon operators of nuclear facilities any regulatory requirements concerning radiation hazards and nuclear safety. The state may, however, impose requirements related to other issues. The U.S. Supreme Court, in *Pacific Gas and Electric Company v. State Energy Commission*, 461 U.S. 190, 103 S.Ct. 1713 (1983), held that the federal government has preempted the entire field of “radiological safety aspects involved in the construction and operation of a nuclear plant, but that the states retain their traditional responsibility in the field of regulating electrical utilities for determining questions of need, reliability, costs, and other related state concerns.” The facility’s current and proposed possession, handling, storage, and transportation of spent nuclear fuel are therefore precluded from state regulation. The Coastal Commission findings herein address only those state concerns related to conformity to applicable policies of the Coastal Act, and do not evaluate or condition the proposed project with respect to nuclear safety or radiological issues.

**Project Description:** The SFPI cooling system consists of several components that would be installed in and around the existing spent fuel pool buildings within the SONGS protected area:

- Four 200-ton heat capacity chillers (19 ft L x 8 ft W x 8.5 ft H);
- Two shipping containers (20 ft L x 8 ft W x 8.5 ft H) housing four water pumps and piping necessary to circulate water through the spent fuel pools and chillers;
- Approximately 100 feet of pre-fabricated stainless steel piping to connect the spent fuel pools to the chillers (50% to be installed within the existing spent fuel buildings).

The chillers would be secured on reinforced concrete pads, the installation of which may require a minor amount of excavation in order to create a stable foundation. Excavated material would be repurposed onsite or disposed of at an offsite location.

The SFPI cooling system would use recirculated water, drawn from the plant’s demineralized water tank, to transfer heat from the spent fuel pools to the newly-installed chillers, which would dissipate the heat to the atmosphere. This closed-loop system would replace the existing once-through cooling system and eliminate the need for seawater intake and subsequent discharge.

The SFPI system is proposed to be installed beginning on March 20, 2015, and to be placed in service in May 2015.

**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 Chapter 3 policies of the Coastal Act:

- Marine Resources and Water Quality: Installation of the SFPI system would replace the existing once-through cooling system, reducing or eliminating impacts to marine organisms from entrainment and the discharge of used cooling water. The closed-loop SFPI system would also avoid new discharges to the ocean. During construction and possible excavation, site-specific best management practices would be used to control dust and loose soil, and to contain any potential runoff within the working area. All storm drains will be covered to prevent construction runoff and sediment from entering the system.
- Sensitive Habitats and Species: The proposed project would occur entirely within developed areas of the SONGS site, distant from any sensitive habitats or species.
- Visual Resources: The project site is situated at an elevation below that of the public roads inland of SONGS. The proposed structures and equipment would be installed inside or adjacent to larger existing buildings in a heavily industrialized area. Thus, the project would not block views to or along the coast or alter the visual character of the SONGS site.
- Public Access: The SFPI system would be located within the SONGS perimeter. No loss of coastal access would occur.

**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 March 11 – 13, 2015, in Chula Vista. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER  
Executive Director

By:



JOSEPH STREET  
Environmental Scientist  
Energy, Ocean Resources & Federal Consistency Division

**CALIFORNIA COASTAL COMMISSION**

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

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER – DE MINIMIS****DATE:** March 6, 2015**PERMIT NO:** 9-15-0216-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:** Bay Area Water Trucks, Inc.**Project Location:** At Pillar Point Harbor, County of San Mateo.

**Project Description:** Bay Area Water Trucks proposes to withdraw seawater from the Harbor to support a seawater-energy research project being conducted by the Palo Alto Research Center (PARC). The water withdrawals would fill one 2500-gallon truckload per day for up to five days a week (Monday through Friday) for up to eight weeks, for a maximum of 100,000 gallons. The trucks would access the water from an existing parking lot within the Harbor, and would pump the water using a hose with a 12-square foot, 3/32-inch mesh screen.

**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 Life:** The seawater withdrawal would be through an intake sized and screened to prevent the entrainment of marine life larger than 3/32-inch and at a rate below 0.5 feet per second, which is expected to prevent impingement of sea life against the screen. The withdrawals would entrain planktonic organisms smaller than the screen mesh size; however, the concentration of organisms and the limited water withdrawal volumes at this location are expected to represent no more than a *de minimus* impact on marine life.
- **Water Quality / Spill Prevention and Response:** The trucks will remain “in the dry” on a parking lot with the Harbor and will not require fueling while pumping; therefore, there is little chance for a spill or release that would adversely affect water quality within the Harbor.
- **Visual Resources:** The presence of a single truck each day in the waterside parking area will be subservient to other ongoing use in the area by vehicles and boats.

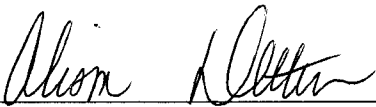
*March 6, 2015*

*Page 2 of 2*

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of March 11-13, 2015, in Chula Vista. 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

**CALIFORNIA COASTAL COMMISSION**

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



# W10

**DATE:** March 4, 2015

**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-0052-14
APPLICANT:	Navy
LOCATION:	Naval Base Point Loma, San Diego
PROJECT:	Repair/Relocation of Miramar Pipeline
ACTION:	Concur
ACTION DATE:	2/19/2015

PROJECT #:	ND-0002-15
APPLICANT:	National Park Service
LOCATION:	Santa Cruz Island, Santa Barbara Co.
PROJECT:	Argentine Ant Management
ACTION:	Concur
ACTION DATE:	3/2/2015

PROJECT #:	ND-0003-15
APPLICANT:	Federal Aviation Administration
LOCATION:	Los Angeles International Airport, Los Angeles Co.
PROJECT:	Runway Safety Improvements
ACTION:	Concur
ACTION DATE:	2/19/2015



PROJECT #:	ND-0006-15
APPLICANT:	Marine Corps
LOCATION:	Del Mar Boat Basin, Marine Corps Base Camp Pendleton, San Diego Co.
PROJECT:	Construction of 3 cottages
ACTION:	Concur
ACTION DATE:	2/27/2015

**CALIFORNIA COASTAL COMMISSION**

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



February 19, 2015

C.C. Koster  
Naval Base Point Loma  
140 Sylvester Road  
San Diego, CA 92106-3521

Subject: Negative Determination ND-0052-14 (Miramar Pipeline Repair and Relocation, Naval Base Point Loma and City of San Diego, San Diego County)

Dear Mr. Koster:

The Coastal Commission staff has reviewed the above-referenced project. The Navy proposes to repair and relocate a portion of the Miramar Fuel Pipeline which runs underground from Naval Base Point Loma (NBPL) northeastward to Marine Corps Air Station Miramar (MCASM). The 17-mile-long, eight-inch-diameter pipeline was constructed in 1954 within City of San Diego easements granted to the Navy and passes beneath developed areas and semi-natural habitat areas. The purpose of the project is to relocate, repair, upgrade, or replace portions of the existing pipeline in the first five miles originating from NBPL to remove dents, corrosion, and metal loss to minimize potential future leaks, and to address seismic geohazards to ensure long-term safety and reliability of the pipeline. This project is the final phase of a larger effort to upgrade the entire military fuel transportation and storage system at NBPL. The Commission previously concurred with CD-046-07 for replacement of fuel storage tanks and CD-011-13 for replacement of the fuel pier.

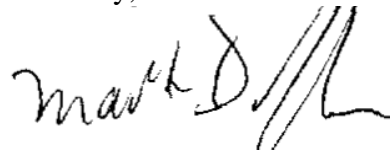
The proposed project is divided into three segments. Segment 1 would relocate a 3.5-mile-long pipeline segment between NBPL and the intersection of Lytton and Rosecrans streets, from the La Playa waterfront area to within the Rosecrans Street right-of-way. The Navy would also close in place the existing pipeline after cleaning and filling it with concrete, and install a remotely activated isolation valve near the corner of Scott and Keats streets. Segment 2 would relocate a 4,600-foot-long segment of pipeline that currently runs north along Camino Del Mar from its intersection with Kurtz Street to the south levee of the San Diego River, turns east to Pacific Highway, and then tunnels underneath the San Diego River. The relocated pipeline would be suspended from the Pacific Highway Bridge across the San Diego River, continue south along Pacific Highway to Rosecrans Street, and run southwest to connect with the existing pipeline via Kurtz Street. Remotely-activated isolation valve stations would be installed on the north side of the San Diego River crossing and near the Kurtz Street and Camino Del Mar intersection. The existing pipeline segment under the San Diego River would be closed in place similar to the first section in the La Playa waterfront area. Segment 3 would install two remotely activated isolation valve stations on the existing pipeline at two locations on either side of the Rose Canyon Fault Zone east of Mission Bay. Installation of the isolation valve stations would limit the amount of

fuel that would escape from the pipeline in the event of a fracture or damage from a natural or man-made event.

Construction activities will temporarily affect traffic on local streets that provide access to public recreation areas on San Diego Bay and Point Loma. Traffic control plans will be implemented, and will include detour routes and prohibiting construction at night and on weekends and holidays. Temporary closure of portions of the Bayside Trail in the La Playa waterfront area will be required while the existing pipeline is prepared for closure. Pipeline access pits (four square feet in area) would be excavated approximately every 1,500 feet along the trail to access the pipeline so that concrete can be pumped into the pipeline. The Navy will restore the trail to current conditions upon completion of pipeline closure. Construction best management practices will be implemented during pipeline relocation and connection work to avoid and minimize the potential for accidental releases of fuel and associated adverse effects on marine and terrestrial habitats. Relocating the fuel pipeline away from San Diego Bay and the San Diego River and installation of remotely-activated isolation valve stations will provide increased protection of sensitive habitats, wildlife, and water quality. The Navy will implement an archaeological monitoring protocol for the ground disturbing phases of the project, consistent with the requirements of Section 106 of the National Historic Preservation Act, and including a monitoring and discovery plan and procedures to follow should archaeological resources be discovered.

In conclusion, the Commission staff **agrees** that the proposed Miramar Pipeline Repair and Relocation Project at Naval Base Point Loma and in the City of San Diego will not adversely affect coastal zone 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. L.", is written over the printed name of Charles Lester.

(for) CHARLES LESTER  
Executive Director

cc: Deb McKay, U.S. Navy Region Southwest  
CCC – San Diego Coast District  
Myra Herrmann, City of San Diego

**CALIFORNIA COASTAL COMMISSION**

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



March 2, 2015

Russell E. Galipeau Jr.  
Superintendent  
Channel Islands National Park  
Attn: Kathryn Faulkner  
1901 Spinnaker Drive  
Ventura, California 93001

Re: **ND-0002-15**, National Park Service, Argentine Ant Management, Santa Cruz Island,  
Santa Barbara Co.

Dear Supt. Galipeau:

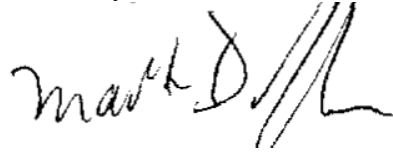
The Coastal Commission staff has reviewed the above-referenced National Park Service (NPS) negative determination for the management of non-native Argentine ants on Santa Cruz Island. Argentine ants adversely affect the native invertebrate community through direct predation, competition, interference, and egg predation, and native ants are particularly vulnerable and are largely eliminated in the presence of Argentine ants. These invasive ants were initially discovered in two locations on the island in 1996; they have since invaded two additional locations and increased the size of each colony. The objectives of the project are to prevent additional introduction or human-assisted spread of Argentine ants on Santa Cruz Island, and to eliminate current infestations.

The NPS (as well as the Nature Conservancy, which owns the western  $\frac{3}{4}$  of the island) has worked with University researchers, non-profit organizations, and government staff to develop and test methods for Argentine ant control on Santa Cruz Island. The NPS proposes to treat a 1200 acre area (which includes a 50 meter buffer zone beyond detections of Argentine ants), using a solution developed in field trials, consisting of a dilute mix of thiamethoxam in a sugar solution absorbed in polyacrylamide beads. The field tests have shown this solution is effective at significantly suppressing and possibly eliminating Argentine ant populations, with minimal non-target impacts.

Four areas would be treated. In "difficult" terrain, the solution would be applied aurally from a helicopter hopper. In sensitive areas (including near streams), application would be by ground deployment. Argentine ant monitoring would continue for up to 10 years after the treatments, and if remnant ant nests are found, they would be spot-treated.

We **agree** with your conclusions that the proposed would benefit native habitat and 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 of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

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

(for) CHARLES LESTER  
Executive Director

cc: Ventura 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



February 19, 2015

David Kessler, AICP  
Regional Environmental Protection Specialist  
Airports Division  
Federal Aviation Administration  
P.O. Box 92007  
Los Angeles, CA 90009-2007

Subject: Negative Determination ND-0003-15 (Relocation and Replacement of Approach Lighting System for Runway 6R at Los Angeles International Airport, Los Angeles County)

Dear Mr. Kessler:

The Coastal Commission staff has reviewed the above-referenced project. The Federal Aviation Administration (FAA) is improving the Runway Safety Area (RSA) for Runway 6R-24L, the inboard runway on the north side of Los Angeles International Airport (LAX). These RSA improvements and design standards are mandated by *The Transportation, Treasury, Housing and Urban Development, The Judiciary, The District of Columbia, and Independent Agencies Appropriations Act, 2006* (Public Law 109-115). The subject negative determination covers the relocation and replacement of those parts of the federally owned and operated Approach Lighting System (ALS) for Runway 6R (the runway designation for west-to-east approaches on Runway 6R-24L) which are located in the coastal zone within the El Segundo Dunes area of LAX. Other elements of the ALS relocation for Runway 6R and the other RSA improvements for Runway 6R-24L at LAX are located inland of the coastal zone and are not included in this negative determination.

In order to lengthen the Runway 6R RSA to meet FAA design standards, LAX is relocating the west end of Runway 6R approximately 420 feet east of its current location. It is not possible to extend the RSA westward from the west end of Runway 6R due to the immediate proximity of Pershing Drive at the west end of the runway and the El Segundo Blue Butterfly Habitat Preserve located immediately west of Pershing Drive.<sup>1</sup> Due to the eastward relocation of the runway endpoint, the FAA must relocate three of its Runway 6R ALS towers, which are located every 200 feet beginning from the end of the runway to a point approximately 2,500 feet west of the runway endpoint in the El Segundo Dunes.

The FAA proposes to deactivate and remove the two westerly ALS towers from the dunes and to relocate the "1000-foot light bar" (supported by three separate towers) to a location immediately east of Pershing Drive (outside the coast zone). The project also includes replacement of the

---

<sup>1</sup> The eastern boundary of the coastal zone in this area is the eastern right-of-way of Pershing Drive.

remaining seven ALS towers in the coastal zone with new towers as the existing structures have reached the end of their design life. The FAA will excavate and remove the existing concrete pads which support the two westerly ALS towers that will be deactivated, and excavate and remove the northern and southern concrete pads which currently support the “1000-foot light bar.” The central pad will be retained in order to support a new single-pole ALS tower at this location. The nine existing ALS stations in the coastal zone are sited on concrete pads that total 555 sq.ft. The proposed relocation and upgrade project would remove from the dunes four concrete pads totaling 253.4 sq.ft. Minor excavation next to the concrete pads to be removed will be undertaken to disconnect buried electrical and communication lines to each of the tower stations. The replacement ALS towers will be installed on the existing concrete pads at the seven ALS stations. The project includes the installation of upgraded power and communication cables to the replacement ALS towers, using directional boring equipment rather than trenching to minimize ground disturbance between stations. Existing gravel and paved service roads which provide access to and connect each of the ALS stations will be used by construction personnel for construction access and staging.

The project area is located in the northern end of the approximate 300-acre El Segundo Dunes, an environmentally sensitive habitat area (ESHA), and the four eastern-most ALS towers are located within the extreme northern corner of the 203-acre dunes Habitat Restoration Area, the area occupied by the federally endangered El Segundo blue butterfly. However, in August 2014 the FAA undertook field surveys of the project area and confirmed that coast buckwheat – the host plant for the El Segundo blue butterfly – is not present in the vicinity of the nine subject ALS towers. The nearest coast buckwheat plants are located 300-500 feet south of the existing ALS stations and service road, and no coast buckwheat was observed north of the ALS stations. The FAA concluded that the proposed project would not affect any federally listed species or designated critical habitat in the El Segundo Dunes. Only scattered vegetation exists at, adjacent to, and between the ALS stations and when present is comprised of iceplant and other ornamental and non-native plants. All temporarily disturbed areas will be restored to pre-project conditions.

In November 2004 the Commission concurred with consistency determination CD-062-04 from the FAA for proposed reconfiguration of runway navigation aids in the El Segundo Dunes. That project was necessary due to a proposed realignment of runways and taxiways on the north side of LAX by Los Angeles World Airports. In its concurrence the Commission found that:

*[Coastal Act] Section 30240(a) . . . states that within environmentally sensitive habitat areas, “only uses dependent on those resources shall be allowed within those areas.” The FAA constructed the existing navigation aids located in the El Segundo Dunes between 1975 and 1977, and the Commission did not begin conducting federal consistency reviews until November 1978. As a result, no analysis occurred for consistency with the Section 30240(a) allowable use policy for the installation of the original navigation aids. Currently, however, the El Segundo Dunes is designated as an environmentally sensitive habitat and the proposed reconfiguration of the existing navigation aids is not a type of land use or development that is dependent on these coastal dune resources. The proposed installation of the new navigation aids and associated roads is therefore not consistent with the allowable*

*use test of Section 30240(a) of the Coastal Act. As a result, the FAA is asserting that the proposed project is consistent to “the maximum extent practicable” with Section 30240(a).*

The Commission then noted that Section 930.32 of the Coastal Zone Management Act federal consistency regulations state that federal activities must be fully consistent with state coastal management programs unless:

*. . . compliance is prohibited based upon the requirements of existing law applicable to the Federal agency’s operations. If a Federal agency asserts that compliance with the management program is prohibited, it must clearly describe to the State agency the statutory provisions, legislative history, or other legal authority which limits the Federal agency’s discretion to comply with the provisions of the management program.*

The findings for CD-062-04 further stated that the Commission reviewed the references to federal statute, regulations, and FAA advisories provided by the FAA to support the agency’s assertion that full compliance with Section 30240(a) of the Coastal Act is prohibited by the requirements of existing law applicable to the FAA. The Commission concluded that there was a basis in the federal statutes that compelled LAWA to comply with the FAA advisories and standards for the design of runways and taxiways at LAX, in particular, FAA Advisory Circular 150/5300-13, Airport Design. The proposed realignment of the two runways in the north airfield at LAX would consequently mandate the reconfiguration of the existing navigation aids in the El Segundo Dunes that support flight operations on those runways. The Commission also determined that the FAA designed the reconfiguration project to minimize effects on environmentally sensitive habitat and would implement a habitat restoration plan to restore and enhance coastal dune habitat prior to the start of project construction.

The Commission concluded in its concurrence with CD-062-04 that:

*Therefore, given the mandate for LAWA to comply with FAA standards for runway design, the FAA requirement to provide navigation aids for runway operations, a navigation aid reconfiguration plan that minimizes impacts to environmentally sensitive coastal dune habitat, and FAA’s preparation of the El Segundo Dunes Habitat Restoration Plan, the Commission concludes that the proposed project is consistent to the maximum extent practicable with the environmentally sensitive habitat and wetlands policies (Section 30240 and 30233) of the Coastal Act.*

However, the reconfiguration of the north airfield runways at LAX was not implemented and the navigation aids for Runway 6R remained in place.

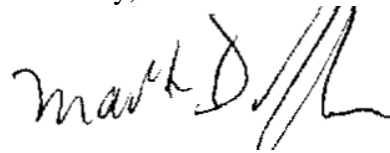
As with CD-062-04, the FAA is asserting that the proposed project is consistent to “the maximum extent practicable” with Section 30240(a). The FAA has cited in its negative determination Public Law 109-115 which mandates that the proposed ALS relocation and replacement for Runway 6R be completed by December 31, 2015. The FAA has designed the proposed project to minimize surface disturbance around the existing ALS stations during



removal and installation activities, to use the existing concrete pads to support the replacement ALS towers, to limit any minor expansion of concrete support pads to the minimum necessary, and to use existing gravel and paved roads to access all construction work areas. The proposed project area does not include any native vegetation, sensitive habitat, or coast buckwheat plants and is separated from this El Segundo blue butterfly host plant by at least 300 feet.

In conclusion, the Commission staff **agrees** that the proposed relocation and replacement of those parts of the LAX Runway 6R Approach Lighting System (ALS) located in the El Segundo Dunes will not adversely affect coastal zone resources. Under the federal consistency regulations (Section 15 CFR 930.35(a)), a negative determination can be submitted for an activity “which is the same or similar to activities for which consistency determinations have been prepared in the past.” The proposed relocation and replacement of ALS towers is similar to a project concurred with by the Commission in CD-062-04 (but which was not constructed by the FAA due to circumstances beyond the agency’s control). However, the proposed project would create significantly reduced impacts to sensitive habitat compared to the previously-approved project, due to its location further to the north, the lack of sensitive habitat in the project area, and the distance between the project area and coast buckwheat plants. While the project will create minor temporary impacts during removal and installation work, the project will also eliminate two ALS stations from the dunes, significantly reduce the size of a third station, and reduce by 47 percent the area of concrete pads in the dunes which support the federally-mandated ALS towers for Runway 6R. 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. L.", with a stylized flourish at the end.

(for) CHARLES LESTER  
Executive Director

cc: CCC – South Coast District  
Evelyn Y. Quintanilla, Los Angeles World Airports

**CALIFORNIA COASTAL COMMISSION**

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



February 27, 2015

W.J. Christensen, Head  
Environmental Planning  
U.S. Marine Corps  
Marine Corps Installations West  
Marine Corps Base Camp Pendleton  
Box 555008  
Camp Pendleton, CA 92055-5010

ATTN: Matthew Lorne

Re: **ND-0006-15**, U.S. Marine Corps Negative Determination, Construction of three cottages, Del Mar Boat Basin, Marine Corps Base Camp Pendleton, San Diego Co.

Dear Mr. Christensen:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of three 984 sq. ft., two-bedroom, cottages at the Del Mar Recreation Beach, next to the Del Mar Boat Basin on Marine Corps Base Camp Pendleton. The cottages would be similar in appearance and scale to adjacent structures for which we previously concurred with a negative determination. The project also includes five ft. high privacy walls in between the proposed cottages (as well as the seven existing cottages discussed in the following paragraph), and the replacement/reestablishment of approximately 480 linear feet of deteriorating (or previously removed) chain link fencing on the perimeter of the site (of the existing and proposed cottages).

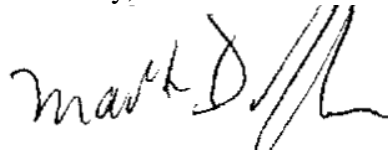
On July 28, 2000, the Commission staff concurred with the Marine Corps' negative determination for the construction, first of 31 duplex rentals adjacent to the project site (replacing 43 previously-existing rental trailers at the site) (ND-048-00). That project was implemented, but only 29 (of the 31) cottages was eventually built. On May 10, 2011, the Commission staff concurred with a subsequent Marine Corps negative determination for a number of recreational facilities on the beach and at the Boat Basin, including ten additional cottages at the Boat Basin (ND-020-11). The Marine Corps eventually built seven of the ten cottages in that area and a building to house maintenance laundry facilities.

The Marine Corps now proposes three additional cottages adjacent to that area (on the south side of the row), so the number of cottages remains the same, but the footprint is being expanded onto a previously disturbed area that once housed a maintenance yard. (We are also including the laundry facility at the north end of the row of cottages to be part of the subject negative determination, as it is not fully clear whether it was

specifically included in the previous negative determinations, and its impacts are no different than those described in the previous determinations.) Similar to those adjacent structures, the proposed cottages would avoid effects on coastal zone resources, as they would be visually compatible with the existing development, would not block public views, would not affect public access or environmentally sensitive habitat, and, with Best Management Practices incorporated, would avoid adverse effects on water quality.

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 cottages (and laundry, privacy walls, and fencing) would be “the same as or similar to” the structures we previously concurred with, and 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 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 D. Lester", with a stylized flourish at the end.

(for) CHARLES LESTER  
Executive Director

cc: San Diego District