

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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**W 12****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

JULY 8, 2015 MEETING OF THE CALIFORNIA COASTAL COMMISSION
TO: Commissioners and Interested Parties
**FROM: Alison Dettmer, Deputy Director
 Energy, Ocean Resources & Federal Consistency**
EMERGENCY PERMIT

APPLICANT	PROJECT	LOCATION
G-9-15-0016 Plains All American Pipeline	Conduct emergency work within the Coastal Commission's permit jurisdiction in response to the May 19, 2015 Refugio Oil Spill.	Offshore and along the shoreline, Santa Barbara County

IMMATERIAL AMENDMENT

APPLICANT	PROJECT	LOCATION
E-89-003-A1 Southern California Edison Company	Temporary installation and operation of a portable desalination unit at Pebbly Beach Generating Station (PBGS) and after-the-fact authorization for upgrades to the reverse osmosis units and an increase in plant capacity to 202,000 gallons per day, completed between 1998 and 2003.	Pebble Beach Generating Station (PBGS), Santa Catalina Island, City of Avalon

DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
9-15-0843-W Ultramar, Inc.	Install a carbon filtering system to remove selenium from wastewater stream at the Wilmington Refinery.	Valero Wilmington Refinery



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0018-15 Department of the Navy	Northwest Training and Testing Activities Action: Concur, 6/15/2015	Offshore Del Norte and Humboldt Counties
ND-0020-15 Department of the Air Force	Construction of Space X Vertical Integration Tower Action: Concur, 6/18/2015	Space Launch Complex SLC-4E, Vandenberg Air Force Base, Santa Barbara County
ND-0022-15 National Oceanic and Atmospheric Association	Modification to previous consistency determination (CD-021-13) to remove 10-acre size limitation for agricultural reservoir modifications to improve fisheries habitats. Action: Concur, 6/15/2015	Northern and Central California
ND-0023-15 Department of the Navy	Installation of Solar Systems Action: Concur, 6/26/2015	Port Hueneme, Naval Base Ventura County



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EMERGENCY COASTAL DEVELOPMENT PERMIT

Date: July 6, 2015

Application No: G-9-15-0016

Applicant: James Buchanan
Plains Pipeline, L.P.
3600 Bowman Court
Bakersfield, CA 93308

On May 19th, 2015 a 24-inch underground pipeline (line 901) ruptured near Refugio State Beach in Santa Barbara County, causing the release of crude oil onto area beaches and into the Pacific Ocean. Line 901 ruptured approximately one hundred yards inland (north) of Highway 101. Oil flowed through natural swales and drainage culverts, under Highway 101 and the Union Pacific Railroad tracks, and eventually across the coastal bluff to the beach and ocean below. The oil spread both east and west from the spill site, impacting beaches in the vicinity and perhaps as far away as Los Angeles, Orange and San Diego counties. The responsible party, Plains All American Pipeline, estimated the total release at 101,000 gallons of crude oil, of which an estimated 21,000 gallons reached the ocean. The investigation into the cause of the pipeline rupture is ongoing.

Emergency response activities are being conducted offshore in the open ocean, as well as at multiple beach and shoreline areas within the Coastal Commission's permit jurisdiction. Assessment and cleanup activities have occurred mostly on stretches of beach between Gaviota and Oxnard, including Refugio and El Capitan State Beaches and within the City of Goleta. Limited response operations were also conducted in Manhattan Beach, in Los Angeles County.

This emergency coastal development permit (E-CDP) only authorizes response activities within the Coastal Commission's original permit jurisdiction (seaward of the Mean High Tide Line (MHTL) and in non-LCP certified areas). This includes the ocean, sandy beach, and areas of the rocky shoreline up to the MHTL. In addition, because the City of Goleta does not have a Coastal Commission certified Local Coastal Program (LCP) all emergency response activities taking place within the Coastal Zone (landward and seaward of the MHTL) of the City of Goleta are included in this E-CDP. Santa Barbara County has permit jurisdiction in areas landward of the MHTL, including inland areas at the spill site, along the coastal bluff top, and on portions of the bluff/cliff face near the spill site.

PROPOSED EMERGENCY DEVELOPMENT

On June 8, 2015, Plains submitted an application to the Coastal Commission for an E-CDP to cover spill-related response activities located within the Coastal Commission's permit jurisdiction. On June 8, 2015, Alison Dettmer, deputy director of the Coastal Commission's Energy, Ocean Resources and Federal Consistency Division verbally authorized the ongoing spill-related activities within the Coastal Commission's permit jurisdiction and informed Plains that a written E-CDP would be forthcoming. Between June 8 and the date of issuance of this written E-CDP, Plains has been developing a variety of spill-related work plans, including cleanup work to be undertaken on Refugio Beach in the Coastal Commission's jurisdiction starting July 5 (an area referred to as Section 5). As part of its request for an E-CDP, Plains has included the work plan for Section 5 (See Exhibit A for a copy of the *Detailed Plan Remediation of Cliff Face Area (Section 5), July 2, 2015*). Plains proposes the following activities be covered in this E-CDP:

Ocean Cleanup

On-water assessment and cleanup activities covering approximately 30 miles of marine waters offshore Santa Barbara County. Activities include skimming crude from the water surface and subsurface and collecting free and floating crude in nearshore waters and kelp beds. Equipment used includes several boats and barges, helicopter (for aerial observation), containment boom, boom deployment equipment, skimmers, and decontamination equipment. Staging and storage for on-water equipment is located at Port Hueneme. The decontamination sites for on-water equipment are at Port Hueneme and Ventura Harbor.

Beach and Shoreline Cleanup

Beach and shoreline assessment and cleanup activities cover approximately 96.5 miles of coastline. Assessment and cleanup activities have occurred on stretches of beach between Gaviota and Oxnard, including Refugio and El Capitan State Beaches and within the City of Goleta. Limited response operations were also conducted in the City of Manhattan Beach. Activities include collection of oiled sand, soil, and vegetation; cleaning/scraping rocks, cobbles, and hardscapes; cobble polishing/washing in the surf zone; placement of protective boom at sensitive sites; assessment and collection of oiled wildlife; and assessment and collection of cultural resources. Equipment used includes roll-off bins for collection of oiled materials, hand labor with buckets, shovels, scrapers, and garbage bags. All-terrain vehicles are to be used in some areas for improved mobility/access along the beach. Staging/storage and decontamination sites used in this area are within the beach parking lots of Refugio and El Capitan State Beaches. Except for response operations in Section 5 (see below), no heavy equipment will be used for beach and shoreline cleanup activities.

Section 5 - Cliff and Bluff Remediation

Section 5 refers to the bluff and cliff face area near the release site. During the release, oil flowed along a narrow blufftop swale, and then over the edge of the bluff along a near vertical bedrock cliff, and along a soil and rock chute leading downslope to the cobble zone at the base of the

bluff. The cobbled shoreline area at the toe of the bluff is within the Coastal Commission's jurisdiction and is subject to the terms and conditions of this E-CDP.

Development activities are planned to remove oiled materials in Section 5. Oily materials are proposed to be removed from the steep slope and bluff lip using a specialized excavator called a spyder excavator. The spyder excavator will crawl up the slope and remove soils and loose rock with its excavator arm and place the material downslope. Oiled material, removed from the slope face and already on the beach, would be loaded into "super sacks" or rock boxes staged on the beach at the base of the bluff. The loading area will be surrounded with sandbags, which will be covered with plastic sheeting and surrounded by absorbent boom as appropriate for secondary containment. The excavated materials would be transferred via helicopter to a nearby staging area. Up to 20 cubic yards of soil/cobble will be excavated from the base of the bluff and will be replaced with appropriate/similar sized material. In addition, a multi-use pathway will be constructed from the top of the coastal bluff to an equipment staging area, and then downward to the beach. The pathway will be restored to pre-project conditions following completion of emergency response activities.

The stained rock surfaces on the bluff face that cannot be safely excavated will be dry ice blasted. Materials generated during blasting will fall and be collected on plastic tarps placed at the base of the slope. Fluids generated during blasting will be contained on the tarps to avoid material potentially entering the ocean. Upon completion of the work shift, the plastic tarps will be gathered and loaded with the excavator into super sacks for transport to the waste staging area.

The Executive Director of the California Coastal Commission hereby finds that:

- a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDP's), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,



ALISON DETTMER
Deputy Director

Cc: United States Coast Guard
United States Environmental Protection Agency

United States Department of Transportation
United States Fish and Wildlife Service
United States Department of Commerce (NOAA)
California Department of Fish and Wildlife (OSPR)
California Office of Emergency Services
County of Santa Barbara Office of Emergency Management
County of Santa Barbara
City of Goleta

Enclosure: Acceptance Form

CONDITIONS OF APPROVAL

1. The enclosed Emergency Coastal Development Permit (E-CDP) Acceptance Form must be signed by the Permittee and returned to the California Coastal Commission's Headquarters Office in San Francisco **within 15 days** of the date of this E-CDP (i.e., by July 21, 2015). This E-CDP is not valid unless and until the acceptance form has been received in the Headquarters Office.
2. Only that emergency development specifically described in this E-CDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this E-CDP must be completed **within 60 days** of the date of this permit (i.e., by September 4, 2015) unless extended for good cause by the Executive Director.
4. The Permittee recognizes that the emergency work is considered temporary and subject to removal unless and until a regular CDP permanently authorizing the work is approved. A regular CDP would be subject to all of the provisions of the Coastal Act and may be conditioned accordingly. **Within 75 days** of the date of this permit (i.e., by September 19, 2015), the Permittee shall submit a complete application for a regular CDP to have the emergency work/development be considered permanent. The deadline in this condition may be extended for good cause by the Executive Director.
5. In exercising this E-CDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. Copies of this E-CDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this E-CDP, and the public review requirements applicable to it, prior to commencement of construction.
7. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., County of Santa Barbara, City of Goleta, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
8. All emergency development shall be limited in scale and scope to that specifically identified in the following materials submitted by the Permittee: 1) *Refugio Incident Comprehensive Response Activities Description Requested by the County of Santa Barbara, City of Goleta, and California Coastal Commission* (date received on June 24, 2015); and 2) *Detailed Plan Remediation of Cliff Face Area (Section 5), July 2, 2015*.
9. All emergency development activities shall occur at a time and in a manner that will avoid or minimize (solely if it cannot be avoided) potential impacts/damages to sensitive coastal resources. Special attention shall be made to avoid and minimize (solely if it cannot be avoided) potential impacts to coastal streams, wetlands, estuaries, bird nesting sites (e.g.,

snowy plovers), and other sensitive habitat areas (e.g., areas with grunion eggs, etc.).

10. The Permittee shall have a qualified Biological Monitor(s), approved by the Executive Director, onsite during all emergency response/development activities to minimize impacts to sensitive beach and shoreline areas. The Biological Monitor(s) shall ensure that emergency cleanup personnel are adhering to sensitive habitat protection measures, as well as address any biological issues that may arise on a day to day basis. During the transit of heavy equipment across the beach, the Biological Monitor(s) shall be consulted on the best routes to avoid impacts to grunion egg areas, tidepools, bedrock exposures and sensitive habitats. The Biological Monitor(s) shall inspect beach and shoreline areas throughout the emergency clean-up/response period to ensure compliance with all sensitive habitat avoidance measures and shall submit to the Executive Director a report with the results of these inspections as part of the Final Report (see Special Condition 15) and submitted as part of the follow-up regular CDP.
11. The Permittee shall have qualified Archaeological Monitor(s) and Native American representative(s), approved by the Executive Director, onsite during all emergency response/development activities in order to minimize (solely if it cannot be avoided) impacts to archaeological/cultural resources. In the event archaeological/cultural remains/artifacts are encountered during response activities, work shall be stopped immediately or redirected until the qualified Archaeological Monitor(s) and Native American representative(s) are consulted and are able to further evaluate the significance of the find. The Archaeological Monitor(s) and Native American representative(s) shall inspect beach and shoreline areas throughout the emergency clean-up/response period to ensure compliance with all archaeological/cultural resource avoidance measures and shall submit to the Executive Director a report with the results of these inspections as part of the Final Report (see Special Condition 15) and submitted as part of the follow-up regular CDP.
12. All emergency construction activities in Section 5 shall limit impacts to coastal resources to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All work shall take place during daylight hours. Lighting of the beach and bluff area is prohibited.
 - b. Construction work and equipment operations shall not be conducted seaward of the mean high tide line (MHTL) unless tidal waters have receded from the authorized work areas.
 - c. To prevent oil or oily material from entering coastal waters, work shall be accomplished only when weather and ocean conditions allow dislodged slope debris and oiled sediment materials to be effectively controlled and fully contained.
 - d. All construction materials and equipment shall be stored beyond the reach of tidal waters and wave attack.
 - e. The spider excavator shall have low-pressure balloon tires. Heavy equipment access to

the worksite shall use the route of least impact. Access shall be timed at low tides to provide the most flexibility in avoiding contact with ocean waters and intertidal areas. When transiting on the beach, all equipment shall avoid contact with grunion eggs, or other sensitive habitat areas. Surface expressions of bedrock and tidepool areas shall be avoided to the maximum extent feasible.

- f. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes), etc.).
 - g. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, decontamination, refueling, and/or servicing shall be done with secondary spill containment measures in place.
 - h. All beach areas and all shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better **within 30 days** of completion of construction.
 - i. All contractors shall insure that work crews are carefully briefed daily on the importance of observing the construction precautions given the sensitive work environment.
 - j. The Permittee shall notify planning staff of the Coastal Commission's Headquarters Office immediately upon completion of construction activities. If Commission staff identifies additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately.
13. All material removed from the beach shall be replaced with materials that are of a similar composition and have similar characteristics as the beach materials that are removed (e.g., size, weight, classification, etc.). Any rocks larger than boulders shall be evaluated individually for replacement. The composition and characteristics of the material removed in each super sack or rock box shall be measured at intervals appropriate to the removal and clean-up process. The weight of each super sack shall also be recorded to be used as a check that sufficient material is being provided in the replacement phase. Material composition information of the removed beach material and the proposed replacement beach material shall be provided to the Executive Director of the Coastal Commission at least 2 working days prior to placement on the beach. The source of the replacement materials shall be pre-approved by the Executive Director of the Coastal Commission prior to use.
14. To minimize disturbance/hazing of shorebirds and other wildlife in the area, helicopter trips should be limited to the least number necessary to adequately remove material from the site. Low altitude air time along the beach shall be minimized and air access to the construction site should be from the ocean towards the beach if feasible.
15. Within 30 days of completion of the construction authorized by this E-CDP, the Permittee shall submit a Final Report identifying all development completed under this emergency authorization. The Final Report shall compare the emergency condition to the post-work condition, and shall include a narrative description, along with photographic evidence, of all

emergency development and restoration activities undertaken pursuant to this emergency authorization.

16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
17. The issuance of this E-CDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.
18. By acceptance of this E-CDP, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this E-CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

If you have any questions about the provisions of this E-CDP, please contact Alison Dettmer, deputy director, at 415-904-5240, or Jonathan Bishop, oil spill coordinator, at 415-904-5247.

**Detailed Plan
Remediation of Cliff Face Area (Section 5)
July 2, 2015**

This plan addresses removal of crude oil and impacted materials in Section 5. This detailed plan supplements an earlier conceptual plan that was approved by Unified Command on June 24, 2015.

1.0 Objectives

The objective is to remove oil and impacted materials based on visual observations to the extent safely possible without destabilizing the cliff face. Planned activities include:

- Removal of oil and impacted soil and rocks;
- Cleaning of surface stained rock exposures; and
- Replacement of oily excavated soil and cobbles at the base of the cliff to the extent safely possible.

2.0 Safety Considerations

The following safety considerations are addressed in the Site Health and Safety Plan:

1. Work Near Ocean - Work will be conducted near the ocean. This will require consideration of tides and wave action with respect to personnel and equipment. As such, an elevation survey was performed to establish a safe work area and to plan for high tide levels.
2. Work Near Cliff Face - Work near the cliff face will require consideration of loose rock and talus as well as slope stability. During excavation work, personnel will be restricted from being downslope of excavation activities.
3. Respiratory Protection - Air monitoring will be conducted to evaluate whether respiratory protection will be required for equipment operators and workers.
4. Uneven Work Surfaces - Sloping and rocky work surfaces create the potential for sliding materials as well as tripping and falling hazards. A marked pathway leading from the coastal bluff to the beach will be established for safe ingress and egress. Following completion of the spill response project, the pathway will be restored as required by California Parks.
5. Lifting Operations - Helicopter lifting operations create the potential for falling objects. Provisions have been made to eliminate the potential of personnel underneath lifted loads by maintaining a safe distance.
6. Specialized Equipment - The use of specialized equipment including spyder excavator, helicopter, and dry ice blasting equipment necessitates specialized operator qualifications and training requirements as detailed in the Site Health and Safety Plan.

3.0 Environmental and Cultural Considerations

The following environmental considerations are accounted for in this plan.

1. Protection of Ocean during Excavation Process – The potential exists for oil or oily materials to enter the ocean. This will be managed through careful handling and staging of excavated materials above the surveyed high tide line, placing of sandbags, and placing adsorbent boom around work areas.
2. Removal of Oiled Soil and Rock in Chute – The spyder excavator will remove oiled loose soil and rocks from the top and place them downslope along the chute. The low-lying area at the base of the chute will be the last area excavated to reduce the potential for slumping from above. This material will be loaded into super sacks or rock boxes from the base of the chute. The loading area will be surrounded with sandbags which will be covered with plastic sheeting and surrounded by absorbent boom as appropriate for secondary containment.
3. Replacement of Excavated Materials from Cliff Base – It is estimated approximately 10 to 20 cubic yards of hydrocarbon affected material will be removed from the base of the cliff. This material will be replaced with materials of similar size and composition. The source of the materials will be pre-approved by the Coastal Commission, California State Parks, as well as cultural and archeological specialists prior to use. Based on the California Certified Engineering Geologist's (CEG) professional observations during the course of excavation, it may be determined to be necessary to supplement backfill with a boulder buttress structure or similar to promote long term slope stability.
4. Protection of Unanticipated Archaeological or Cultural Site – To ensure recognition and appropriate treatment of potential unanticipated archaeological, cultural or historical discoveries, a Chumash Cultural Specialist and an archaeologist will inspect the excavation area prior to start of excavation and will observe excavations in progress (in compliance with safety restraints).
5. Potential for Long Term Oil Seepage – An approximate 1 foot deep trench was completed within cobble at the base of the chute in early June. That trench contained no mobile oil. A sorbent boom was placed in that trench over a period of several hours and absorbed no oil. Subsequently, repeated field observations have noted the absence of visible hydrocarbon seepage into that cobble. Based on these observations, it appears unlikely that future seepage would come from fractures in the bed rock to a degree to warrant the installation of a longer-term collection device. To evaluate this potential further, visual observations will be made by a California Professional Geologist (PG) and CEG during excavation. For this scope of work, the plan is to backfill immediately upon completion of the work for slope stability safety. If subsequent monitoring identifies the need for further action with respect to oil seepage, alternatives would be considered and recommendations would be presented to the stakeholders at that time (see *Monitoring of Section 5* below). These recommendations would be reviewed and considered by the Stakeholders before any actions would be taken.

6. Erosion Controls – Drainage from Section 4 will be engineered by a California Professional Engineer (PE) to minimize flow over unconsolidated materials to reduce the potential for erosion. In addition to the activities described herein for Section 5, plans are being developed separately for site inspections as part of Section 4 restoration activities.

4.0 Detailed Excavation and Cleaning Procedures

Initial Preparations

1. Waste Staging Area – The waste staging area will be established in an existing California State Parks maintenance area on the coastal bluff located approximately 2,500 feet east of Section 5. Prior to the preparation for use, the staging area will be surveyed by an archaeologist and inspected by a Chumash Cultural Specialist. The area will be prepared by moving existing stockpiled soils to an offsite location to be determined by Plains. Following completion of the work, the waste staging area will be restored as required by California State Parks. Roll-off boxes will be staged in a designated area outside of the helicopter super-sack drop zone. For dust mitigation, the staging area will be sprayed with water periodically, as appropriate.
2. Staging of Backfill Materials – Backfill will be staged near the waste staging area to enable back hauling with the helicopter for backfill of excavated materials. The source of the materials will be pre-approved by the Coastal Commission and State Parks as well as cultural and archaeological specialists.
3. Access Pathway for Personnel - A multiuse pathway will be designated leading from Section 4 on the coastal bluff to an equipment staging area, and then downward to the beach. Prior to use of the path, an archaeologist will survey the route and staging area for archaeological materials and a Chumash Cultural Specialist will inspect the areas. Following completion of the spill response, the pathway will be restored as required by California State Parks.
4. Helicopter Flight Readiness – The pilot and ground support crew will establish a landing and fueling area, radio communications protocols, flight plan, lifting and dropping procedures (including ground support at excavation and waste staging area). The helicopter has a maximum lift capacity of over 8,000 lbs. Each super-sack will weigh no more than 4,000 lbs.
5. Mobilize Excavation Equipment - The spyder excavator, super sacks, and adsorbent boom materials will be mobilized to the base of the cliff face. The spyder excavator will be transported by driving along the beach at low tide. The spyder excavator will be parked high above the tide line at the end of each work period to protect it from tides and waves. While mobilizing along beach, an archaeologist and a Chumash Cultural Specialist will accompany the crew to ensure protection of the seawall. The remaining lightweight materials will be transported manually down the designed pathway.
6. Dry Ice Blasting Operations - Dry ice blasting equipment and ancillary supplies (i.e. dry ice and plastic tarps) will be staged in a suitable location to be ready for use. An

attachment for connecting the dry ice blast nozzle to the excavator bucket will be prefabricated to provide an alternative to manual use of the spray nozzle.

Excavation of Oil and Oil Impacted Material

1. Excavation Safety Procedures – Excavation will be conducted in a manner to reduce the risk of slope instability through staging of materials at the toe of the chute prior to removal.
2. Excavate from Top to Bottom – The spyder excavator, operator and support crew will begin the process of excavating material from the top of chute (including the “lip” area at the base of Section 4 if deemed safe by the Certified Engineering Geologist) downward. The material will be consolidated at the toe of the chute prior to loading material into super sacks.
3. Containment - Work areas at the base of the chute will be surrounded with sand bags and adsorbent boom and other adsorbent materials as appropriate to reduce the potential for oil or oil impacted materials to enter the ocean. A surplus of adsorbent boom and materials will be maintained onsite for use as may be needed.
4. Filling Sacks – When ready for removal, the material stockpiled against the toe of the chute will be transferred to super sacks. The sacks will be filled within a contained area within reach of the excavator for subsequent removal by helicopter.
5. Endpoints - Oil and impacted materials will be removed until visually clean to the extent safely possible without destabilizing the cliff face. It is recognized that some staining may remain in place. Decisions regarding the extent of excavations will be made by a CEG and PG. Field notes and photographs will be taken to document the remedial work and the basis for decisions that are made.

Transportation of Super Sacks

1. Lifting Sacks - Lift super sacks (approximate 0.5 to 1.0 cubic yard capacity) via a hook on cable with the helicopter and transport the sacks to the staging area.
2. Depositing Sacks - Deposit sacks in the staging area for subsequent loading into roll off boxes for transportation to a disposal facility.

Dry Ice Blasting

1. Catchment Tarps - Set up plastic tarps at base of slope and weigh down with cobbles.
2. Blasting Operation – Operate valve and direct spray from nozzle towards stains on cliff face (via hand where safe or using a bucket-affixed attachment in elevated areas). Consistent with the prior use of this equipment during this spill response, care will be taken to contain the waste on tarps to prevent material entering the ocean. Tarps have been used in other areas of the spill response clean up and have been successful in containing waste materials.

3. Waste Management - Upon completion of a work shift, gather up plastic tarps and load with excavator into super sacks for transport to the waste staging area.

Backfill Operation

1. Import Backfill - Haul in backfill in super sacks (approximately 10 to 20 cubic yards) from staging area via helicopter.
2. Staging of Backfill - Backfill material may be staged adjacent to the backfill area prior to use or directly deposited into the backfill area for subsequent grading.
3. Placement of Backfill - Backfill materials will be replaced in a manner to match the existing grade to the extent practical for long term slope stability. It is possible that the California Certified Engineering Geologist (CEG) will determine that a boulder buttress structure or similar will also be required to promote long term slope stability.

5.0 Future Containment Considerations

1. Planned Monitoring - Observations will be made during and after excavation activities to evaluate the potential for future ongoing oil seepage.
2. Potential Future Action - If monitoring identifies the need for further action with respect to oil seepage, alternatives would be considered and recommendations would be presented to the stakeholders at that time. These recommendations would be reviewed and considered by the Stakeholders before any actions would be taken.
3. Design Considerations - If a containment device were deemed to be warranted, a conceptual design would be developed by a CEG and PG and presented to the Stakeholders. It is understood that placement of any such structure is of special concern to the Coastal Commission. The desire of all Stakeholders is to avoid such a device unless deemed strictly necessary to prevent oil discharge into the ocean.

6.0 Erosion Controls

1. Drainage from Section 4 will be engineered by a California Professional Engineer (PE) to minimize flow over unconsolidated materials to reduce the potential for erosion.

7.0 Monitoring of Section 5 Area

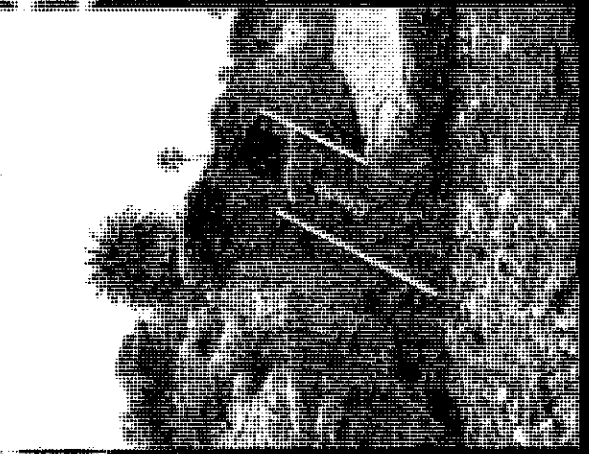
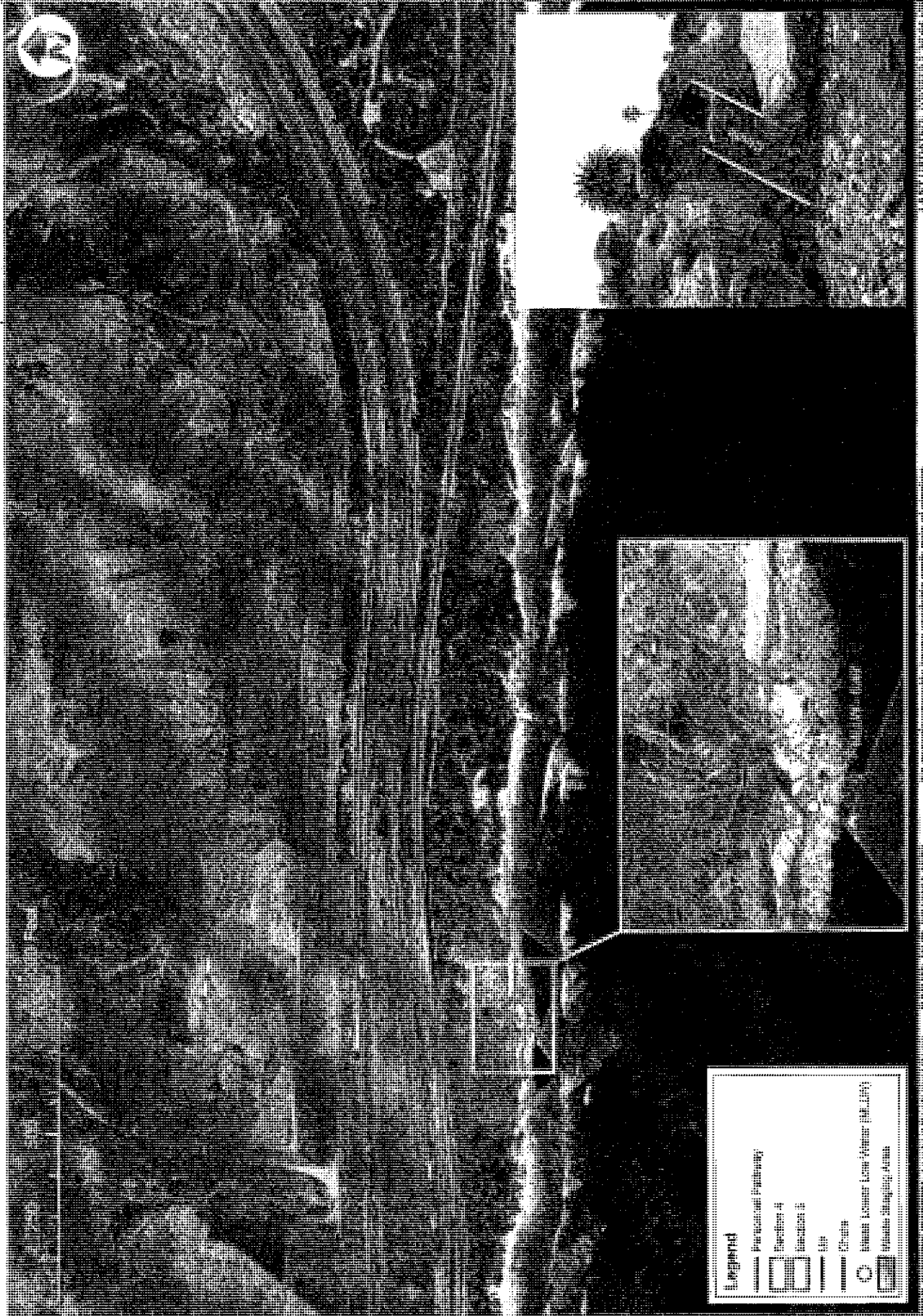
1. Monitoring - It will be necessary to monitor the Section 5 work area after the work is completed to evaluate whether any changes occur that would necessitate a remobilization of personnel or equipment. A monitoring plan will be developed separately describing site access, schedules, and documentation protocols. That plan will include a proposed monitoring schedule (frequency and duration) for consideration by the Stakeholders.

2. Schedule – With the understanding that the monitoring schedule may need to be extended based on actual observed site conditions in the future, the proposed schedule for inspection and associated reporting is as follows:
 - Weekly inspections and reporting for one month.
 - Monthly inspection and reporting for one year.
 - Inspections and reporting after significant rainfall and storms events over a one year period.
 - It is understood that site conditions could be such that extended monitoring beyond one year is warranted and the Monitoring Plan will establish a rationale for determining the monitoring schedule.
3. Contingency Plan – A contingency plan will be developed for remobilization after spill response efforts are complete should it be warranted to prevent discharge of oil into the ocean.

Project: 107122
 Client: Public All American
 City: Berkeley, CA
 County: Contra Costa



Cliff Face Remediation (Section 5)
 Refuge Treatment



Legend

- Parcel Boundary
- Section 4
- Section 5
- UP
- CRASH
- Mean Lower Low Water (MLLW)
- Wetland Mapping Area

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **E-89-003-A1**

June 26, 2015

To: All Interested Parties

From: Charles Lester, Executive Director

Subject: Permit No. **E-89-003** granted to **Southern California Edison Co.** for: Installation and operation of a 132,000 gallon per day reverse osmosis desalination plant with two seawater wells, a piping system, and associated facilities to produce drinking water for approved residential development.

Project Site: 1 PEBBLY BEACH ROAD, AVALON, CA 90704

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

- (1) Temporary installation and operation of a portable desalination unit at Pebbly Beach Generating Station (PBGS), located on the leeward side of Santa Catalina Island approximately one mile east southeast of the downtown and residential area of the City of Avalon;
- (2) After-the-fact authorization for upgrades to the reverse osmosis units and an increase in plant capacity to 202,000 gallons per day, completed between 1998 and 2003.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing.

Background

The existing desalination plant, owned and operated by Southern California Edison (SCE) on a site adjacent to the PBGS, was authorized by the Commission in CDP No. E-89-003 in September of 1989. Construction was completed in 1990. The plant was built in order to supplement the limited fresh water supply on the island, particularly during shortages, and currently provides drinking water to the City of Avalon. The approved capacity of the desalination facility was 132,000 gallons per day (GPD) of fresh water, based on a seawater intake of approximately 530,000 GPD from two wells located on the PBGS grounds. Though the plant efficiency was expected to vary, SCE

Notice of Proposed Immaterial Permit Amendment

E-89-003-A1

estimated that a production rate of 132,000 GPD would result in discharge to the ocean of approximately 353,000 GPD of brine via an existing outfall structure located within the shoreline rip rap fronting the PBGS site.

After an extended period of disuse during the 1990s, when a series of wet winters bolstered the island water supply and eliminated the need for desalinated water, SCE restarted the plant in 2003. In preparation for restarting the plant, SCE made changes to the originally-permitted development. In 1998-1999, SCE made several upgrades to the plant, including the replacement of the original reverse osmosis (RO) membranes with newer, more efficient membranes. In 2002-2003, SCE installed two new seawater wells approximately one mile from the desalination plant to replace the existing wells, which were discovered to have been contaminated with benzene and MTBE. The new, more efficient RO membranes, along with the new wells, allowed for a higher potential pumping rate and an increased fresh water production output, effectively increasing the plant's capacity to 202,000 GPD. The Commission authorized the construction of the new supply wells (and associated water line and electrical equipment) under CDP waiver No. 5-02-155-W. However, the project approved under this waiver did not include any increase in the capacity of the desalination plant, and the Commission staff is not aware of any prior Coastal Commission authorization for the physical and operational changes (including the 1998-1999 installation of new RO membranes), which enabled an increase in the production capacity and potential discharge volume of the facility.

Commission staff has advised SCE that these changes meet the definition of development under Coastal Act Section 30106, and require after-the-fact authorization from the Commission. SCE disagrees with the staff position, and has stated that after-the-fact authorization is not warranted because the work conducted consisted of either operations and maintenance or permitted activities. However, in light of the urgency of the water situation on Catalina Island (see below), SCE has agreed to include a request for after-the-fact approval of the 1998-1999 activities and the resulting increase in plant capacity as part of the current proposal.

Project Need

Due to the severe statewide drought, water service on Catalina Island is currently restricted, and SCE, pursuant to California Public Utilities Commission (CPUC) mandated water tariffs, has implemented increasingly strict measures for reducing water use. In August of 2014, in response to dropping water levels in the island's primary reservoir, SCE activated "Stage 2" mandatory conservation and rationing, which includes a 25% water use reduction requirement for all customers. SCE projects that "Stage 3" restrictions, including a mandatory 50% water use reduction, will need to be activated as early as September of 2015.

Project Description

In order to avoid the severe service restrictions required under Stage 3 and Stage 4 rationing, SCE proposes to temporarily install a new, portable reverse osmosis (RO) desalination unit adjacent to the existing plant at PBGS. The proposed unit would further treat the brine discharge of the existing plant in order to extract additional fresh water, avoiding the need to drill additional supply wells or increase seawater intake. Functionally, the new desalination unit would increase the fresh water extraction efficiency of the existing system. Working in tandem with the existing facility, the new system would increase the fresh water production capacity of the plant by approximately 150,000 GPD, to 350,000 GPD. During periods of reduced demand, SCE would also have the option of turning off the older, less efficient existing units and operating the new portable unit independently.

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E-89-003-A1

The major elements of the proposed portable system include the following:

- a 5,000 gallon break tank to pressurize the influent to the new RO unit;
- cartridge filters to purify the influent;
- a portable, containerized RO system;
- carbon dioxide and sodium hypochlorite injection systems (for cleaning);
- calcite filters;
- a storage tank (up to 10,000 gallons) for produced fresh water;
- three 20 hp booster pumps.

The entire project would be placed within the fence line at the PBGS site, at one of two alternate locations. SCE's preferred location, adjacent to the existing desalination plant, would require a minor amount of grading and site preparation in order to install a concrete foundation. The second alternative, located farther from the existing facility near the ocean outfall, is a paved area requiring little site preparation. SCE would use this second, temporary location if permitting or project delays threaten the project timeline, which anticipates the complete installation of the new desalination unit by early September. The system would be moved to the preferred location at a later date, if possible.

SCE proposes to operate the portable reverse osmosis (RO) desalination unit for up to one year after the anticipated date of installation, September 4, 2015. SCE would seek further authorization from the Commission prior to this date if it wishes to extend the system's period of use.

As discussed above, SCE is also seeking after-the-fact authorization for the installation of new RO membranes and associated upgrades carried out in 1998-1999, and for the increase in plant capacity and potential discharge volumes, enabled by the 1998-1999 improvements and the 2002-2003 new well installation.

Analysis

This amendment has been considered "immaterial" for the following reason(s):

Marine Resources & Water Quality

Marine ecosystems, organisms and water quality in the vicinity of the proposed development would be protected and maintained due to (a) the on-going use of sub-surface water intakes, (b) the relatively small amount of brine discharge associated with the project and rapid mixing in the nearshore zone, and (c) effluent limitations imposed by the plant's existing National Pollution Discharge Elimination System (NPDES) Permit, as administered by the Los Angeles Regional Water Quality Control Board.

As discussed previously, the existing desalination plant operates using saline water (seawater naturally intruding into the coastal aquifer) drawn from coastal inland wells. Neither the 1998-1999 work proposed here for after-the-fact authorization, nor the proposed new portable desalination unit, would alter this arrangement. Thus, because the proposed project has depended and would continue to depend on sub-surface intakes, it would not result in the entrainment or impingement of marine organisms.

Discharges of brine from desalination plants have the potential to harm marine ecosystems, and benthic communities in particular, if the brine discharges are not quickly mixed in the nearshore zone and result in the formation of hypersaline (and often oxygen-depleted), negatively-buoyant

Notice of Proposed Immaterial Permit Amendment

E-89-003-A1

plumes. The nearshore environment near the Pebbly Beach outfall is characterized by a high degree of physical mixing, such that the relatively small volumes of brine discharge associated with the Pebbly Beach plant (up to 720,000 GPD, as compared to a large facility discharging tens of millions of gallons per day), are expected to be diluted rapidly. Previous studies conducted near the Pebbly Beach outfall confirm that this is the case, observing that nearshore salinity in the outfall area declines to near the seawater background within a few feet of the edge of the revetment. Biological monitoring has also observed that marine organisms, including kelp, macroinvertebrates and fish, have persisted in close proximity to the outfall. These observations provide evidence that brine discharges, including those associated with prior changes in plant capacity and discharge volume, have not resulted in significant adverse effects. The temporary (1 year) addition of the portable reverse osmosis unit, which would reduce brine discharge volumes (though increasing the brine concentration), would not significantly alter the water mixing regime and salinity within the nearshore zone.

SCE's existing NPDES permit allows for the discharge of up to 720,000 gallons per day of reject brine, salt water bypass and filter backwash from the desalination process, and imposes discharge limits on multiple contaminants and other parameters, including dissolved oxygen, in order to protect coastal water quality. The effluent limitations contained in the NPDES permit take into account the 1998-2003 plant changes proposed here for after-the-fact approval, and would continue to apply to plant discharges after the installation of the new RO unit.

Coastal Access & Visual Resources

The entire project would be located within the fence line of the PBGS, and would not impede coastal access and recreation. The portable desalination unit and associated structures, including the water tanks, would be of similar height to existing structures, would not obstruct coastal views, and would not alter the industrial character of the project site.

Public Services & Growth-Inducing Effects

Water allocations for new development on Catalina Island are based on an estimate of the available water supply, termed the "Safe Annual Yield", prepared by SCE and reviewed and approved by the CPUC. Catalina's Safe Annual Yield has not been revised upward since 1990, and no new water allocations can be fulfilled during periods of Stage 1 – 4 mandatory conservation and rationing, which is expected to continue for at least the next year. Thus, while the new fresh water production capacity enabled by the 1998 – 2003 projects at the Pebbly Beach desalination plant has been used to replace other water sources during times of shortage, it has not increased the Safe Annual Yield and so induced new development with effects on coastal resources. Similarly, the proposed temporary portable desalination unit would not induce new growth during its one-year period of emplacement.

If you have any questions about the proposal or wish to register an objection, please contact Joseph Street at the phone number provided above.

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
PH (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



July 6, 2015

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 9-15-0843-W

Applicant: Ultramar, Inc.

Location: Wilmington Refinery, 2402 East Anaheim St, Wilmington, Los Angeles County

Proposed Development: Install a carbon filtering system to remove selenium from a wastewater stream at its Wilmington Refinery.

Rationale:

Ultramar proposes to construct a new Dissolved Air Flotation (DAF) Unit to remove selenium from the effluent discharged from the refinery's sour water strippers, in accordance with requirements of the Sanitation District of Los Angeles County. The DAF Unit removes selenium by floating the selenium-rich solids to the surface of the effluent and skimming them out of the wastewater. The solids are then either sent offsite for disposal or to the existing coker for further processing. The DAF Unit will take up approximately 400 square feet and will be located in an existing tank farm in the central part of the refinery. The refinery currently operates a Vibratory Shear Enhanced Processing (VSEP) module to remove selenium from the effluent. The proposed system is necessary to ensure Ultramar achieves the required selenium removal rate in the event the VSEP system fails, requires maintenance, or fails to remove a sufficient amount of selenium from the effluent. The Commission approved a similar unit at the Wilmington Refinery in 2012 under de minimus waiver E-12-004-W.

The proposed DAF Unit will not change the type or frequency of industrial activity at this facility. The equipment is to be installed within the boundary of a primarily paved industrial site that is also surrounded by other industrial facilities. There will be no impacts to biological resources of the coastal zone.

Coastal Development Permit De Minimis Waiver

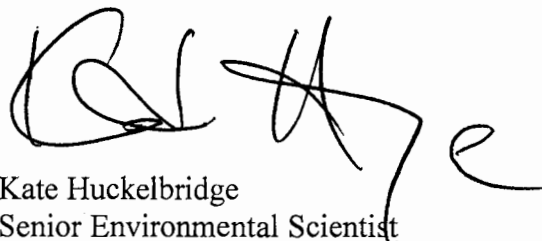
9-15-0843-W

Project construction, which is expected to last for approximately two and a half months, will result in a minor and temporary increase in traffic due to construction vehicles, although this increase is not expected to substantially impact existing traffic in the vicinity of the refinery or interfere with the public's ability to get to the coast. Construction, excavation and soil handling activities will result in a temporary increase in air emissions that will be addressed under SCAQMD's Permit to Construct or will be conducted according to existing SCAQMD rules and approved plans. Potentially contaminated soil will be handled according to Ultramar's interim waste discharge permit for soil management in connection with excavation from the Los Angeles Regional Water Quality Control Board. The Refinery is subject to a Stormwater Pollution Prevention (SWPP) Plan and a Spill Prevention Control and Countermeasures (SPCC) Plan to avoid or minimize impacts to coastal waters and those plans will be implemented for this project. The proposed project will result in minor visual differences to the existing facilities. Since the facility is in an area already heavily dominated by industrial equipment and processes, the addition of this equipment will be visually compatible with the existing character of the area.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director

A handwritten signature in black ink, appearing to read 'K. Huckelbridge', written over the printed name and title.

Kate Huckelbridge
Senior Environmental Scientist

cc: File

CALIFORNIA COASTAL COMMISSION

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

**W12**

DATE: July 2, 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-0018-15
APPLICANT:	Department of the Navy
LOCATION:	Offshore Del Norte and Humboldt Counties
PROJECT:	Northwest Training and Testing Activities
ACTION:	Concur
ACTION DATE:	6/15/2015

PROJECT #:	ND-0020-15
APPLICANT:	Department of the Air Force
LOCATION:	Space Launch Complex SLC-4E, Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Constrution of SpaceX Vertical Integration Tower
ACTION:	Concur
ACTION DATE:	6/18/2015

PROJECT #:	ND-0022-15
APPLICANT:	National Oceanic and Atmospheric Association
LOCATION:	Northern and Central California
PROJECT:	Modification to previous consistency determination (CD- 021-13) to remove 10-acre size limitation for agricultural reservoir modifications to improve fisheries habitats
ACTION:	Concur
ACTION DATE:	6/15/2015

PROJECT #:	ND-0023-15
APPLICANT:	Department of the Navy
LOCATION:	Port Hueneme, Naval Base Ventura County
PROJECT:	Installation of Solar Systems
ACTION:	Concur
ACTION DATE:	6/26/2015

CALIFORNIA COASTAL COMMISSION

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June 15, 2015

L.M. Foster, Director
Environmental Readiness
Department of the Navy
Commander
United States Pacific Fleet
250 Makalapa Dr.
Pearl Harbor, HA 96860-3131

Attn: Kimberly Kler, Gretchen Sosbee

Re: **ND-0018-15**, Navy, Negative Determination, Navy Training Activities, Northwest Training and Testing Activities (NWTT), offshore of northern California

Dear L.M. Foster:

On April 28, 2015, the Commission staff objected to a negative determination the Navy submitted on March 3, 2015, for the California component of its Northwest Training and Testing Activities (NWTT), offshore of northern California (ND-0009-15). The NWTT area extends offshore the states of Washington, Oregon, and northern California (Humboldt and Del Norte Counties). The NWTT activities are typically authorized for five-year periods, and as was the case for the previous five-year period, most of the activities would occur offshore of the state of Washington. The Navy has submitted separate determinations (under the Coastal Zone Management Act) to the states of Washington and Oregon.

The activities off California would take place at least 12 nautical miles (nmi) offshore, and the Navy indicates most would occur approximately 50 nmi offshore. Because the primary Navy assets supplying the training vessels are homeported in Washington, the Navy indicates the only time California offshore waters would be used for training/testing would be when vessels are in transit to and from bases and/or ports to the south.

Despite these limitations on activity locations, our April 28, 2015, objection letter raised concerns over the manner in which the Navy described the extent of the testing and training activities, particularly when compared with the way in which the activities had been described in the Navy's 2009 negative determination (ND-066-09), which we concurred with on December 22, 2009.

The activities as described in 2009 had been narrowly constrained, in terms of the likely extent of activities offshore of California, whereas the March 3, 2015, submittal described the activities in a manner we felt was more ambiguous, such that we had

difficulty determining with any certainty the levels of activities off California, and consequently, the extent of reasonably foreseeable effects on California coastal zone resources.

As our April 28, 2015, letter to you noted, our 2009 administrative concurrence had been based on the Navy's representation that the California offshore activities would be very limited, and which the Navy had summarized (in 2009) as follows:

In summary, the California offshore activities of potential concern would consist of: (1) approximately 16 hours per year of airspace activities off California; (2) up to 1 hour of mid-frequency sonar use per year; (3) tracking by sonobuoys using active and passive sonar; (4), a small number of explosives munitions per year (up to four explosives, less than 1000 lb. each); and (5) surface firing of relatively small caliber munitions. Most of the activities would take place 50 nautical miles (nm) or more offshore, and all would be 12 nm or more offshore.

In its resubmittal and response to our April 28, 2015, objection letter, the Navy has clarified that the range, location, and extent of activities off California would be very similar to those described in 2009 and occur "very infrequently," and that the primary expansions of activities being conducted (such as use of sonobuoys), as described in the Navy's Supplemental Draft EIS/OEIS would not occur off California. This Supplement addressed changes to the types and number of sonobuoys to be used in association with aircraft tracking activities, and air quality effects associated with inland activities proposed in Washington.

The Navy now states:

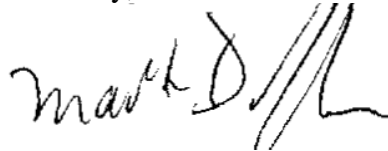
In summary ... the California offshore activities of potential concern would consist of (1) up to 2 surface firing events per year using non-explosive ordnance, (2) up to 1 hour of mid-frequency sonar use per year, (3) approximately 30 hours per year of airspace activities off California, (4) tracking by sonobuoys using active and passive sonar, and (5) less than one percent (1%) of any testing may occur off California.

Finally, upon further questioning by the Commission staff's request, the Navy has also clarified that the sonobuoys use involving active sonar would be limited to no more than a few hours of use per year (i.e., less than 4 hours).

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity that the federal agency determines will not have coastal effects and "which is the same as or similar to activities for which consistency determinations have been prepared in the past." We **agree** that it does not appear reasonably foreseeable that the proposed activities, with the clarifications provided in the Navy's resubmittal, would affect California coastal zone resources, and that they can be considered the same as or similar to the previous 2009 negative determination for Navy Northwest Training activities with which we concurred.

Finally, and as we noted in 2009, our concurrence with this determination is not in any way meant to convey the message that the Commission's concerns over use of mid-frequency sonar have been diminished, as expressed its actions on Navy SOCAL consistency determinations (CD-008-13, and CD-049-08, and CD-086-06). The reason this NWTT matter is being treated administratively is rather due to the fact that the sonar use off California would be limited to only a few hours per year, compared to the over 19,000 hours per year of sonar use off southern California. Thus, while we are agreeing with your determination, please note that we do not intend the Navy to be left with the impression that the Commission has changed its position over the need for additional mitigation measures to protect marine mammals and sea turtles from the effects of mid-frequency sonar (as discussed in detail in the Commission's findings in the above-referenced consistency determinations). We continue to believe additional measures as described in those findings are warranted, and we continue to urge the Navy to implement (and NMFS to require) them. With that understanding, we concur with your negative determination for the NWTT activities 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 horizontal line.

(for) CHARLES LESTER
Executive Director

cc: Arcata District Office
Office for Coastal Management (David Kaiser, Kerry Kehoe)
Washington and Oregon State Coastal Management Programs
National Marine Fisheries Service

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June 18, 2015

Beatrice L. Kephart
Chief, Installation Management Flight
Department of the Air Force
30th Space Wing
ATTN: Samantha Kaisersatt
30 CES/CEI
1028 Iceland Ave.
Vandenberg AFB, CA 93437-6010

Subject: Negative Determination ND-0020-15 (SpaceX Vertical Integration Tower at SLC-4E on Vandenberg Air Force Base, Santa Barbara County)

Dear Ms. Kephart:

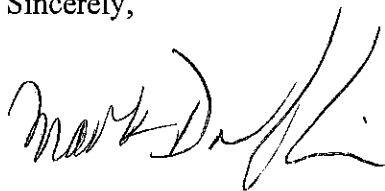
The Coastal Commission staff has reviewed the above-referenced project. The U.S. Air Force and Space Exploration Technologies (SpaceX) propose to construct a vertical integration tower (VIT) for vertical payload installation on launch vehicles supporting Air Force and National Reconnaissance Office operations at Space Launch Complex 4E (SLC-4E) on Vandenberg Air Force Base. Currently, infrastructure at SLC-4E only supports horizontal integration of payloads. The proposed VIT will allow payloads to be placed onto the Falcon 9 or Falcon Heavy launch vehicles while they are in a fully vertical position on the launch pad at SLC-4E. The VIT is a 280-foot-tall main tower with an articulating enclosure that will rotate into position for integrating the payload and protective fairing onto the launch vehicle. The VIT will sit on a 72-foot by 78-foot concrete slab foundation approximately 12 feet deep, and 28 anchors will be drilled through the foundation into the soil to a depth of 40 feet below ground surface to stabilize the VIT. A lightning protection system (LPS) will be installed on top of the VIT to protect launch complex assets during lightning storms. The LPS includes a 130-foot-tall tower installed on top of the VIT and two catenary wires extending from the top of the LPS tower to mounting blocks 420 feet north and 460 feet south of the base of the VIT.

All construction activities will take place within the existing perimeter fence of SLC-4E. No vegetated areas will be disturbed during the construction of the foundation, and excess soil excavated for construction of the concrete foundation will be stockpiled onsite for use on future construction projects. The proposed VIT will be constructed in the same location and to approximately the same height as the Titan IV mobile service tower (MST) at SLC-4E that was demolished in 2012. The VIT would be visible from the shoreline and from Amtrak trains

passing SLC-4E to the west. However, the effect on coastal views will be less than significant and similar to that which existed when the MST was in place.

The Commission staff **agrees** that the proposed vertical integration tower and lightning protection system at SLC-4E will not adversely affect coastal zone resources. Under the federal consistency regulations (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 structure will not generate new adverse impacts on coastal resources not previously examined by the Commission in CD-049-98, ND-088-05, ND-098-05, and ND-055-10 for Air Force and SpaceX facilities and launch activities at SLC-4E. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

CHARLES LESTER
Executive Director

cc: CCC – South Central Coast District

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June 15, 2015

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

Subject: Negative Determination ND-0022-15 (Elimination of 10-acre-foot size restriction for water conservation ponds in CD-021-13)

Dear Mr. Rutten:

The Coastal Commission staff has reviewed the above-referenced proposal by the NOAA Restoration Center (NOAA-RC) to eliminate the 10-acre-foot restriction on the size of ponds and reservoirs for water conservation efforts under the NOAA-RC's consistency determination CD-021-13. The Commission concurred with this consistency determination in May 2013 for habitat improvement projects in the coastal zone of northern and central California. That consistency determination currently states under Project Type 7 (Developing Alternative Stockwater Supply or Off-Channel Storage) that:

Off-channel storage may be created for landowners with appropriate water rights in order to manage the time of year water is taken off of a river/stream, so as to optimally protect habitat.

...

Projects that involve surface diversions will only be considered for existing diversions that are compliant with State and federal water law. Storage reservoirs will not be greater than 10 acre feet in size.

The NOAA-RC has now determined that the size of the pond/reservoir proposed for water conservation purposes is not necessarily a significant factor in determining potential effects on coastal resources, and that the existing ten-acre-foot limit should be eliminated in order to provide the NOAA-RC with greater flexibility to protect instream habitat and fisheries while concurrently supporting agricultural operations in the coastal zone. The subject negative determination would modify CD-021-13 by removing the ten-acre-foot restriction found in Project Type 7. All other provisions in that project type would remain in effect, including the requirement that off-channel storage projects will only be considered for landowners with appropriate water rights and with existing diversions that are compliant with state and federal

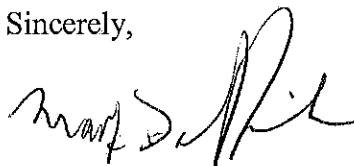
water law. This project type has not and does not authorize any increased surface water diversions for any water conservation or habitat improvement project.

The current ten-acre-foot size restriction was primarily based on the National Marine Fisheries Service (NMFS) 2012 Programmatic Biological Opinion for projects affecting salmonid habitat in Del Norte, Humboldt, and Mendocino counties. However, the NOAA-RC now understands that the issue of pond/reservoir size is addressed by the California State Water Resources Control Board (SWRCB) when it regulates water diversions and allocations under water rights law. Pond and reservoir size are also reviewed and regulated under certain circumstances by the NMFS or the U.S. Fish and Wildlife Service. Habitat improvement and water conservation projects proposed under Project Type 7 of CD-021-13 cannot include any increased surface water diversions over what is currently authorized by the SWRCB. Therefore, any proposed pond/reservoir project would need to document that a sufficient water right/allocation is currently available to justify the proposed project capacity, and that the new or expanded pond/reservoir is not proposed in order to support or justify an application to the SWRCB for an increase in surface water diversion.

The NOAA-RC acknowledges that the construction of a new or the expansion of an existing pond or reservoir for alternative stockwater supply or off-channel storage could potentially affect coastal resources. However, all projects proposed by the NOAA-RC under the provisions of CD-021-13 will incorporate measures designed to protect coastal resources, including coastal waters, streams, wetlands, estuaries, and lakes. In addition, the Commission's Executive Director retains the authority under the provisions of CD-021-13 to review prior to the start of construction all off-channel storage ponds and reservoirs proposed by the NOAA-RC for compliance with CD-021-13. Any such projects that do not fall within the scope of CD-021-13 or that hold the potential to create impacts to coastal resources not anticipated by CD-021-13 will be subject to the Commission's normal federal consistency review process.

The Commission staff **agrees** that there are adequate measures in place to ensure that the proposed elimination of the current ten-acre-foot capacity restriction will not lead to adverse effects on 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,



(for)

CHARLES LETSER
Executive Director

cc: CCC – North Coast, North Central Coast, and Central Coast Districts

CALIFORNIA COASTAL COMMISSION

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



June 26, 2015

C.D. Janke, Captain
Department of the Navy
Commander Navy Region Southwest
Naval Base Ventura County
311 Main Rd., Suite 1
Point Mugu, CA 93042-5033

Attn: Deb McKay

Re: **ND-0023-15**, Navy, Negative Determination, Solar Systems, Naval Base Ventura County, Port Hueneme

Dear Mr. Stathos:

The Navy has submitted a negative determination for the installation of photovoltaic solar systems at the Naval Base Ventura County in Port Hueneme. The Navy is considering 5 sites on the base (Parcels 9, 13, 16, 17 and 18), which total 45.25 acres of land, and the largest of which (Parcel 9), at 28 acres, is a closed landfill (a capped and covered Installation Restoration Program (IRP) site). The remaining four sites are disturbed and unvegetated, and vary from $\frac{3}{4}$ acre to 12.5 acres in size. The Navy anticipates providing up to 10 megawatts (MW) of alternative energy on one or more of the sites.

Parcel 9 is gently mounded, with a swale on the southern end designed to collect rainfall and direct it to an outfall that flows into the municipal stormwater system. Five raised landfill gas vents and settlement markers were incorporated into the landfill cover, which was completed in July 2000. The cover includes a geosynthetic clay liner as the low-permeability layer, a geosynthetic drainage layer to provide subsurface drainage, and a vegetative soil layer (the drainage layer is not included in the storm water detention area). It was designed to accommodate a wide range of future land uses including non-structures, structures, and shallow underground utilities. Any surface improvements to Parcel 9 would need to comply with requirements of the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB), as well as with the Postclosure Maintenance Plan for Site Landfill Final Cover (TetraTech 2004), which outlines and limits construction activities and land uses appropriate for the site. For all the parcels, Best Management Practices would be implemented during construction, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared, and the activities would not adversely affect water quality.

The project has the potential to provide some nesting, foraging, and stopover habitat for migratory birds using the Pacific Flyway. Any effects to migratory birds transiting across the project sites would be minimized by limiting construction activities to daylight hours,

by limiting vegetation removal to the non-breeding season (October through February), and by monitoring and avoiding nests if any vegetation removal must occur during the breeding season. Any active nests found during the survey would be provided with a buffer. No nighttime construction or lighting would occur during the nesting season. If lighting is required for operations, lighting would be set up at the lowest height possible and would be shielded so that it would be directed only toward areas needing illumination.

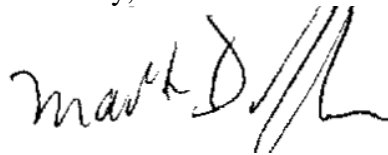
Solar panel operation will be monitored for effects on birds, and if effects occur, the panels will be reconfigured or redesigned to minimize effects. In addition, due to the potential for burrowing owls to occupy the sites (they are not currently found on the sites), the Navy will perform pre-construction monitoring for burrowing owls; if found, they will be avoided. No construction or other disturbance would occur within 200 meters of an active burrow during burrowing owl breeding season.

Only Parcel 9 would be visible from public areas. This parcel is located adjacent to the installation boundary and South Victoria Avenue, and is currently separated from the public area by uniformly spaced shade trees, security fencing, and an on-Base frontage road paralleling the fence line. Immediately adjacent to Parcel 9 is a lot used as open parking for large vehicles, as well as general off-street parking. The Navy has provided visual simulations that show the public view impacts would be minimal.

In conclusion, the solar panels would be located in existing developed areas and where they would not affect scenic public views, public access and recreation, environmentally sensitive habitat, or water quality.

The Commission staff **agrees** with the Navy that, with the commitments described above to protect the integrity of the landfill, water quality, and bird habitats, the proposed project would 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 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", written over a set of three parallel diagonal lines.

(for) CHARLES LESTER
Executive Director

cc: Ventura District Office
DTSC
RWQCB