

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
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# W27

**ENERGY, OCEAN RESOURCES AND FEDERAL  
CONSISTENCY DIVISION****DEPUTY DIRECTOR'S REPORT**

*For the*

*May Meeting of the California Coastal Commission*

May 09, 2016

**TO:** Commissioners and Interested Parties

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

Following is a listing for the waivers, emergency permits, immaterial amendments, extensions and Negative Determinations issued by the Energy, Ocean Resources and Federal Consistency Division for the May 2016 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Energy, Ocean Resources and Federal Consistency Division.

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY  
DIRECTOR'S REPORT CONTINUED**

***REPORT OF DE MINIMIS WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>9-15-2108-W</b> Southern California Edison Company	Install Large Organism Exclusion Device (LOEDs) on each of the Units 2 & 3 primary and auxiliary offshore intake structures.	San Onofre Nuclear Generating Station, Marine Corps Base Camp Pendleton, San Diego County

***REPORT OF IMMATERIAL AMENDMENTS***

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>E-02-005-A4</b> Coast Seafoods Co.	To develop a permanent clam seed nursery by anchoring ten 12-foot-wide by 20-foot-long wood rafts with styrofoam floats to hold clam seed nursery trays and 20-foot-wide by 27-foot-long floating work platform for washing, sorting, counting seed, and related activities within Humboldt Bay.	0.93 Acre Of Public Tidelands Located In Arcata Bay Along The West Side Of The Entrance To Mad River Slough Channel Opposite Bird Island, Approximately 1/2 Mile North Of The Samoa/Hwy 255 Bridges), Humboldt Co.
<b>E-06-003-A2</b> Coast Seafoods Co.	Extend the permit expiration date for six months, from May 24, 2016 to Dec. 1, 2016, pending Coastal Commission's consideration of renewing CDP No. E-06-003.	Intertidal And Subtidal Lands In Humboldt Bay's North Bay And Subtidal Lands In Central Bay

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY  
DIRECTOR'S REPORT CONTINUED**

***NEGATIVE DETERMINATIONS AND NO EFFECT LETTERS***

Administrative Items for Federal Consistency Matters

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p><b>ND-0007-16</b> Corps of Engineers, San Francisco District</p>	<p>2016 annual operation and maintenance dredging of Humboldt Bar and Entrance channels and the North Bay, Eureka, and Samoa channels. A maximum of 2.5 million cubic yards will be dredged with disposal at the Humboldt Open Ocean Disposal Site (HOODS).</p> <p>Action: <b>Concur, 4/29/2016</b></p>	<p>Humboldt Bay Channels, with offshore disposal at HOODS</p>
<p><b>ND-0010-16</b> Department of the Navy</p>	<p>Temporary (one month) installation of portable wind towers at six locations along Monterey Bay shoreline to measure wind speed, temperature, and humidity.</p> <p>Action: <b>Concur, 5/3/2016</b></p>	<p>Del Monte Beach, Marina Beach, Beach South Of Elkhorn Slough, Beach North Of Elkhorn Slough, Sunset Beach, And Manresa Beach, Monterey County And Santa Cruz County</p>
<p><b>ND-0012-16</b> U.S. Forest Service</p>	<p>Installation of photo voltaic solar panel system at USFS Pacific Valley Station, Big Sur, Monterey County</p> <p>Action: <b>Concur, 5/4/2016</b></p>	<p>Pacific Valley Station, Highway 1, Big Sur, Monterey County</p>
<p><b>NE-0004-16</b> Federal Highway Administration</p>	<p>Caltrans Hunter and Panther Creek Bridge Replacements</p> <p>Action: <b>Concur, 4/26/2016</b></p>	<p>Highway 101 At Hunter And Panther Creeks (Tributaries To The Klamath River), North Of The River, Del Norte Co.</p>

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May 2, 2016

## 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:** 9-15-2108-W

**Applicants:** Southern California Edison Company, San Diego Gas & Electric Company, City of Anaheim

**Location:** San Onofre Nuclear Generating Station (SONGS), Camp Pendleton, San Diego County

**Proposed Development:** Install Large Organism Exclusion Devices (LOEDs) on each of the Units 2 & 3 primary and auxiliary offshore intake structures.

**Rationale:** Southern California Edison (SCE), along with its co-participants San Diego Gas & Electric (SDG&E) and the City of Anaheim, proposes to install Large Organism Exclusion Devices (LOEDs) on the offshore intake structures associated with the Units 2 and 3 seawater intake conduits at San Onofre Nuclear Generating Station (SONGS). The LOEDs are necessary in order to comply with the State Water Resources Control Board's Once-Through Cooling Policy (OTC Policy), and to minimize potential impacts to large marine organisms (e.g., California sea lions, green sea turtles, black sea bass, and large white sea bass) from the operation of the intake conduits. The project involves the installation of a total of four LOEDs, on each of the primary and auxiliary intakes structures on the Units 2 and 3 intake conduits.

The LOEDs proposed for use consist of independent structural "nets" composed of one-half to three-quarter inch lines made of a high-strength, non-corrosive synthetic material called Dyneema. The nets will be wrapped tightly around the openings of the existing intake structures, forming a passive barrier to entry into the conduits, and will not require any additional support or the placement of structures on the seafloor. In order to comply with the OTC Policy, the LOEDs will be configured with 9-inch by 9-inch square openings. During installation, the LOEDs would be lowered into the water by a shipboard crane, deployed from a large vessel anchored above the intake structures, and would be put in place by a 10 to 15 member dive team. All work will be performed in the water approximately 15-20 feet above the seafloor. Installation work is expected to begin in July 2016,

**Coastal Development Permit De Minimis Waiver**

9-15-2108-W

and extend no later than September 30, 2016. The LOEDs would receive regular inspection and maintenance over their service life, which is expected to extend through 2035 when the intake conduits are scheduled for decommissioning.

For the following reasons, 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:

- Marine Resources & Water Quality: The project would avoid sensitive seafloor habitats during vessel anchoring and LOED installation work. SCE has conducted benthic habitat surveys of the project area, and would implement a vessel Anchoring Plan which avoids setting anchors in sensitive hard substrate, kelp forest or surfgrass habitats. Debris generated during the pre-installation cleaning of the intake structures would be diverted into the structures themselves to avoid depositing debris on the seafloor surrounding the conduits. As noted above, the installation of the LOEDs would occur on the intake structures and would not involve contact with the seafloor. In order to avoid other adverse impacts to marine resources, SCE would implement a Marine Resources Protection Plan, including monitoring for the presence of marine mammals and sea turtles within 100 meters of active project installation work. If a marine mammal or sea turtle entered this radius, project work would be halted until the animal left the area. In order to protect water quality, SCE would monitor for turbidity plumes during LOED installation work and implement a Vessel Spill Prevention Emergency Plan in order to minimize the potential for spills of contaminants and hazardous materials during vessel operation.
- Visual Resources: The temporary mooring of the project vessel during LOED installation activities would not significantly alter views to and along the coast.
- Public Access: Work will take place within SCE's existing offshore lease for the conduit area, and would result in only temporary restrictions on vessel passage in the immediate work area. All project vessels and diving activities would be appropriately marked, flagged and lighted according to U.S. Coast Guard regulations.

This waiver will not become effective until reported to the Commission at their May 11, 2016 meeting in Newport Beach 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.

Sincerely,

John Ainsworth  
Acting Executive Director



Joseph Street  
Environmental Scientist

cc: File

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## NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **E-02-005-A4**

April 27, 2016

**To:** All Interested Parties

**From:** John Ainsworth, Acting Executive Director

**Subject:** Coastal Development Permit No. **E-02-005** granted to **Coast Seafoods Company** for: installation of ten 12-foot by 20-foot floating clam cultivation rafts in the Mad River Slough section of Arcata Bay. Through amendments to this permit (**E-02-005-A1, E-02-005-A2, and E-02-005-A3**), these rafts were changed from wood to aluminum, their configuration was changed, twenty additional rafts were added and their use period was extended.

**Project Site:** Arcata Bay (northern Humboldt Bay), Humboldt County.

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):

Extension of the permit term for the presence and use of the clam cultivation rafts from May 24, 2016 to December 1, 2016.

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

- The extension of the current permit term would be for only six-months.
- Clam grow-out operations would continue in the current manner and level without increases in the number, size, or age-class of cultivated clams.
- All proposed operations would continue to be carried out consistent with the resource protection measures established through Special Conditions 1 through 9 of the coastal development permit and permit amendments issued to Coast Seafoods Company for the clam rafts. These conditions include provisions regarding the protection of marine wildlife; the collection of marine debris and fouling material during the conduct of maintenance cleaning operations; and the design of seawater intakes to minimize the entrainment and impingement of marine life.

**Notice of Proposed Immaterial Permit Amendment**

E-02-005-A4

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

cc: Commissioners/File

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## NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. E-06-003-A2

April 27, 2016

**To:** All Interested Parties

**From:** John Ainsworth, Acting Executive Director

**Subject:** Coastal Development Permit No. E-06-003 granted to **Coast Seafoods Company** for: off-bottom oyster aquaculture operations on approximately 300 acres in Humboldt Bay. Through an amendment to this permit (E-06-003-A1), cultivation methods were changed from longlines to elevated culture baskets on a portion of these operations.

**Project Site:** Arcata Bay (northern Humboldt Bay), Humboldt County.

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):

Extension of the permit term for off-bottom oyster aquaculture operations from May 24, 2016 to December 1, 2016.

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

- The extension of the permit term would be for only six-months.
- Aquaculture operations would continue in the current manner and level without increases in the planting and harvest areas.
- All proposed operations would continue to be carried out consistent with the resource protection measures established through Special Conditions 1 through 9 of Coastal Development Permit E-06-003 and Special Conditions 9 through 11 of Coastal Development Permit Amendment E-06-003-A1 issued to Coast Seafoods Company for the oyster aquaculture operation. These conditions include provisions regarding the protection of marine wildlife; the location of culture areas; the submittal of annual reports; the implementation of adverse impact avoidance and mitigation measures; and the collection of marine debris and fouling material during the conduct of maintenance cleaning operations.



**Notice of Proposed Immaterial Permit Amendment**

E-06-003-A2

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

cc: Commissioners/File

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April 29, 2016

Jessica Burton Evans  
Acting Chief, Environmental Section B  
San Francisco District  
U.S. Army Corps of Engineers  
ATTN: Roxanne Grillo  
1455 Market Street  
San Francisco, CA 94103-1399

Subject: Negative Determination ND-0007-16 (Maintenance Dredging at Humboldt Bay and Harbor, Humboldt County)

Dear Ms. Evans:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to maintenance dredge up to 2.5 million cubic yards (cu.yds.) of sediment from the Humboldt Bar and Entrance Channel and the North Bay, Eureka, and Samoa channels and associated turning basins. Dredged sediments will be transported to and disposed at the Humboldt Open Ocean Disposal Site (HOODS) located approximately 3.1 miles offshore, and only within the quadrants and cells deemed appropriate by the U.S. Environmental Protection Agency in its authorization to the Corps. Sediments proposed for dredging were analyzed for grain size distribution and chemical and biological characteristics and were found suitable for disposal at HOODS. Maintenance dredging will be undertaken by Corps and/or contracted hopper dredge vessels, and dredging and disposal will occur for up to eight weeks between early May and the end of September 2016. The Corps reports that its highest priority is to dredge the Humboldt Bar and Entrance Channel in May in order to remove sediment which has accumulated over the winter at these locations, resulting in water depths of only 30 feet in places (authorized design depth is 48 feet). The shoaled bar and entrance channel has created dangerous navigation hazards to fishing and cargo vessels entering and leaving Humboldt Bay, with some deep draft cargo vessels no longer able to transit the entrance channel due to inadequate channel depth.

The Commission and its staff have authorized numerous Corps Humboldt Bay spring and fall maintenance dredging projects, including Consistency and Negative Determinations ND-0019-15, ND-004-14, ND-022-13, ND-002-12, ND-007-07, CD-017-06 (a 4-Year authorization), ND-016-06, ND-035-05, ND-029-05, CD-005-04, ND-043-04, CD-045-98 (a 5-Year authorization), ND-024-98, ND-021-98, ND-128-97, ND-017-97, ND-091-96, ND-017-96, ND-061-95, ND-010-95, CD-064-94, CD-005-94, CD-048-93, CD-001-93, CD-089-92, ND-077-92, ND-018-92,

CD-021-91, CD-001-91, and CD-031-90. These projects involved disposal at HOODS (in early years called "IODS"). Authorizations prior to mid-1990 were for disposal at SF-3 (located one mile offshore) and/or a nearshore site, in, as follows: CD-003-90 (SF-3), CD-026-89 (nearshore, south spit), CD-045-88 (nearshore, south spit), CD-031-88 (SF-3), CD-019-88 (SF-3), CD-021-87 (SF-3), CD-005-87 (SF-3), and CD-018-85 (SF-3). SF-3 was designated as an interim site, and its designation expired in December 1988.

Two major concerns were raised in the more recent Commission staff reviews. The first concern is the need to continue to monitor for shoreline erosion, and keep active plans for beach or nearshore disposal of sandy material in the event excess erosion is occurring along the North or South Spits of Humboldt Bay. The Corps funds the Humboldt Shoreline Monitoring Program (HSMP) to monitor the effects (erosion or accretion) of removing sandy material from the littoral environment (including the Humboldt Bar and Entrance Channel) and placing it at HOODS. The HSMP study area includes the shoreline seven miles north of and seven miles south of the Entrance Channel, with reference and baseline stations on the North and South Spits. Monitoring includes aerial photography of the shoreline, analysis of the photographs, and calculations of shoreline movement from baselines and calculations of changes in upper beach volumes. This Corps-funded monitoring has occurred periodically since 1990 and most recently in 2015. In addition, the Corps also funded U.S. Geological Survey LiDAR (Light Detection and Ranging, a remote sensing method that uses light in the form of a pulsed laser to measure variable distances) surveys for the HSMP. While this survey was completed in April 2016 the interpretive results are not yet available.

The Corps report in the subject negative determination that results from the 2011 HSMP surveys suggested a general trend of erosion along the North Spit, accretion along the southern end of the South Spit, and no apparent trend along the remainder of the South Spit. However, results from the 2015 HSMP surveys showed that the trend of erosion along the North Spit reversed from 2011 to 2015, with the upper beach reference line moving seaward by 100 to 200 feet at most stations. However, the 2015 upper beach reference line still remains shoreward of the 1992 upper beach reference line throughout most of the North Spit, which indicates a long-term net erosional trend along the North Spit. The 2015 survey also indicated that on the South Spit there appeared to be widespread seaward movement of the upper beach reference line between 2011 and 2015. The 2015 calculation of upper beach volumes showed an acceleration of accretion along the South Spit since 2011, and a considerable increase in volume on the North Spit since 2011, compared to the reduction in beach volume observed on the North Spit between 2005 and 2011. However, the Corps also notes that this reversal did not recover all the volume of sand lost on the North Spit since 1992, with 2015 volumes along the southern section of the North Spit generally 20 to 30 percent smaller than the 1992 volumes.

The Corps states that:

*The objectives of the Humboldt shoreline monitoring program are to (1) monitor the surrounding shoreline for excessive shoreline retreat, (2) determine the cause of any excessive shoreline retreat, and (3) recommend corrective action should sediment disposal at HOODS be the cause. Objectives (2) and (3) are only initiated if the*

*survey results identify excessive shoreline retreat. Since the 2015 survey results fall within the acceptable limits established by the excessive shoreline retreat criterion, no work has been done to identify the cause(s) of erosion of the North Spit. Therefore, no corrective action is recommended at this time.*

The Corps also states that it will revisit the excessive shoreline retreat criterion before the next monitoring event occurs in order to determine if the acceptable limits established by the criterion remain applicable to the study area, and will continue to:

*. . . put forth its best effort to monitor the shoreline according to the MOU [between the Corps and the Commission]. Moreover, USACE has requested funds to investigate and complete the coordination and environmental compliance effort required to establish a nearshore dredged material beneficial reuse demonstration project within the area perceived to be experiencing shoreline erosion.*

The Commission staff expects that the Corps will address this issue in a consistency determination to be submitted later this year for 2017 maintenance dredging in Humboldt Bay.

The second concern is whether maintenance dredging would entrain longfin smelt, a State-listed threatened species. In our three most recent negative determination concurrences, we urged the Corps to work proactively to address concerns raised by the California Department of Fish and Wildlife (CDFW) over protection of this species. A similar issue was raised over dredging and entrainment of longfin and delta smelt in San Francisco Bay, and while the Commission's authority does not extend to San Francisco Bay, extensive inter-agency coordination (including with the Corps) occurred. These efforts led to studies conducted to test dredge equipment, monitor impacts, and develop avoidance, minimization, and mitigation measures to protect (or mitigate impacts to) longfin and delta smelt.<sup>1</sup>

In our recent Humboldt Bay maintenance dredging concurrences, we urged the Corps to continue its discussions with the CDFW and other resource agencies concerning habitat effects, including longfin smelt monitoring and mitigation efforts in Humboldt Bay. However, the CDFW has continued to express frustration that the Corps has not considered this issue as seriously as it has in San Francisco Bay. In our May 2015 concurrence with ND-0019-15, we referred to the December 2014 CDFW correspondence to the Corps:

*As many of you know, there have been ongoing talks in San Francisco Bay regarding this issue, with mitigation credits purchased for the most recent two years of dredging. Also, per the Draft EIR recently released for comment regarding ACOE dredging in San Francisco Bay, the Regional Water Board determined the Project would have significant project and cumulative impacts to Longfin Smelt from entrainment. Recently, the Department has undergone a review of the existing data*

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<sup>1</sup> Most recently memorialized in the SF RWQCB's tentative order for Reissued Waste Discharge Requirements and Water Quality Certification for: U.S. Army Corps of Engineers, San Francisco District Maintenance Dredging Program, 2015 through 2019.

*related to Longfin Smelt in Humboldt Bay and have found this species to be present year round from the larval through adult stages throughout the Bay, and also present in waters immediately offshore. As such, entrainment of Longfin Smelt is also an issue for ACOE dredging operations here in Humboldt Bay.*

*In San Francisco Bay, the ACOE has agreed to measures that would reduce the impacts to less than significant by: the minimization of the use of hopper dredges, implementation of various minimization measures, and compensatory mitigation. I look forward to similar discussions taking place for the Humboldt Bay area prior to any additional ACOE dredging occurring in Humboldt Bay.*

The Corps agreed to adopt as a part of its Humboldt Bay operations several of the measures being implemented in San Francisco Bay, including (1) lowering the draghead to at least 3 feet from the bottom of the channel prior to turning on pumps; and (2) keeping the draghead water intake doors closed to the maximum extent practicable. The Corps incorporated these measures into its 2015 maintenance dredging operation and will include them in its 2016 operations in order to minimize entrainment and adverse effects on Humboldt Bay fisheries. The Corps believes that using other types of dredges (e.g., mechanical dredge) is not appropriate in Humboldt Bay's offshore wave climate, and that the type of mitigation approach established for San Francisco Bay is also inapplicable in Humboldt Bay.

However, the CDFW and the Corps continue to disagree over the potential effects that maintenance dredging would have on the longfin smelt. The Commission staff believes that more information is needed to resolve this difference of opinion over dredging effects to this species in Humboldt Bay. The Commission staff has previously stated that the Corps should conduct further studies, such as trawl studies, to determine the presence or absence of longfin smelt in the time period and location of areas proposed for dredging, particularly since the Corps knows in advance when, where, and how often such dredging is necessary, and has the ability to build these efforts into its planning and budgeting processes. If studies do in fact detect the species, then further studies such as those performed in San Francisco Bay, which screened for and counted fish being entrained in representative samples of material being dredged, may become necessary. The Commission staff has also consistently informed the Corps (as recently as December 2015) that if this uncertainty over impacts to longfin smelt is not adequately resolved, the Commission staff would no longer concur with negative determinations for Corps maintenance dredging in Humboldt Bay.

Regarding this latter point, the Corps informed the Commission staff on April 1, 2016, that given the current and significant navigation and public safety hazards present in the Humboldt Bay Bar and Entrance Channel, and the need to commence dredging in May 2016 to eliminate these hazards, it would submit a negative determination for 2016 maintenance dredging. However, given the ongoing uncertainty surrounding the longfin smelt issue, the Corps also informed the Commission staff that it will prepare and submit to the Commission in the fall of 2016 a consistency determination for 2017 Humboldt Bay maintenance dredging operations, including measures that it believes will assist in evaluating potential dredging effects on the longfin smelt. The subject negative determination references those measures via a link to the April 18, 2016, National Marine Fisheries Service *Final Biological Opinion and Essential Fish Habitat*

*Consultation (BO/EFH)* pertaining to the proposed 2016 Humboldt Bay maintenance dredging project. The *BO/EFH* states in part that:

*In order to avoid, minimize, and/or offset the adverse effects to EFH, NMFS submits the following EFH conservation recommendations:*

...

*4. The Corps should work with NMFS to develop a surveying and monitoring plan by the end of 2017, using methodology developed for such determinations in other estuaries of the Pacific Northwest, to determine the extent of entrainment of prey species (e.g. Dungeness crab, Northern anchovy, Pacific sardine, Pacific herring) by the Yaquina and Essayons [Corps dredging vessels] in Humboldt Bay, and implement the plan prior to the end of 2018. If the results of the monitoring demonstrate a potential high level of entrainment, the Corps should develop a mitigation plan to minimize and mitigate for the loss of prey species, and work with NMFS to develop a schedule for implementation of the plan prior to 2019 dredging episode.*

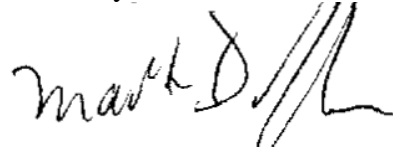
The Corps informed the Commission staff that it believed implementation of this conservation measure would (as a byproduct) likely generate entrainment data for longfin smelt, and that it was committed to funding and implementing this EFH conservation measure. The Commission staff acknowledges this commitment but at the same time informs the Corps that this commitment, and information which demonstrates how the EFH monitoring measure will provide longfin smelt entrainment data, must be a key element of the upcoming consistency determination. The Commission staff also strongly (again) encourages the Corps to directly coordinate with CDFW staff during the preparation of the consistency determination to ensure that the EFH monitoring plan is actually designed to generate byproduct data on longfin smelt entrainment. In addition, and as the Corps is well aware, the Commission staff has previously informed the Corps that if longfin smelt trawl or comparable studies are not adequately undertaken to refute CDFW's assertion that the species is present in Humboldt Bay and adjacent offshore waters, we will assume that the longfin smelt is present in these areas and expect that future Corps dredging operations avoid or minimize to the extent practicable any adverse effects to longfin smelt. The upcoming consistency determination should address this issue, including the possibility of including trawl or comparable studies as an element of the EFH monitoring plan.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." With the above caveats regarding shoreline retreat criterion and evaluation of potential project effects on longfin smelt, we **agree** with your conclusion that the proposed 2016 maintenance dredging project is similar to previously-concurred-with maintenance dredging projects in Humboldt Bay and HOODS, and we **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. As discussed in the previous paragraphs, however, the 2017 Humboldt Bay

Jessica Burton Evans  
U.S. Army Corps of Engineers

maintenance dredging project is not eligible for review under the negative determination process and will be reviewed as a consistency determination. Please contact Larry Simon at (415) 904-5288 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ainsworth". The signature is written in a cursive style with a large, stylized initial "J" and "A".

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – North Coast District  
National Marine Fisheries Service – West Coast Region, Arcata  
California Department of Fish and Wildlife – Northern Region, Eureka

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May 3, 2016

Dr. Jamie MacMahan  
Associate Professor  
Department of Oceanography  
Naval Postgraduate School  
833 Dyer Road  
Bldg. 232, #327C  
Monterey, CA 93943-5122

Subject: Negative Determination ND-0010-16 (Temporary Shoreline Wind Towers, Monterey and Santa Cruz Counties)

Dear Dr. MacMahan:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Naval Postgraduate School (NPS) proposes to install eight portable wind towers at six locations along the Monterey Bay shoreline: Del Monte Beach, Marina Beach, the beach south of Elkhorn Slough entrance channel, the beach north of Elkhorn Slough entrance channel, Sunset Beach, and Manresa Beach. Three towers will be installed at the Del Monte Beach site and one tower at each of the remaining sites. Except for one tower placed at the high-tide line on Del Monte Beach, all the towers will be located on dry sandy beach. The towers will be deployed between May 23 to June 24, 2016, as part of an NPS project to measure wind stress evolution from coastal waters to adjacent uplands.

Each tower is comprised of an expandable, thin, 20-foot-tall pole with three guide wires (with orange flagging to increase visibility and safety) that connect the top of the pole with three legs attached to the pole several feet above its base. Each leg is then anchored to the ground with a 35-pound weight to avoid driving anchors into the substrate. The triangular footprint of each tower is approximately 15 square-feet. The one tower to be placed at the high-tide line on Del Monte Beach will be anchored by water-jetting three 1-inch diameter, 6-foot-long pipes into the sand. A high-frequency wind sensor and a temperature/humidity sensor is attached to the top of each tower. Near the base of each tower is a locked, weather-proof enclosure which houses a small data logger and two batteries; two solar panels are attached to the tower to re-charge the batteries. Each tower will include signage explaining the experiment and contact information at the NPS, and will be checked by NPS staff three to five times each week to monitor tower stability and operations. Primary assembly of the towers will occur at the NPS. The towers will be transported by truck to staging locations and then hand-carried to the beach for final

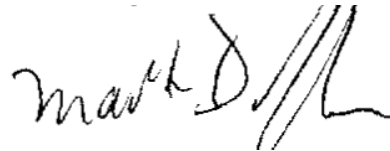


Dr. Jaime MacMahan  
Naval Postgraduate School

assembly. At the conclusion of the experiment, all tower materials will be removed from the six shoreline sites.

The NPS states that the towers will be deployed away from locations that receive the most recreational use and will not interfere with public access or recreation during the four weeks they are in place. The impact to public views will be minimal due to the temporary nature of the experiment and the narrow profile and small footprint of the towers. In conclusion, the Commission staff **agrees** that the proposed shoreline wind tower installation along the Monterey Bay shoreline will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth". The signature is written in a cursive, somewhat stylized font.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – Central Coast District

**CALIFORNIA COASTAL COMMISSION**

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



May 4, 2016

Timothy J. Short  
Monterey District Ranger  
Los Padres National Forest  
406 South Mildred  
King City, CA 93930

Subject: Negative Determination ND-0012-16 (Pacific Valley Station Solar Project, Big Sur, Monterey County)

Dear Mr. Short:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Forest Service proposes to construct and operate a photovoltaic solar electric system at its Pacific Valley Station on Highway 1 in southern Big Sur. This facility serves as the Forest Service's primary wildland fire response unit for the southern Big Sur coast and includes a fire station, two government barracks, and three employee residences. The station is off the electric grid and is currently powered by two diesel generators that operate 24 hours per day, seven days a week. Fuel trucks deliver diesel twice a month from Salinas, a round trip of approximately 170 miles. The proposed photovoltaic solar system is designed to reduce station operation and maintenance costs, reduce greenhouse gas emissions, and use existing technology to create a renewable energy installation for this off-grid federal administrative site.

The project consists of approximately 4,000 square-feet of photovoltaic solar panels affixed to ground-mounted frames anchored with concrete footings. The total height of the solar panels will be seven feet above ground and the field will be surrounded by an equivalent height green chain-link fence. From this site, approximately 350 linear feet of underground electrical line will be installed under an existing dirt road which borders the western side of the site and extends to the southeast. From this roadway 150 feet of overhead electric line will be suspended across a small ravine using two new power poles; this line will terminate at the existing electrical panel located at the diesel generator building. Solar batteries and an inverter will be installed on the existing pad adjacent to the building and connected to the existing electrical distribution system serving the Pacific Valley Station. The diesel generators will be retained and used only when supplemental power is needed. The Forest Service expects to begin construction in late 2016 and complete the work in less than 60 days.

The project site was selected for the solar panel array because it is a previously-disturbed graded pad dominated by non-native invasive weeds. Construction would not affect or require the

Timothy J. Short  
Los Padres National Forest

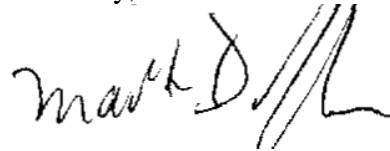
removal of native plants and none of the project elements are located within a stream setback zone. Best management practices will be implemented for water quality protection, erosion control, servicing and refueling equipment, and timing of construction activities. The Forest Service states that: (1) archeological monitoring will occur during installation of the underground electrical line and the chain-link fence; (2) the project complies with Section 106 of the National Historic Preservation Act; and (3) the project complies with the Programmatic Agreement among the Forest Service, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding management of historic properties by the Forest Service.

The proposed solar panel array would not be visible from Highway 1, the coastal bluff, the shoreline, or public areas at the Pacific Valley Station. The project site is not visible from these locations due to the drop in elevation westward to the coastal bluff and Highway 1. However, the Pacific Valley Station compound is visible from an approximately one-quarter-mile-long segment of the Prewitt Loop Trail located to the northeast. The Forest Service states that the proposed solar array will also be visible from that trail segment, that the black photovoltaic panels will not reflect glare or light, and that the array is sited close enough to existing development such that:

*. . . [it will] continue a non-fragmented appearance of the administrative compound. The design and siting of the panels will not detract from the natural beauty of the undeveloped skyline, ridgeline, and shoreline. High scenic integrity will continue to appear intact, solar panel deviation to the landscape character will be present, but will repeat common color and texture enabling the array to meet the scenic integrity objectives; the contrast from development to open space will change very little.*

In conclusion, the Commission staff **agrees** that the proposed photovoltaic solar electric system at the Pacific Valley Station is sited and designed to not adversely affect coastal resources, in particular, scenic views from public areas along Highway 1. 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) John Ainsworth  
Acting Executive Director

cc: CCC – Central Coast District

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
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VOICE AND TDD (415) 904-5200



April 26, 2016

Tamara Dart  
Caltrans, District 1  
P.O. Box 3700  
Eureka, CA 95502-3700

Re: **NE-0004-16**, No Effects Determination, Caltrans, Hunter and Panther Creek Bridge Replacement Projects, Highway 101, Del Norte Co.

Dear Ms. Dart:

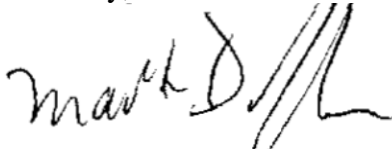
The Coastal Commission staff has received the above-referenced "no effects" determination for the replacement of the Hunter and Panther Creek Bridges, approximately 18 miles south of Crescent City, on Highway 101 in Del Norte County. The creeks are tributaries of the Klamath River, and the Highway 101 crossings are located slightly outside the coastal zone. The new bridges are needed to meet current seismic and design standards.

The new Panther Creek bridge will be a single-span, 160 ft. long, steel-arch structure, which will avoid any permanent wetland or creek fill by fully spanning the creek. The new Hunter Creek bridge will be a two-span, 130 ft. long, cast-in-place/prestressed structure. One pier will be located within the creek channel; however it will reduce fill in the creek compared to existing conditions, because the existing bridge is supported by two piers in the creek. In-water work will be needed for this replacement bridge. Both bridges have been designed to accommodate separated bicycle and pedestrian access.

The project will include a number of measures to protect public views, air and water quality, wetlands and other sensitive habitats, agriculture, and cultural resources. These would include aesthetic treatment of the bridges, restoration of disturbed areas with native vegetation, avoidance of use of agricultural lands for staging areas, use of Best Management Practices and other water quality measures, temporary creek flow diversions, use of dust and air pollution controls in accordance with air district rules, limiting in-water work to the low-flow season (June 15-Oct. 15), monitoring by a biological monitor and worker education, fencing sensitive areas, hydroacoustic monitoring where warranted (through consultation with the National Marine Fisheries Service), limitations on any night lighting needed, and consultation with the Yurok tribe to assure protection of cultural resources and native ceremonial activities.

We **agree** with your assessment that, with the above measures, these two bridge replacement projects activity would not adversely affect wetlands, streams, environmentally sensitive habitat, water quality, public views, or other coastal zone resources. We therefore **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Delaplaine". The signature is written in a cursive style with a large, stylized "D" and "L".

(for) JOHN AINSWORTH  
Acting Executive Director

cc: Arcata District  
U.S. Army Corps of Engineers, San Francisco District