

**CALIFORNIA COASTAL COMMISSION**

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

*For the*

*July Meeting of the California Coastal Commission*

July 11, 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 July 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**

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***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.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>9-16-0254-W</b> Orange County Coastkeeper, Attn: Sara Briley	Experimental implementation and evaluation of native oyster ( <i>Ostrea lurida</i> ) and eelgrass habitat restoration efforts in Upper Newport Bay by adding a total of 240 sq. meters of oyster shell and 1,280 sq. meters of transplanted eelgrass. The project would create up to 0.4 acres of native oyster and eelgrass habitat in Upper Newport Bay and would include frequent monitoring and scientific assessment for a period of two years post installation.	Four Sites In Upper Newport Bay - Shellmaker Island, De Anza Peninsula, Upper And Lower Castaways
<b>9-16-0276-W</b> Southern California Edison Company	Conduct cleanup and remediation activities on Mesa Parcels 5, 6 and 7 : removal of soil vapor plumes on Parcel 6 and an unused, underground water storage in Parcel 5 and additional sample borings will be taken and groundwater sampling soils will be installed on Parcels 5, 6, and 7.	Mesa Parcels 5, 6, And 7 14300 Mesa Road, San Clemente, Ca 92672
<b>9-16-0558-W</b> San Diego Oceans Foundation, Attn: Shad Catarius	Maintenance and continued operation of floating white seabass grow-out facilities at nine different harbor and marina locations in southern California for the short-term grow-out and release of young white seabass as part of CDFW's Ocean Resources Enhancement and Hatchery Program. The grow-out facilities would have two different designs.	Agua Hedionda Lagoon, Carlsbad, Ca

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

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***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.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>E-09-010-A5</b> Pacific Gas & Electric Company, Attn: Kris Vardas	Conduct soil sampling in wetland areas on the Humboldt Bay Power Plant (HBPP) and within the PG&E-owned property in Humboldt Bay.	1000 - 0 King Salmon Ave, Eureka

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

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

Administrative Items for Federal Consistency Matters

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>ND-0015-16</b> Federal Aviation Administration	Refurbish air-to-ground communication tower west of LAX within El Segundo dunes.  Action: <b>Concur, 6/21/2016</b>	El Segundo Dunes West Of Lax
<b>ND-0016-16</b> National Park Service	Install two prefabricated weather-resistant sheds at two locations in Redwood National Park (Crescent Beach and Kuchel Visitor Center) to store beach wheelchairs for visitor access across sandy beaches.  Action: <b>Concur, 6/21/2016</b>	Crescent Beach (Del Norte County) And Kuchel Visitor Center (Humboldt County), Redwood National Park
<b>ND-0021-16</b> U.S. Fish and Wildlife Service	U.S. Fish and Wildlife Service, removal of invasive non-native plants, Ormond Beach, Ventura County, on land owned by the Coastal Conservancy and the Nature Conservancy  Action: <b>Concur, 7/8/2016</b>	APN(s): 2310080015
<b>NE-0007-16</b> National Oceanic and Atmospheric Administration	Authorization of private moorings in Tomales Bay, under an informal interagency agreement (including NOAA Sanctuaries, State Lands Commission, and CCC staff), to legitimize and/or relocate moorings in Tomales Bay in accordance with the Tomales Bay Vessel Management Plan and Tomales Bay Mooring Program  Action: <b>Concur, 6/30/2016</b>	Various Locations, Tomales Bay

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June 16, 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:** 9-16-0254-W

**Applicant:** Sara Briley, Orange County Coastkeeper

**Location:** Four Sites in Upper Newport Bay - Shellmaker Island, De Anza Peninsula, Upper and Lower Castaways Mudflat

**Proposed Development:** Experimental implementation and evaluation of native oyster (*Ostrea lurida*) and eelgrass (*Zostera marina*) habitat restoration efforts in Upper Newport Bay. The project would create up to 0.4 total acres of native oyster and eelgrass habitat across four sites in Upper Newport Bay and would include monitoring and scientific assessment every six months for a period of two years after initial installation. Native oyster habitat would be created by placing empty oyster shells in soft substrate areas to increase settlement and survival of larval native oysters and to build up sustainable adult populations. Eelgrass habitat would be created by transplanting eelgrass collected from healthy donor sites into un-vegetated restoration sites. Up to eight 20 m by 1.5 m oyster shell plots (240 square meters) would be created, and up to eight 20 m by 8 m eelgrass habitat plots (1,280 square meters) would be created to complete a total of 1,520 square meters (0.4 acres) of restored habitat. To prevent the dispersal and loss of oyster shell from the oyster shell plots, the shell would be placed in mesh bags made from natural biodegradable jute netting. If the mesh bags degrade prior to the natural consolidation of the shell, additional jute netting would be secured over the top of the shell piles with re-bar stakes. The stakes and any remaining netting would be removed at the end of the two year monitoring period.

**Rationale:**

- All eelgrass transplantation will be carried out consistent with the guidelines provided in the October 2014 California Eelgrass Mitigation Policy and Implementing Guidelines, including (1) limiting collection of eelgrass from donor beds to thinning without leaving any noticeable bare areas; and (2) harvesting for transplanting purposes no more than 10 percent of an existing donor bed.

**Coastal Development Permit De Minimis Waiver**

9-16-0254-W

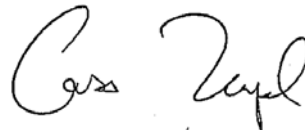
- The eelgrass donor bed will be monitored after the harvest of transplants, and if significant declines in donor eelgrass density relative to eelgrass in un-manipulated reference eelgrass beds occurs over the same time period, restoration of the donor bed will be carried out.
- All oyster shell will be placed at tidal elevations shown in previous experiments and monitoring from the project area to support substantially greater settlement of native oysters than non-native oysters.
- All oyster shell will be obtained from existing aquaculture operations registered by the California Department of Fish and Wildlife and will be dried on land and inspected prior to use, to ensure that no viable marine fouling organisms are present.
- If monitoring results indicate any one of the following four un-intended outcomes, removal of the oyster shell will be carried out once the proper authorization is received: (1) a decrease in native oyster density in restoration plots relative to control plots and pre-construction densities (indicating that native oysters are adversely affected by the habitat augmentation); (2) an increase in the ratio of non-native to native oysters in experimental plots relative to control plots (indicating that the non-natives are benefitting by the augmentation more than natives are benefitting); (3) significant loss in oyster shell cover, to 40% coverage, indicating habitat restoration methods are unsustainable in the long term; (4) a decrease in water quality attributable to the project downstream of experimental plots relative to control plots.

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 July 2016 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.

Sincerely,

JOHN AINSWORTH  
Acting Executive Director



By: \_\_\_\_\_  
CASSIDY TEUFEL  
Senior Environmental Scientist

cc: File

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June 14, 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:** 9-16-0276-W

**Applicant:** Southern California Edison Company

**Location:** San Onofre Nuclear Generating Station Mesa Facility, 14300 Mesa Rd., San Diego County (APN: 771-015-26-02)

**Background:** In June 2013, Southern California Edison (SCE) made the decision to permanently retire and decommission the San Onofre Nuclear Generating Station (SONGS). SONGS and many of its support facilities are located on property SCE leases from the U.S. Navy, including an approximately 118-acre area east of Interstate 5 known as the SONGS Mesa. As a part of its responsibilities under the Navy lease, SCE previously deconstructed and removed several dozen buildings at the Mesa site no longer needed for SONGS operations. The Commission approved this removal work in April 2014 under CDP waiver 9-14-0554-W. SCE is currently working with the Navy and the California Department of Toxic Substances Control (DTSC) to remove below-ground structures and conduct necessary contaminant clean-up and remediation at several Mesa locations.

**Proposed Development:** SCE proposes to conduct clean-up and remediation activities on three leased parcels (Parcels 5, 6, and 7) within the Mesa area. More specifically, the proposed activities include the following:

1. *Removal of Contaminated Soil:* Excavation of soil at three locations on Parcel 6 to remove low-level volatile organic compounds (mainly tetrachloroethylene or PCE) in soil and/or soil vapor plumes beneath the foundation slabs of the former buildings G-40, G-44, and G-50), followed by disposal at a licensed facility. SCE estimates that total remediation area at the three sites is 6,500 square feet, with maximum excavation depths ranging from 3 to 10 feet.
2. *Removal of Water Tank:* Excavation and removal of an unused underground water storage tank adjacent to a parking lot in Parcel 5, a leased-area west of I-5 near San Onofre State Beach. The total working area would comprise 200 square feet of paved or bare ground. Removal of the tank will require excavation to a depth of 10 feet.

## Coastal Development Permit De Minimis Waiver

9-16-0276-W

3. *Soil & Groundwater Sampling*: Additional sample borings will be taken and groundwater sampling wells will be installed on Parcels 5, 6, and 7 in previously developed, unvegetated areas.
4. *Additional Soil Remediation* (if necessary): Although SCE does not anticipate the need for soil remediation at other locations, based on new sampling and/or directives from the DTSC, additional soil remediation work not accounted for above could become necessary. Any additional remediation activities would be confined to previously-developed portions of Parcels 5, 6 and 7, and would conform to the methods and scope of work described here and in SCE's application materials. SCE will notify and provide a project description to the Executive Director prior to beginning any such additional remediation work.

If additional soil remediation work at other sites outside the previously-developed portions of Parcels 5, 6 and 7 becomes necessary, or if the scope of future remediation work varies from that proposed in the current application, SCE would seek new CDP authorization from the Commission.

The proposed excavations would be conducted by a licensed contractor using a back hoe or excavator. At the remediation sites, soil sampling would be conducted to confirm that all of the contaminated soil has been removed, and the excavated soil would be placed on plastic sheeting and covered prior to transport to an approved waste disposal facility. After the removal of contaminated soil and completion of soil testing to ensure that clean-up requirements have been met, clean, imported soil would be used to backfill the excavations. At the Parcel 5 water tank site, concrete above the tank would be removed prior to excavation, and a mini-excavator would be used to expose and break the tank in place. The pieces would then be removed, debris hauled to an appropriate off-site disposal facility, and the hole would be back-filled with clean soil.

SCE states that project activities could begin as soon as July 2016, and would continue for approximately 60 days.

**Rationale:** 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:

- Environmentally Sensitive Habitat Areas: The proposed project would occur entirely within previously developed, paved, or cleared areas of the SONGS Mesa site, and thus would not directly affect sensitive habitats. SCE would avoid night work and has committed to use noise-reducing measures to prevent adverse effects on any nesting birds that may be present in nearby habitats during project activities.
- Water Quality: Project activities will consist of standard excavation methods and will take place within already paved and developed areas that are subject to existing stormwater treatment measures and the existing SONGS NPDES permit, Stormwater Pollution Prevention Plan (SWPPP), Spill Prevention, Control and Countermeasures Plan (SPCC) and Spill Contingency Plan. Project scheduling will avoid the rainy season, limiting the potential for stormwater runoff. Excavation areas will be protected by secondary containment berms to prevent surface water runoff and soil erosion; soil stockpiles will be placed on and covered by plastic sheeting, and will be protected by secondary containment, to prevent the release of contaminated materials.



## Coastal Development Permit De Minimis Waiver

9-16-0276-W

- Visual Resources: The Mesa area is largely screened from nearby public highways (e.g., I-5, Old Highway 101); thus visual effects of project activities would be minimal and temporary.
- Public Access: The proposed project would be located within restricted access areas of the SONGS Mesa and would not limit or alter coastal access. Truck traffic associated with hauling excavated material can be accommodated on nearby Interstate 5.

This waiver will not become effective until reported to the Commission at its July 13-15 meeting in San Diego, 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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June 24, 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:** 9-16-0558-W

**Applicants:** California Department of Fish and Wildlife (CDFW); Catalina Sea Bass Fund, Inc.; Channel Islands Yacht Club; Marina del Rey Anglers; Harbor Ocean Preservation Enhancement; ExplorOcean; Dana Point Fisheries Enhancement; Hubbs-SeaWorld Research Institute; Southwestern Yacht Club; San Diego Oceans Foundation.

**Location:** Catalina Harbor, Los Angeles County; Channel Islands Harbor, Ventura County; Marina del Rey, Los Angeles County; Huntington Harbor, Orange County; Newport Bay, Orange County; Dana Point Harbor, Orange County; Agua Hedionda Lagoon, San Diego County; San Diego Bay, San Diego County.

**Proposed Development:** Maintenance and continued operation of floating white seabass grow-out facilities at nine different harbor and marina locations in southern California for the short-term grow-out and release of young white seabass as part of CDFW's Ocean Resources Enhancement and Hatchery Program. The grow-out facilities would have two different designs. The first is a traditional design where the cage is moored in open water or alongside a dock, and an inner net "bag" with smaller mesh (between one and two-and-a-half inches) is used to contain the fish. Outside of that inner net is an outer thicker net with larger openings (six to eight inches) used to exclude marine predators. Both nets are supported by a flexible frame of free-floating high-density polyethylene (HDPE) or wood that is buoyed by pontoons and floating walkways, and chain-link fencing or netting is extended over the top to exclude predatory birds. The facilities in Channel Islands Harbor, Agua Hedionda Lagoon, Catalina Harbor, and at the Grape Street Pier in San Diego Bay would use this design, and each facility would have between two and four containment nets and a total surface footprint of between 500 square feet and 1,800 square feet.

The second design makes use of a submerged, fiberglass raceway, affixed to a floating dock and typically used in more protected marinas. At either end of each raceway is a removable, metal or plastic screen that allows for water exchange through the raceway while preventing fish escape. Different mesh sizes (from half-inch to two-and-a-half inches) are used for the end screens corresponding to the size of the fish being held. Screens constructed of shade cloth or other fine

## Coastal Development Permit De Minimis Waiver

9-16-0558-W

mesh materials are placed on top of the raceway to provide protection from avian predators, as well as shade from the sun. The solid raceway structure provides a strong barrier that prevents harassment from predators below the water line. Hinged lids composed of chain link fencing secure the top of the raceway. The fencing is covered by a canvas shade that eliminates predators and also provides shade from the sun. The facilities in Newport Bay, Huntington Harbor, Marina del Rey, and at the Southwest Yacht Club in San Diego Bay would use this design, and each facility would have between one and four raceways and a total surface footprint of between 300 square feet and 1,200 square feet.

The number of fish provided to each grow-out facility would be based on the size, location, and capacity of each facility (the number of containment nets or raceways it has) and the production of the white seabass hatchery. Tagged juvenile white seabass from the Ocean Resources Enhancement and Hatchery Program hatchery in Carlsbad would be transported to each facility, kept at the facility for between four and six months at a time, be fed and continually monitored for growth and health. Up to two crops of fish would be provided to each grow-out facility per year – one in the spring and one in the late fall. Once the growth targets have been achieved, the fish would receive a health and tag retention assessment by California Department of Fish & Wildlife staff, and would be counted and released to the wild if minimum tag retention and health thresholds are met.

### **Rationale:**

- As part of the CDFW's Ocean Resources Enhancement and Hatchery Program, the operation of each grow-out facility would be carried out with oversight from CDFW staff – including environmental scientists and fish pathologists – and would be consistent with best management practices and adverse impact avoidance measures established through the Ocean Resources Enhancement and Hatchery Program's Growout Procedures Manual.
- Prior use and operation of the grow-out facilities carried out through administrative permits issued by the Commission required a benthic monitoring program to be implemented. Results from over ten years of this program indicate that use of the facilities has not significantly altered sediment chemistry or biology at each location.
- Each grow-out facility would remain at or below the maximum annual stocking level achieved during the period in which the benthic monitoring program was in place.
- Juvenile white seabass would not remain in containment at a grow-out facility for more than six months.
- Stocking densities at each grow-out facility would remain significantly below the National Pollutant Discharge Elimination System Permit threshold level established by the U.S. Environmental Protection Agency for both temperate and warmer waters.
- The results of over ten years of water quality monitoring carried out for the Regional Water Quality Control Boards at all grow-out facilities in Los Angeles and San Diego Counties indicates that operation of the facilities would not result in adverse impacts to water quality.
- All juvenile white seabass would be screened by a CDFW fish pathologist prior to release.
- Stocking of grow-out facilities would be limited to white seabass from CDFW's Ocean Resources Enhancement and Hatchery Program.
- All grow-out facilities would be regularly inspected and maintained to ensure that predator exclusion netting (both for underwater and avian predators) remains intact and in functional condition.

**Coastal Development Permit De Minimis Waiver**

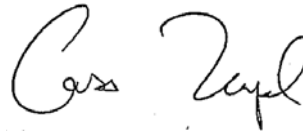
9-16-0558-W

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 July 2016 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.

Sincerely,

John Ainsworth  
Acting Executive Director

A handwritten signature in black ink, appearing to read "Cassidy Teufel", written over a horizontal line.

By: \_\_\_\_\_  
CASSIDY TEUFEL  
Senior Environmental Scientist

cc: File



**CALIFORNIA COASTAL COMMISSION**

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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-09-010-A5**

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**TO:** All Interested Parties

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

**DATE:** June 30, 2016

**SUBJECT:** Application to amend Coastal Development Permit No. E-09-010 granted to Pacific Gas & Electric (PG&E) allowing demolition and decommissioning at the Humboldt Bay Power Plant, near King Salmon, Humboldt County.

The Acting Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would result in a minor change to the approved CDP to allow soil sampling within areas of wetlands and Humboldt Bay adjacent to the power plant to confirm PG&E's decommissioning project meets site remediation requirements.

**Background and Project Description:** On December 10, 2009, the Commission approved CDP No. E-09-010 allowing PG&E to conduct initial demolition and decommissioning of the Humboldt Bay Power Plant, including constructing access roads, equipment laydown and staging areas, demolishing power plant structures and associated facilities, and conducting initial site remediation. On October 15, 2010, the Commission approved the first immaterial amendment to the CDP allowing conversion of a parking area to a covered equipment storage area. On September 18, 2012, the Commission approved a second immaterial amendment to the CDP allowing PG&E to construct and operate a groundwater treatment system ("GWTS"). On May 9, 2013, the Commission approved a third amendment to the CDP allowing additional excavation and cleanup needed to complete site remediation. On April 15, 2016, the Commission approved a fourth amendment allowing the GWTS to operate for an additional three years.

**Requested Amendment:** PG&E has requested its permit be amended to allow it to conduct soil sampling in nearby wetlands and areas of Humboldt Bay to ensure that plant decommission meets remediation requirements of the Nuclear Regulatory Commission and the California Department of Toxic Substances Control. PG&E will take several dozen soil samples from Buhne Slough, onsite wetland areas known as the Duck Pond and the Frog Pond, and from nearshore areas of Humboldt Bay adjacent to the power plant site. PG&E will remove relatively small amounts of soil, with most of the sampling locations ranging in size from about four inches in diameter and six inches deep up to about two feet in diameter and six inches deep. Samples taken in the Frog Pond will be about four inches in diameter and two to four feet deep.

Most of these areas will be remediated pursuant to the requirements of a separate CDP (#9-15-0531) approved by the Commission in xx. However, PG&E has also included as part of this immaterial amendment several avoidance, minimization, and restoration measures meant to ensure that any impacts of sampling remain minor. The measures are described more completely in the attached project description from PG&E.

**FINDINGS: THE PROPOSED AMENDMENT HAS BEEN DEEMED “IMMATERIAL” FOR THE FOLLOWING REASONS:**

- Marine Resources and Water Quality: PG&E will sample within a sandy and unvegetated area of the Humboldt Bay bottom and will use a hand held soil dredge lowered to the Bay bottom by rope or cable to collect samples of approximately one liter in volume. This sampling method in this location is not expected to adversely affect marine biological resources or cause more than *de minimis* turbidity.
- Wetlands: Sampling in wetlands and Buhne Slough will be done with hand scoops, shovels, or hand augers. Access to all locations will be by foot, and all sampling will be conducted in the presence of a Commission-approved biologist who will identify any species or habitat to be avoided (e.g., red-legged frogs, any active nests, etc.). PG&E’s proposed restoration measures include surveys to determine whether sampled areas have revegetated naturally and mitigation in the form of restoration and revegetation if necessary. With these measures, any wetland impacts are expected to be no more than *de minimis*.

**Immaterial Permit Amendment**

Pursuant to the California Code of Regulations—Title 14, Division 5.5, Volume 19, section 13166(b)—the Executive Director has determined this amendment to be IMMATERIAL.

Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three (3) Commissioners object to the executive director’s designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in section 13166(c). Otherwise, the immaterial amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the Commission for action as set forth in section 13166(c).

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at [tluster@coastal.ca.gov](mailto:tluster@coastal.ca.gov).

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June 21, 2016

Nam P. Nguyen  
Environmental Engineer  
FAA Air Traffic Organization  
WSA Engineering Services  
15000 Aviation Boulevard  
Lawndale, CA 90261

Subject: Negative Determination ND-0015-16 (Repairs to RTR Towers in El Segundo Dunes,  
Los Angeles International Airport, Los Angeles County)

Dear Mr. Nguyen:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Federal Aviation Administration (FAA) proposes to undertake structural repairs to the towers that support a Remote Transmitter/Receiver (RTR) system located in the El Segundo dunes immediately west of Los Angeles International Airport (LAX). The RTR system provides essential radio communications between pilots and air traffic controllers at LAX. The proposed repairs consist of:

- Replacement and reinforcement of deteriorated steel members and hatch frames.
- Spot abatement/removal of lead-based paint where structural repairs will occur.
- Repainting the structure.
- Repair and restoration of the tower concrete foundations.
- Installation of reinforcing grade beams to the existing towers for seismic resistance.

All construction will occur within the existing developed footprint of the RTR facility and construction equipment (e.g., crane, excavator) will access the site on existing paved roads. The proposed repairs will take approximately three weeks and be complete in Fall 2016. This construction period is outside the federally-listed El Segundo blue butterfly's flight season (July – August), and construction in the RTR developed footprint will not adversely affect any Coast Buckwheat (the host plant for the butterfly) within the El Segundo dunes.

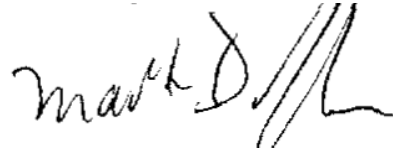
In conclusion, the Commission staff **agrees** that the proposed RTR repairs will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to



Nam P. Nguyen  
Federal Aviation Administration

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 "John Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – South Coast District

**CALIFORNIA COASTAL COMMISSION**

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



June 21, 2016

Stephen Prokop  
Superintendent  
Redwood National Park  
ATTN: Aida Parkinson  
1111 Second Street  
Crescent City, CA 95531

Subject: Negative Determination ND-0016-16 (ADA Beach Wheelchair Sheds, Crescent Beach and Kuchel Visitor Center, Del Norte and Humboldt Counties)

Dear Superintendent Prokop:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to install two prefabricated weather-resistant sheds to store beach wheelchairs at two locations in Redwood National Park: the Crescent Beach picnic area parking lot in Del Norte County and the Kuchel Visitor Center in Humboldt County. The sheds are eight feet wide, six feet long, and 7 feet ten inches high, and are colored to match the existing comfort station at Crescent Beach and the Kuchel Visitor Center. Both sheds will be placed on asphalt or graveled parking areas adjacent to existing structures in heavily used public areas. There will be no ground disturbance or vegetation removal. The sheds will provide secure storage for beach wheelchairs that can be used by park visitors with mobility impairments. The beach wheelchairs will allow these visitors to access the sandy beach at both locations rather than being limited to boardwalks and other hard-surfaced areas, and will be made available to the public through a reservation system managed by the NPS.

The Commission staff **agrees** that installation of the two proposed beach wheelchair storage sheds 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 "John Ainsworth".

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – North Coast District

**CALIFORNIA COASTAL COMMISSION**

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



July 8, 2016

Stephen P. Henry  
Field Supervisor  
U.S. Fish and Wildlife Service  
2493 Portola Rd., Suite B  
Ventura, CA 93003

Attn: Mary Root

Re: **ND-0021-16**, U.S. Fish and Wildlife Service (Service), Removal of Invasive Plants on Coastal Conservancy and Nature Conservancy Land, Ormond Beach, Oxnard, Ventura Co.

Dear Mr. Henry:

The U.S. Fish and Wildlife Service (Service) has submitted a negative determination for the manual removal of invasive plants on two Ormond Beach properties in Oxnard: a 316 acre California Coastal Conservancy's (SCC) property, and a 276 acre Nature Conservancy's (TNC) property. The Service has developed the project, working in collaboration with (and providing funding to) the City of Oxnard. The project would consist of the removal of three invasive plants species from two properties (with the potential removal of a fourth species if funding allows). The invasives slated for removal include a non-native tree/shrub *Myoporum* sp., which occurs on both properties, and two herbaceous non-native plants - Cobweb bush (*Plecostachys serpyllifolia*) and iceplant (*Carpobrotus edulis*) - which occur on the SCC property. If funding allows, an additional 5.7 acres on the SCC property would have 10 to 15 clumps of invasive pampas grass (*Cortaderia selloana*) removed.

These invasive tree/shrub stands pose threats to environmentally sensitive coastal habitats, because they displace sensitive native species, as well as attract illicit human activities that adversely affect sensitive resources at both properties. Sensitive habitats adversely affected by the invasives include the western snowy plover (*Charadrius nivosus nivosus*) and California least tern (*Sterna antillarum browni*), as well as wetland habitats that support several listed environmentally sensitive species.

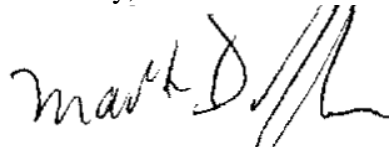
Manual removal of these invasives would prevent adverse impacts from illicit human activities (i.e. drug use, fires, etc.) and prevent spread of invasives into other sensitive areas at Ormond Beach. Cobweb bush and iceplant are currently being treated successfully on the Naval Base Ventura County property which abuts the SCC property on the east, and the proposed project will assist and improve the likelihood of success of those efforts. In addition, the area of iceplant on the SCC property is small enough that hand removal would help control this species and prevent further expansion into unoccupied areas.

The work on TNC property (removal of 0.75 acres of *Myoporum*) would begin in July 2016 and take no more than one week to implement. The work would involve crews from the City Corps crew chain sawing trees/shrubs along a fence line and dirt road, then TNC's youth volunteers stacking debris for City Corps to chip and dispose of at local greenwaste facility. The work on the SCC project (removal of *Myoporum*, iceplant, and cobweb bush from 21 acres) would begin in mid- to late- September 2016. Crews from the City Corps would work in collaboration with the SCC, local biologists, and the Service to hand remove and dispose offsite the three targeted species. If funding allows, City Corps crews would also manually begin to remove pampas grass clumps in the 5.7-acre area.

The project would enhance environmentally sensitive habitat, and would be conducted in a manner avoiding adverse effects on wetland habitats. No work will occur in wetlands unless completely dry, as would be the case for removing cobweb bush in the salt pans of the SCC property. All work on SCC property would occur after bird nesting season and would be surveyed by qualified botanist to ensure avoidance of any sensitive plants in work areas. *Myoporum* removal activities on TNC property would occur in a ruderal area only, along a road edge and a chain link fence, and a Service-approved biologist would confirm no Federal or State listed bird or plant are present in or near the project site before work would begin. Saltmarsh bird's beak occurs in the wetland areas downslope of the TNC project site; however recent botanical surveys completed on the TNC property show that this species does not in or near where *Myoporum* would be removed.

In conclusion, we **agree** with the Service that the invasives removal 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 at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Delaplaine', with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: Ventura District  
Department of the Navy (Deb McKay)  
City of Oxnard (Greg Nyhoff)  
Coastal Conservancy (Chris Kroll)  
The Nature Conservancy (Laura Riege)

**CALIFORNIA COASTAL COMMISSION**

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



June 30, 2016

Maria Brown, Superintendent  
Greater Farallones  
National Marine Sanctuary  
The Presidio  
991 Marine Drive  
San Francisco, CA 94129

Dobri Tutov  
State Lands Commission  
100 Howe Ave., Suite 100-South  
Sacramento, 95825-8202

Re: **NE-0007-16**, No Effects Determination, Private Moorings approved by the State Lands Commission under the NOAA Sanctuaries/SLC Tomales Bay Mooring Program, Marin County

Dear Superintendent Brown and Mr. Tutov:

As we have discussed in previous meeting about implementing the Tomales Bay Mooring Program, the Commission staff is reviewing "no effects" determinations for fourteen private moorings in Tomales Bay under ten-year leases being issued by the California State Lands Commission (CSLC) to the thirteen applicants listed below:

Applicant Name	LAT	LONG	Tag #
Eugene Maffucci	38.14192498	-122.879247	G13
Eugene Maffucci	38.14195	-122.87923	G14
Mark and Miranda Darley	38.1102	-122.8618	New
George and Sheri Clyde	38.15276999	-122.890729	G30
John Donovan	38.15082598	-122.889679	G55
Thirumalai Ravi and Francine Lejeune	38.14637	-122.88365	G29
William Kent	38.14804897	-122.884868	G23
Glen Ikemoto and Clark Cable	38.1985	-122.9239	New
Paul and Taun Wright	38.15716697	-122.893905	G35
Fred and Karen Rodoni	38.15685198	-122.893783	G34
Steven and Nancy Sicher	38.15315598	-122.890925	G69
Ron and Carol Elliott	38.14227501	-122.877975	G11
James and Kieran Baack	38.1149	-122.8672	New
Mark Sutton and Rebecca Dixon	38.11133598	-122.86288	G2

NOAA's Greater Farallones National Marine Sanctuary (GFNMS) staff, in partnership with California State Lands Commission (CSLC) staff, developed the Tomales Bay Mooring Program, as part of the Tomales Bay Vessel Management Plan.<sup>1</sup> Since 1981, when the GFNMS was designated, Sanctuary regulations have prohibited the discharge of materials into GFNMS and disturbance to the seabed; these regulations thus prohibited placement of moorings. However, the establishment of the Vessel Management Plan in April 2013 and subsequent Mooring Program provided a mechanism to permit moorings. The program includes specific criteria for where moorings may be located on the bay, provides overall limits to the number of moorings, introduces mandatory specifications for mooring tackle, and requires inspection and maintenance of the moorings. These program requirements are contained in Attachment B. Under this program (and pursuant to the National Marine Sanctuaries Act, 16 USC §1431 et seq., and regulations thereunder (15 CFR Part 922) and California Code of Regulations (Title 2, Division 3, Chapter 1)), all private mooring holders must obtain a CSLC lease.

GFNMS and CSLC are administering the Mooring Program together because regulations of both agencies apply in Tomales Bay. GFNMS is issuing a permit to CSLC that makes it possible for CSLC to lease areas of state sovereign lands in the bay for moorings that comply with federal and state laws. The GFNMS permit to CSLC requires, for example, that leases not be located in seagrass beds, and that mooring anchors must be appropriate for the specific conditions at each mooring lease location. CSLC incorporates the necessary GFNMS conditions into the lease agreements, along with its own and those of several other agencies, such as required distances from swimming beaches, State Parks, and aquaculture areas. The conditions that will apply to mooring leases in Tomales Bay will thus reflect CSLC and GFNMS requirements that were developed collaboratively (and with input from numerous agencies and stakeholders, including the Commission staff). On June 28, 2016, the CSLC authorized the 13 leases that are the subject of this letter.

The primary Mooring Program goals are to: protect habitat; decrease threats to and disturbance of wildlife; and ensure safe and enjoyable water-related recreation, by allowing moorings and removing and preventing illegally and improperly placed moorings and mooring materials. The Mooring Program incorporates an adaptive management approach for decisions regarding various mooring technologies (such as anchors and other equipment) in Tomales Bay, with the goal of selecting and locating those that are the least damaging to the environment and most appropriate for Tomales Bay's hydrodynamic conditions. As new information is acquired and analyzed, requirements and specifications may be amended by GFNMS and CSLC, in collaboration with the Tomales Bay Interagency Committee (TBIC).

Because the moorings as authorized by CSLC will enhance a number of coastal zone resources, the Commission's federal consistency staff is reviewing them through the federal consistency review category typically used for federally-permitted projects that do not generate adverse effects on coastal resources (i.e., through "No Effects")

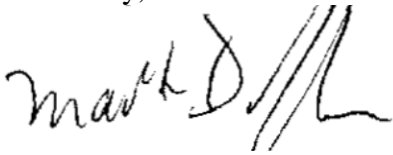
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<sup>1</sup> The Commission staff concurred with NOAA's negative determination for the Tomales Bay Vessel Management Plan on June 13, 2013 (ND-0203-13).

determinations). The Commission staff believes that, with the requirements and monitoring provided under the CSLC leases, the moorings will be sited in a manner that will improve protection of seagrass beds and other marine resources, coastal water quality, coastal recreation and public health.

In conclusion, we **agree** that, as conditioned in conformance with the CSLC leases, the moorings listed on page 1 of this letter would concentrate moorings outside environmentally sensitive areas, and would avoid adverse effects on marine resources, water quality, and other coastal zone resources. We therefore **concur** with "no effects" determinations for these moorings. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(for) JOHN AINSWORTH  
Acting Deputy Director

cc: North Central District (Nancy Cave)  
Army Corps, S.F. District (Regulatory – Aaron Allen, Holly Costa)  
NOAA Sanctuaries (Karen Reyna, Max Delaney)  
Mooring Program Lessees

Attachments

A – Mooring Location Maps

B – Mooring Program Requirements (incorporated into the CSLC Leases)

**Mooring Program Lessees**

Eugene John Maffucci  
PO BOX 755  
Marshall, CA 94940

Mark C. and Miranda Darley  
311 Seymour Lane  
Mill Valley, CA 94941

George H. Clyde, Jr. and Sheri S. Clyde  
PO BOX 861  
Marshall, CA 94940

John Donovan  
610 Coloma Street  
Sausalito, CA 94965

Thirumalai Muppur Ravi and Francine C. Lejeune  
280 Mimosa Way  
Portola Valley, CA 94028

William H. Kent  
PO BOX 730  
Marshall, CA 94940

Glen Ikemoto  
1495 Nut Tree Lane  
Sonoma, CA 95476

Clark Cable  
327 First Street W, Apt. 13  
Sonoma, CA 95476

Paul K. and Taun M. Wright  
5435 Locksley Avenue  
Oakland, CA 94618

Fred P. Rodoni Jr. and Karen E. Rodoni  
PO BOX 746  
Point Reyes Station, CA 94956

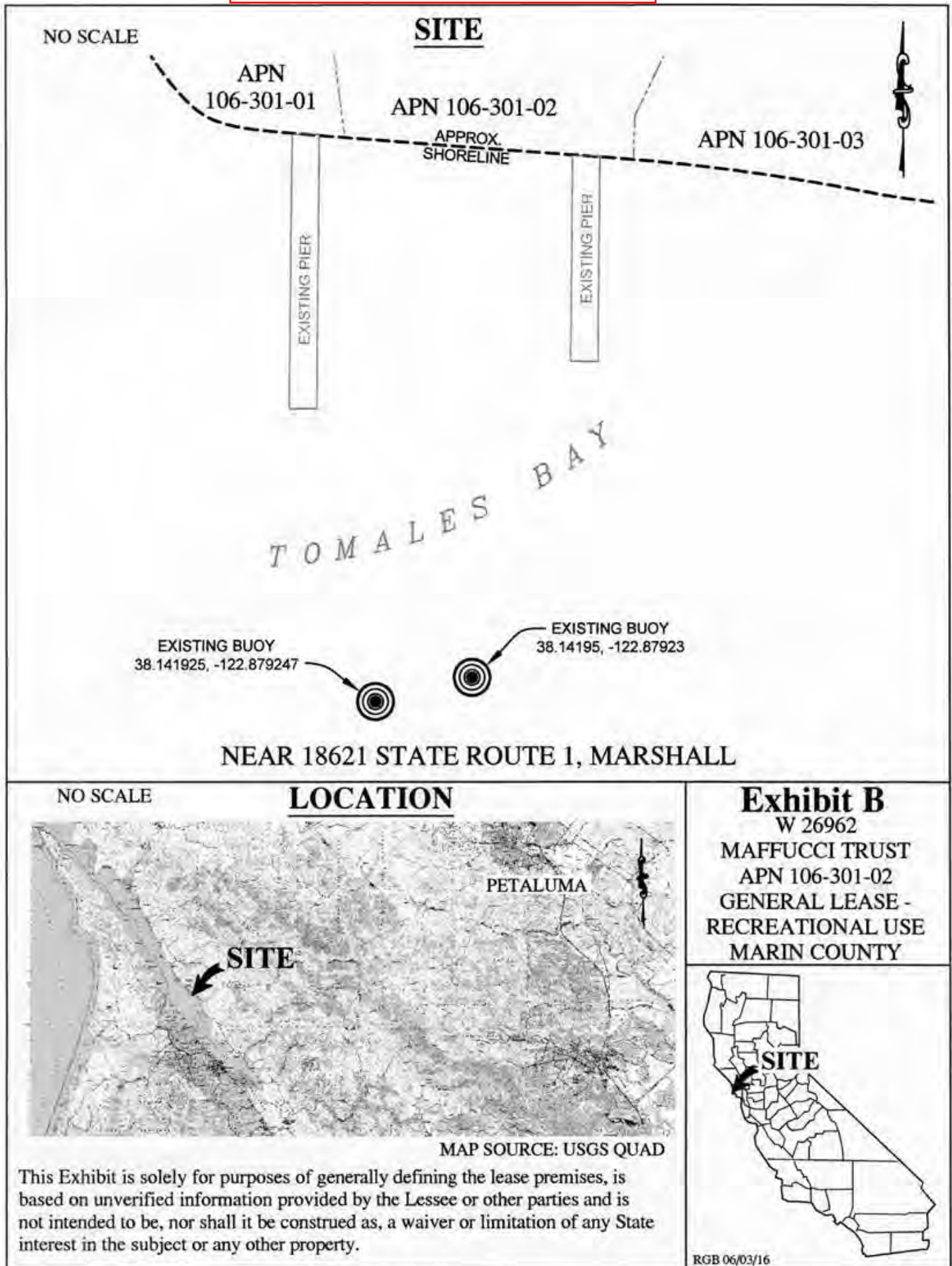
Steven and Nancy Sicher  
PO BOX 720  
Marshall, CA 94940

Ron and Carol Elliot  
PO BOX 926  
Point Reyes Station, CA 94956

James H. and Kieran J. Baack  
1881 Trestle Glen Road  
Piedmont, CA 94610

Mark Sutton and Rebecca Dixon  
PO BOX 424  
Inverness, CA 94937





NO SCALE

## SITE

PROPOSED BUOY



APPROX  
SHORELINE

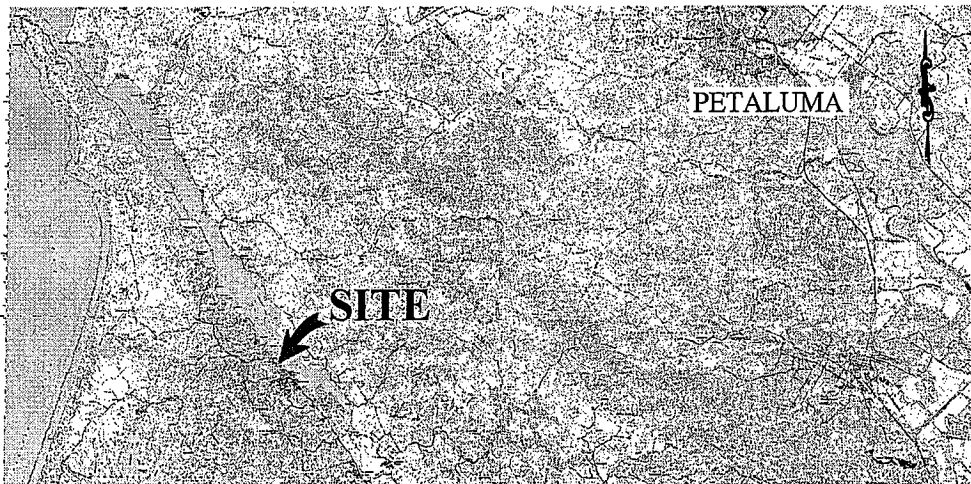
TOMALES BAY

APN 112-091-08

IN TOMALES BAY NEAR INVERNESS

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

W 26954  
DARLEY  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/08/16

NO SCALE

**SITE**

APPROX.  
SHORELINE

EXISTING  
HOUSE

APN 106-040-07

EXISTING BUOY  
38.15277, -122.890729



19495 STATE ROUTE 1, MARSHALL

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

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**Exhibit B**

W 26953

CLYDE TRUST

APN 106-040-07

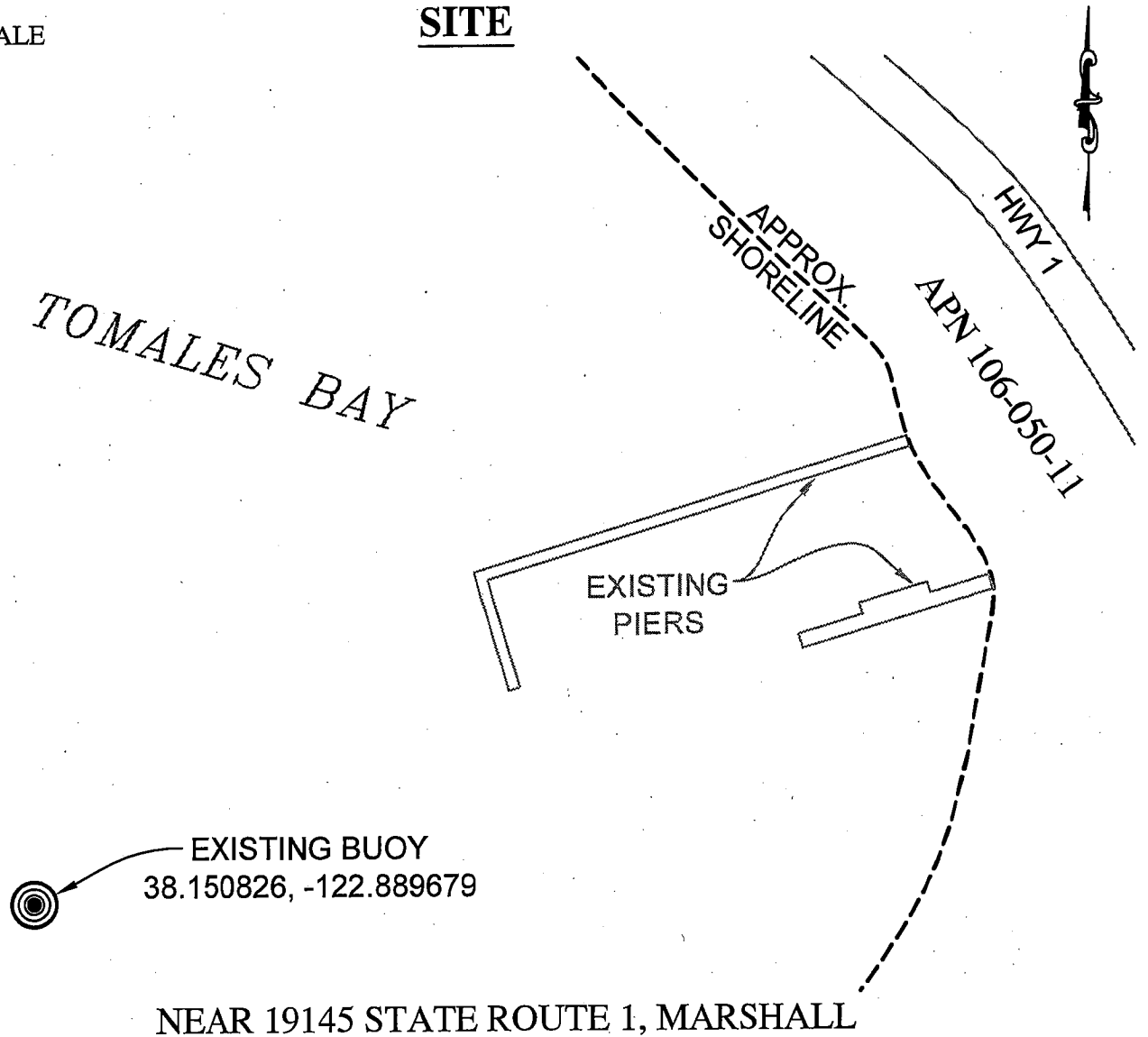
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16

NO SCALE

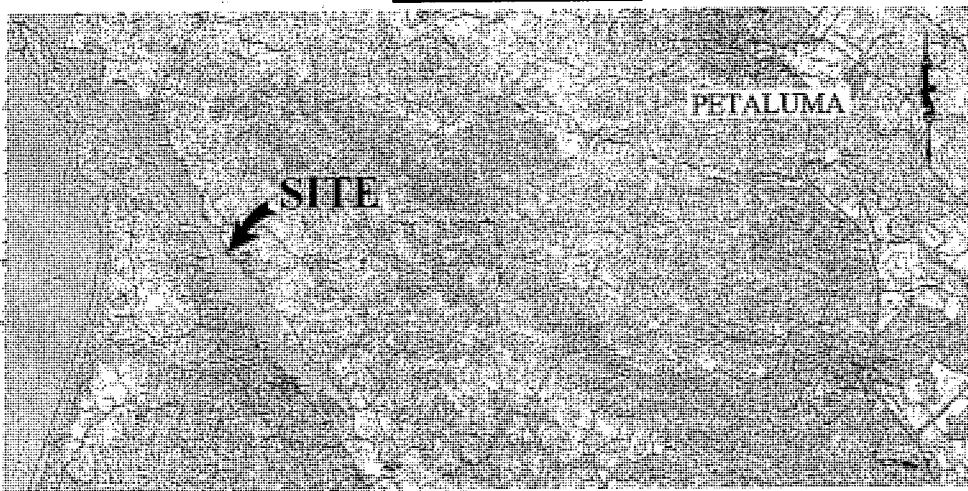
## SITE



NEAR 19145 STATE ROUTE 1, MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26952  
DONOVAN  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16

NO SCALE

## SITE

EXISTING BUOY  
38.14637, -122.88365



TOMALES BAY

EXISTING  
PIER, DECK, &  
HOUSE

APN 106-050-05

APPROX.  
SHORELINE

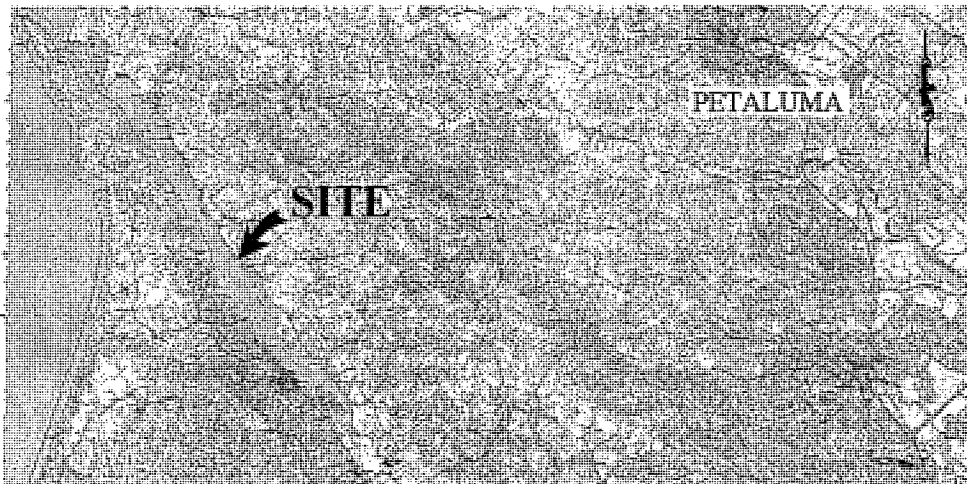
APN 106-050-14

HWY 1

NEAR 18876 STATE ROUTE 1, MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26951  
RAVI - LEJEUNE  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY

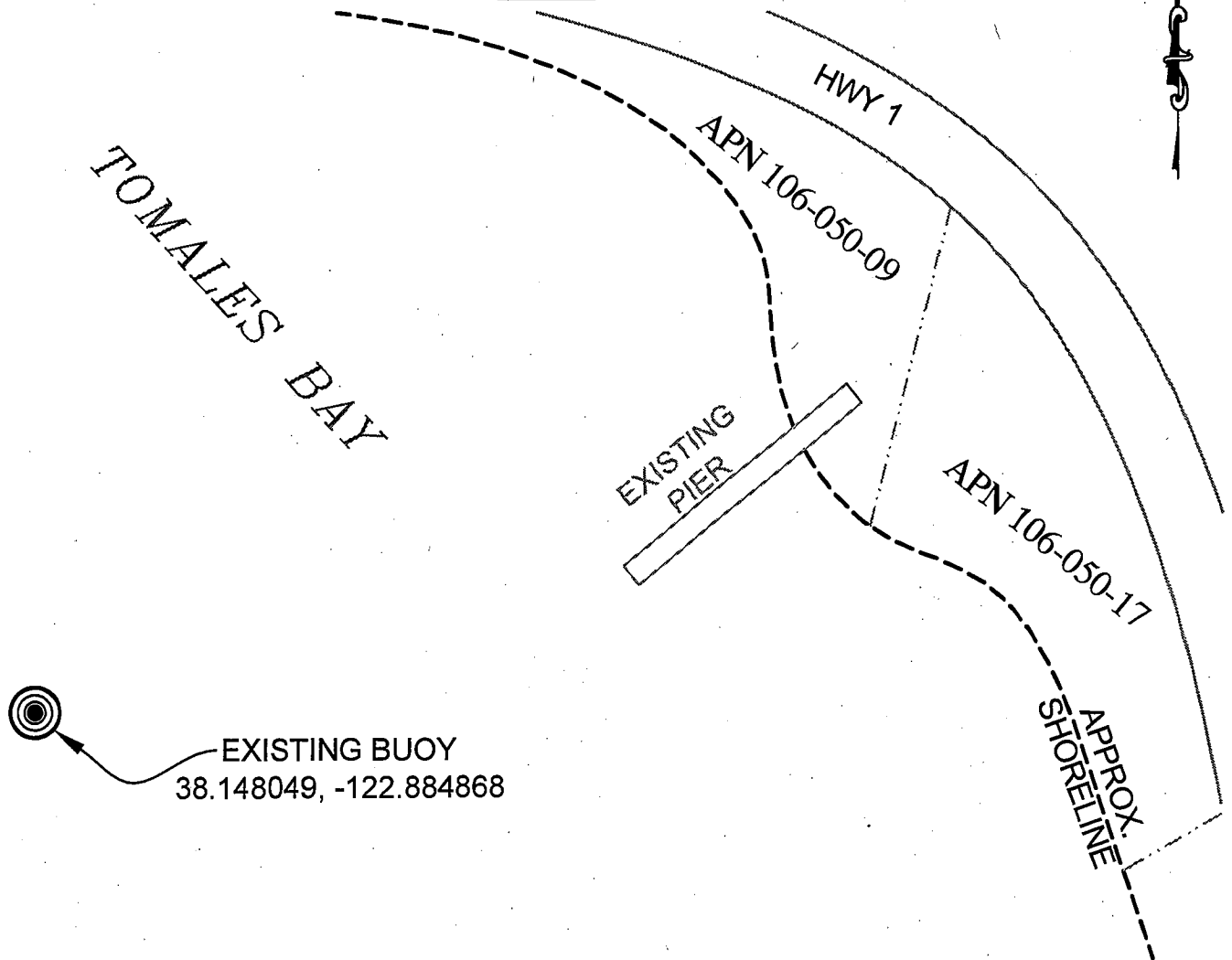


RGB 06/01/16



NO SCALE

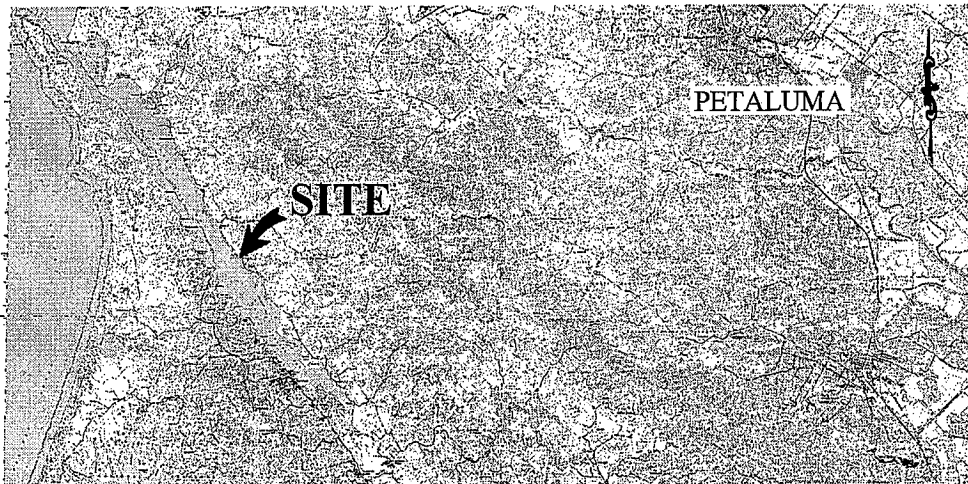
## SITE



IN TOMALES BAY NEAR MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26949

KENT

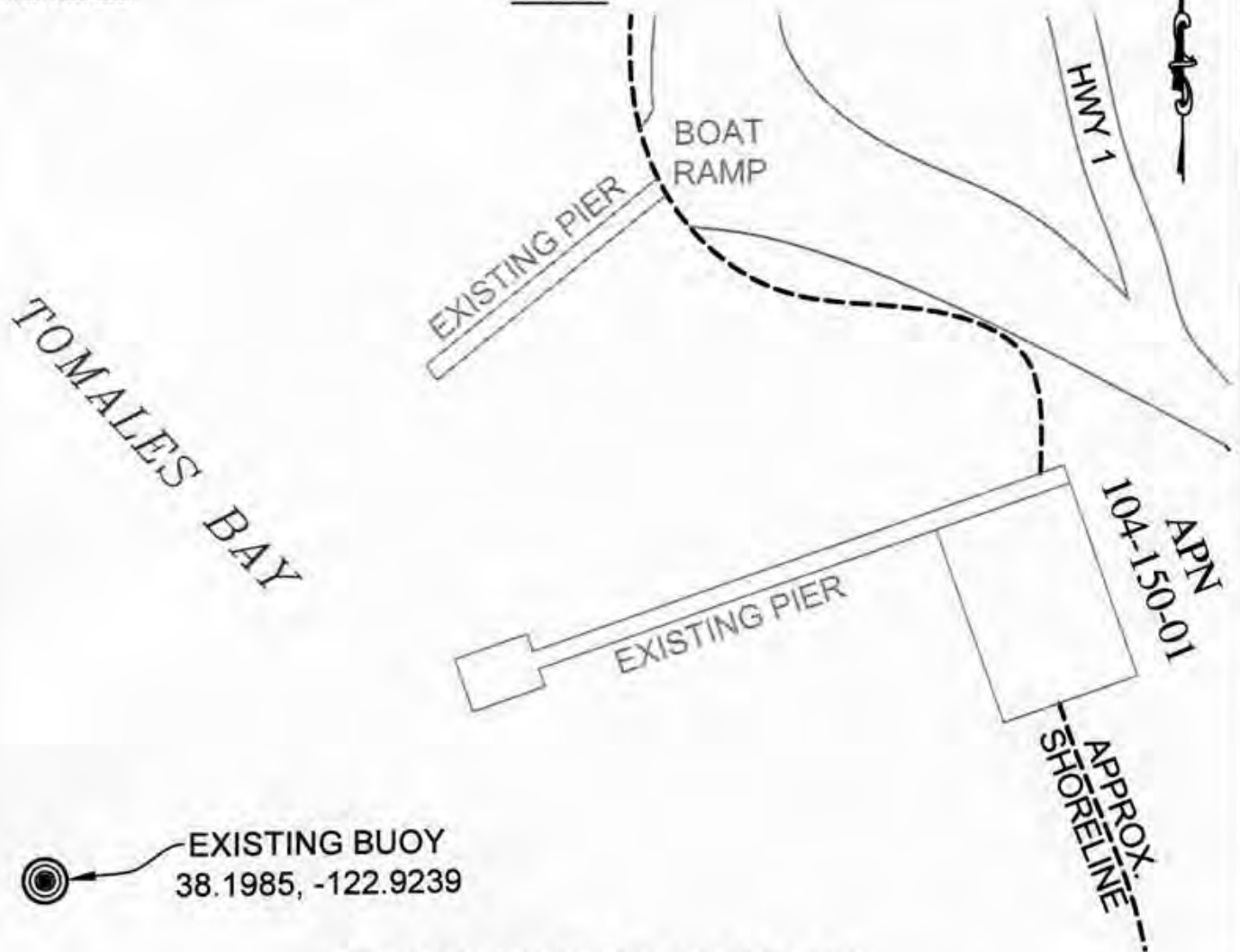
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 05/31/16

NO SCALE

## SITE



NEAR 23115 HWY 1, MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

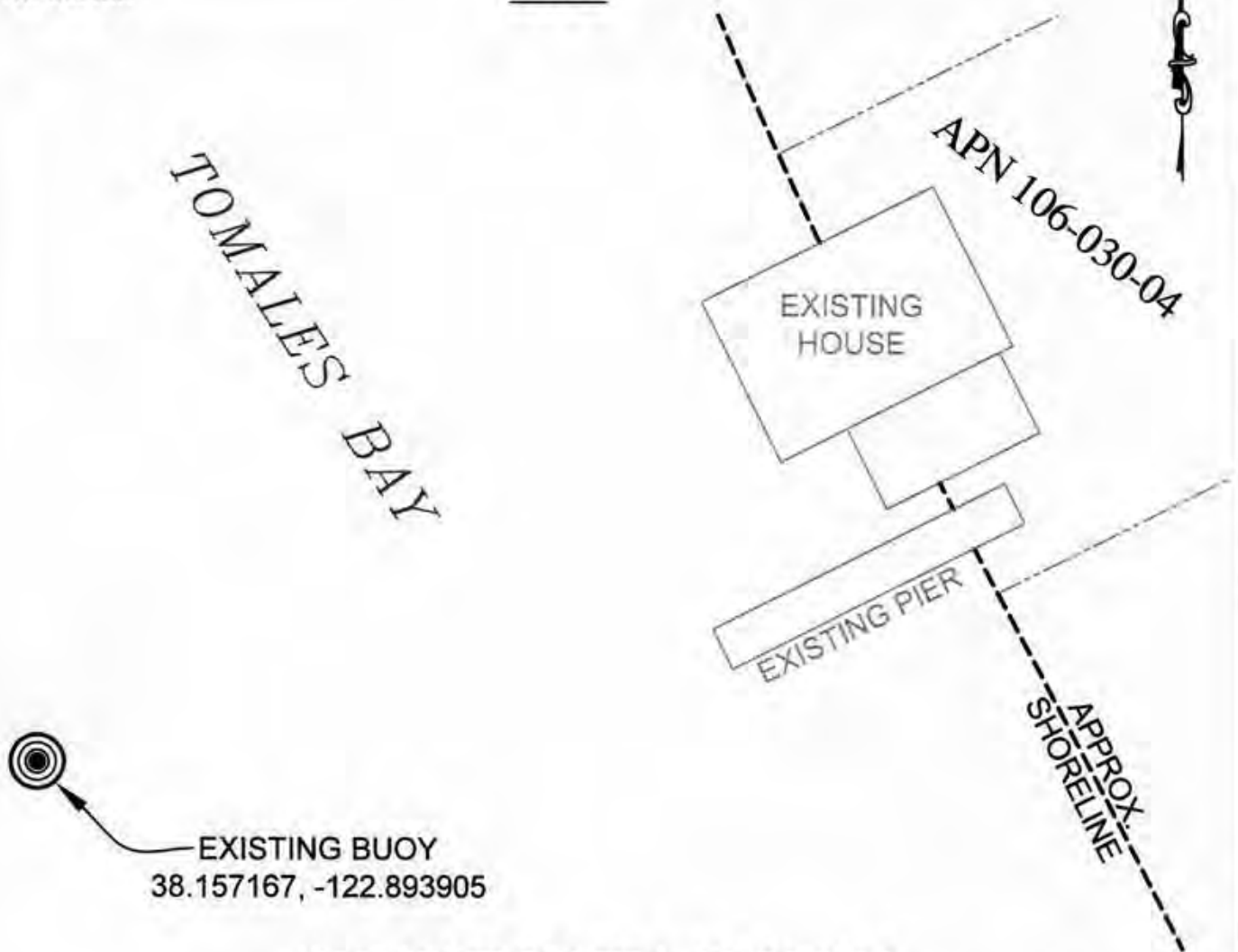
W 26945  
IKEMOTO  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16

NO SCALE

## SITE



19855 STATE ROUTE 1, MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26948  
WRIGHT  
APN 106-030-04  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16



NO SCALE

**SITE**

EXISTING HOUSE

APN 106-030-06

EXISTING PIER

APPROX SHORELINE

STATE ROUTE 1



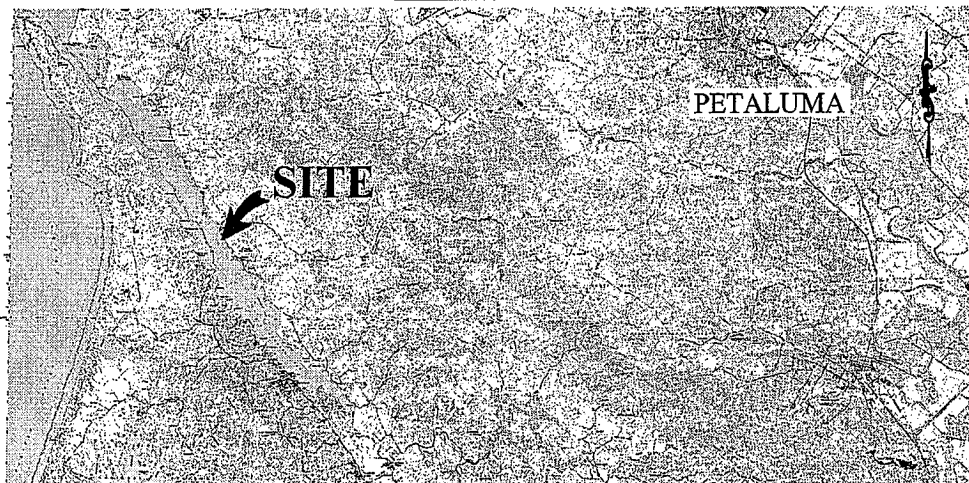
EXISTING BUOY  
38.156852, -122.893783

TOMALES BAY

19835 STATE ROUTE 1, NEAR MARSHALL

NO SCALE

## **LOCATION**



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26964

RODONI TRUST

APN 106-030-06

GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY

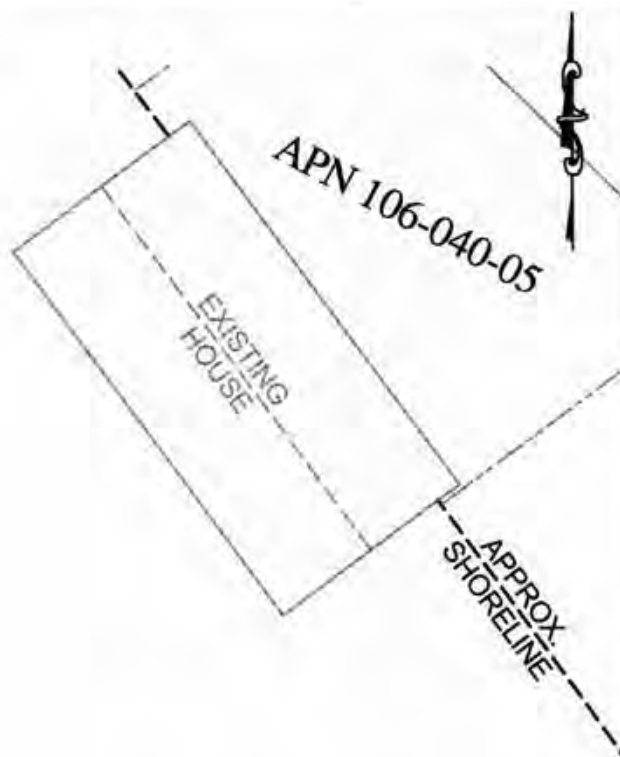


RGB 06/01/16

NO SCALE

## SITE

TOMALES BAY



EXISTING BUOY  
38.153156, -122.890925

19535 STATE ROUTE 1, MARSHALL

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26947  
SICHER  
APN 106-040-05  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16

NO SCALE

**SITE**

APN 106-301-05

APPROX.  
SHORELINE

TOMALES BAY

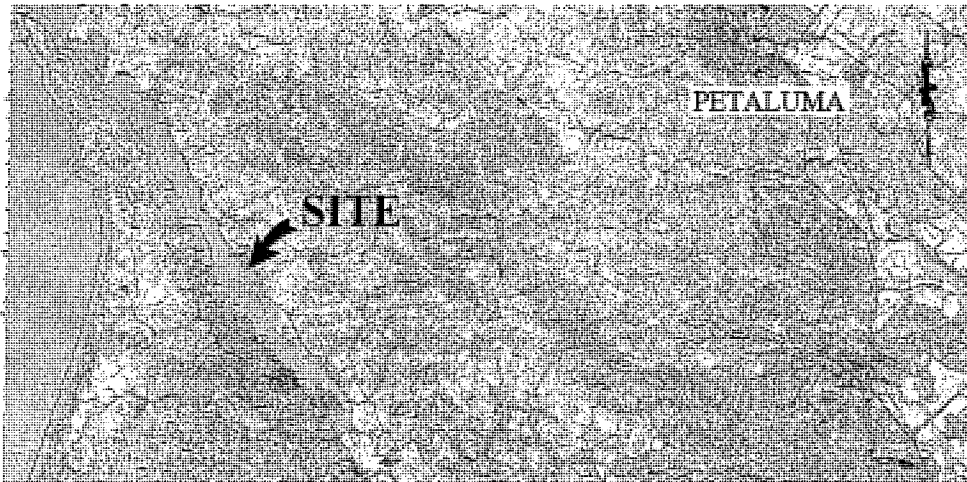


EXISTING BUOY  
38.142275, -122.877975

NEAR 18621 STATE ROUTE 1, MARSHALL

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

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**Exhibit B**

W 26963  
ELLIOTT  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/03/16

NO SCALE

## SITE

PROPOSED BUOY  
38.1149, -122.8672



TOMALES BAY

APPROX.  
SHORELINE

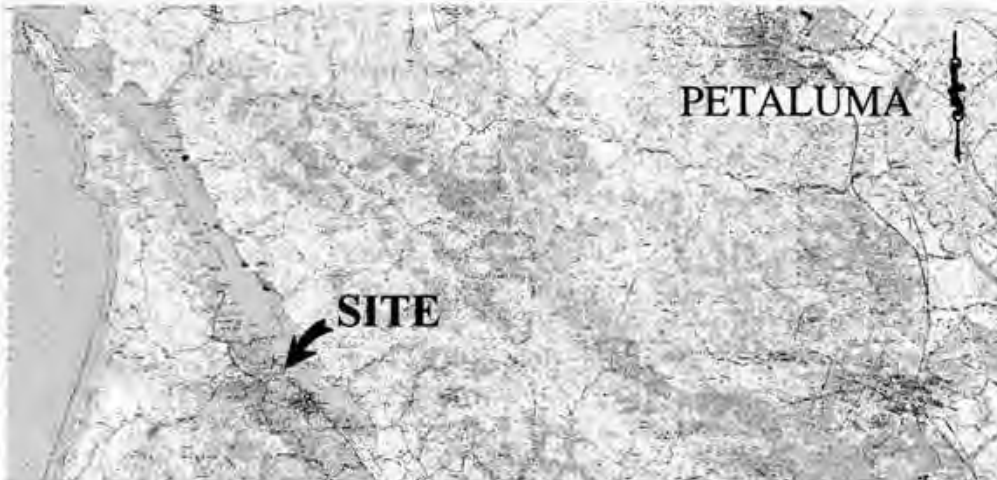
APN 112-023-07

EXISTING  
PIER  
PRC 3240

IN TOMALES BAY NEAR INVERNESS

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

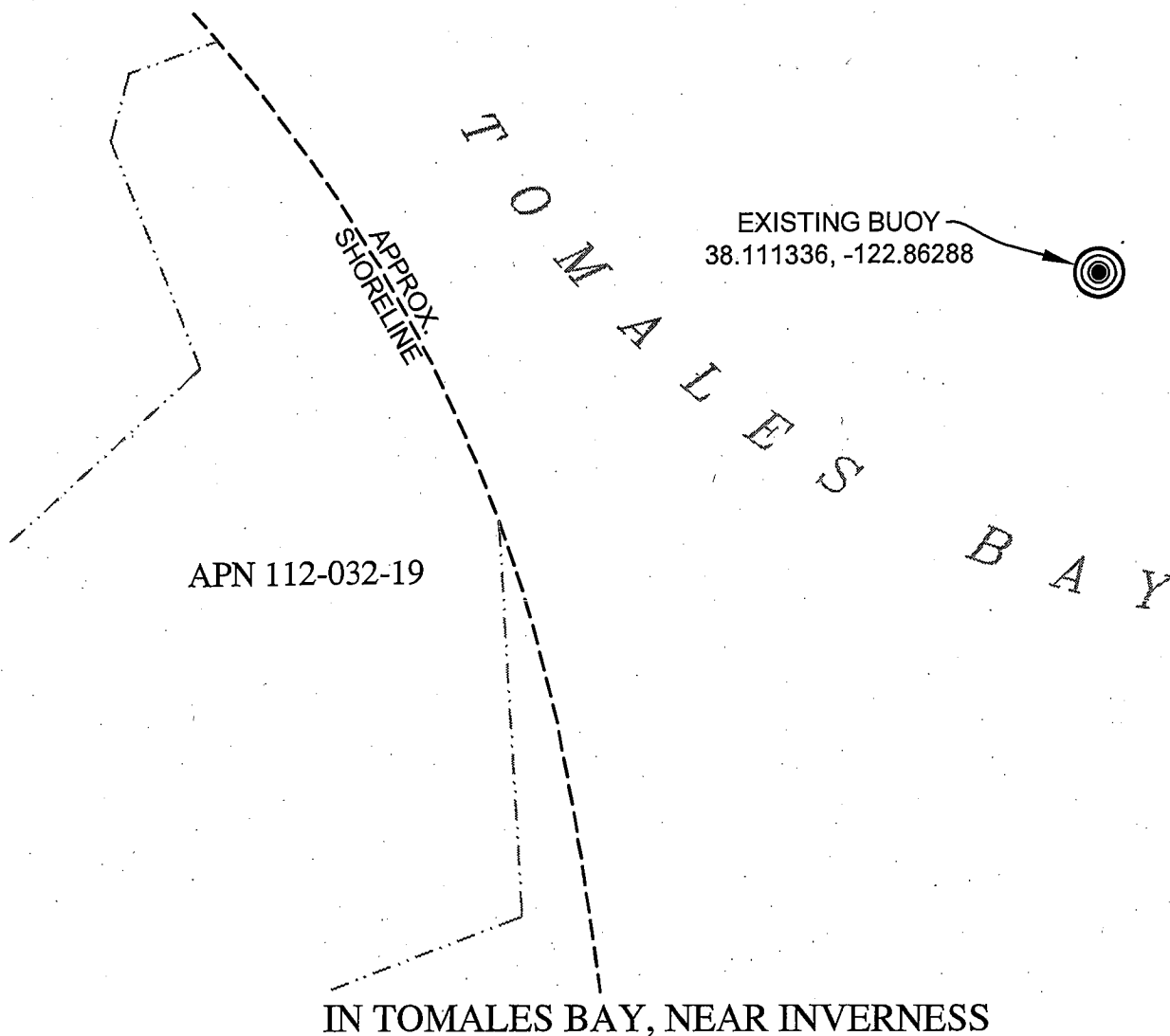
W 26966  
BAACK  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/01/16

NO SCALE

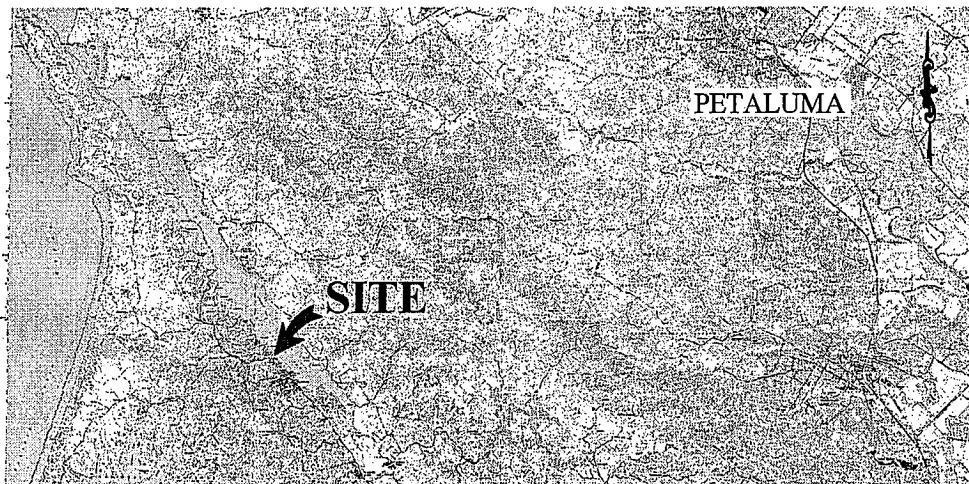
## SITE



IN TOMALES BAY, NEAR INVERNESS

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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## **Exhibit B**

W 26965  
SUTTON-DIXON  
GENERAL LEASE -  
RECREATIONAL USE  
MARIN COUNTY



RGB 06/08/16

# **TOMALES BAY MOORING PROGRAM REQUIREMENTS (POLICIES AND CRITERIA) APRIL 28, 2016**

## **I. Introduction:**

The *Tomales Bay Mooring Program* (MP) was developed as part of the Tomales Bay Vessel Management Plan by NOAA's Greater Farallones National Marine Sanctuary (GFNMS) staff in partnership with California State Lands Commission (CSLC) staff. Since 1981, when the GFNMS was designated, Sanctuary regulations have prohibited the discharge of materials into GFNMS and disturbance to the seabed, which includes the placement of moorings. Although mooring installation is still a prohibited activity, the establishment of the Vessel Management Plan in April 2013 and subsequent Mooring Program now allows for a mechanism to permit moorings. The program includes specific criteria for where moorings may be located on the bay, introduces mandatory specifications for mooring tackle, and requirements for the inspection and maintenance of moorings. Pursuant to the National Marine Sanctuaries Act, 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922) and California Code of Regulations (Title 2, Division 3, Chapter 1), all private mooring holders must obtain a CSLC lease.

GFNMS and CSLC are administering the Mooring Program together because regulations of both agencies apply in Tomales Bay. GFNMS has issued a permit to CSLC that makes it possible for CSLC to lease areas of state sovereign lands in the bay for moorings that comply with federal and state laws. The GFNMS permit to CSLC requires, for example, that leases not be located in seagrass beds and that mooring anchor must be appropriate for the specific conditions at each mooring lease location. CSLC will include the necessary lease provisions pursuant to the GFNMS permit. Therefore, while mooring lease applicants will only be dealing with CSLC and CSLC applications, the conditions that will apply to mooring leases in Tomales Bay will reflect CSLC and GFNMS requirements that were developed collaboratively with input from numerous agencies and stakeholders.

The primary goals for establishing a program for siting and permitting moorings on the bay are to: protect habitat; decrease threats to and disturbance of wildlife; and ensure safe and enjoyable water-related recreation by allowing moorings and removing and preventing illegally and improperly placed moorings and mooring materials. The Mooring Program (MP) uses an adaptive management approach for decisions regarding various mooring technologies (anchor and all other equipment) in Tomales Bay to select those that are the least damaging to the environment and appropriate for Tomales Bay hydrodynamic conditions. As new information is acquired and analyzed, requirements and specifications may be amended by GFNMS and CSLC in collaboration with the Tomales Bay Interagency Committee.

## **II. Tomales Bay Mooring Program Applicability and Exemptions:**

- The MP allows for up to 165 moorings on Tomales Bay within CSLC and GFNMS jurisdiction. This includes 130 available leases for the use of State sovereign lands for privately owned vessel moorings and up to 35 moorings at Lawson's Landing. Use of State sovereign land for moorings at Lawson's Landing are subject to the terms and conditions of a 25-year commercial lease issued by CSLC in 1998 and that existing lease is not subject to

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the requirements of the MP for the remaining lease term. The 130 remaining leases are subject to the requirements of the MP.

- Moorings directly associated with aquaculture operations and located within state water bottom lease areas for aquaculture pursuant to a valid lease, permit, license or other authorization are regulated by California Department of Fish and Wildlife and Department of Public Health and not subject to the requirements of the MP.

**III. CSLC Tomales Bay Mooring Program Lease Requirements:**

- CSLC administers the MP and may issue leases for the use of sovereign land for individual moorings within Tomales Bay under a permit from GFNMS. Without exceptions, all owners of private vessel moorings located within Tomales Bay are required to obtain a lease from the CSLC.
- GFNMS has issued a permit to CSLC to allow for the issuance of mooring leases consistent with the criteria in the MP; therefore, in accordance with GFNMS regulations 15 CFR 922.82, moorings without a valid CSLC individual or commercial mooring lease are prohibited. No current or past Tomales Bay mooring owner is granted an automatic right to moor and no moorings will be automatically grandfathered in as exempt from the requirements of the MP.
- The cost of removal of an unauthorized mooring is the responsibility of the mooring owner.
- The Lessee purchases and owns all mooring tackle and pays for all installation, inspection, maintenance, and removal costs.
- CSLC *General Lease- Recreational Use* may have a term of no greater than 10 years.

**IV. Special Conditions for Tomales Bay Mooring Leases:**

- Only one vessel is allowed on a mooring at one time. The vessel on the mooring must be registered to that mooring and to the Lessee or be registered to a guest of the Lessee. Guest boats are allowed, with permission from the Lessee, for no longer than 30 consecutive days and only if they are the same size and weight or smaller than the vessel for which that mooring was designed.
- No sale or sub-leasing of mooring leases shall be allowed. Any sale, rental or sub- leasing of the mooring will result in immediate termination of the mooring Lease.
- Transfer of moorings will require an assignment authorized by the CSLC. Transfers are not automatic with the sale of a vessel or the littoral property.
- All moored vessels (including guest boats) must be registered, and must display a current



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registration sticker or other visible proof of registration consistent with the requirements of applicable state and/or federal law.

- All mooring lessees shall maintain, and upon the due date of their rent annually submit proof of, liability insurance that shall adequately protect both Lessee and Lessor against public liability and property damage. Guest boats should also meet these insurance requirements.
- Each Lessee is responsible for ensuring that mooring tackle is inspected and maintained. Failure to maintain a mooring shall be considered grounds for termination of the mooring Lease.
- The moored vessel is required to be secured firmly and the anchor shall be of a size and design sufficient to prevent the vessel or mooring anchor from drifting, dragging or otherwise moving off the assigned mooring site.
- All vessels that are authorized to moor within Tomales Bay must remain in operable condition while attached to the mooring. Any vessel that presents a threat to life, property, or the environment may be removed or impounded at the owner's expense.

**V. Tomales Bay Mooring Program Mooring Criteria:**

All CSLC mooring Leases subject to the MP shall only be issued in locations meeting all of the following eight criteria (as depicted as “the combined mooring exclusion areas” in Figure 1, Figure 1a. and Figure 1b.):

1. Seagrass: No vessel moorings shall be allowed in seagrass beds.
2. Wildlife Disturbance: No moorings shall be allowed in areas within 300 feet of seal haul-out areas.
3. Parcels Under Private Ownership Outside of CSLC Jurisdiction: No vessel moorings shall be allowed on tidelands and submerged lands under private ownership.
4. NPS-owned Tide and Submerged Lands Outside of GFNMS Jurisdiction: Other than as necessary for NPS administrative use, no moorings shall be allowed on the submerged lands owned by NPS outside of GFNMS jurisdiction.
5. Swimming Beach/Boat Launch Areas: No moorings shall be allowed within 100 feet of swimming beaches and boat launch ramps.
6. State Parks: No moorings shall be allowed within 1000 feet offshore of State Parks property.
7. Aquaculture: No moorings shall be allowed within areas that fail to meet the California Department of Public Health calculations for safe distances between moorings and shellfish growing operations. No moorings shall be located within state water bottom lease areas for aquaculture unless authorized by the State of California.
8. Navigation Channels: No moorings shall be allowed within navigation channels of Tomales Bay.



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The Interactive PDF Map contains layers showing the MP Mooring Criteria.

**VI. Requirements for Location of Moorings:**

- The CSLC will only issue leases on ungranted sovereign land under its jurisdiction. No mechanism through GFNMS and CSLC currently exists for authorizing moorings on private parcels.
- Moorings and associated ground tackle shall be located within the boundaries of the MP *Mooring Zones* depicted on *Figure 1*, with the following exceptions:
  1. *Aquaculture*: State of California authorized aquaculture moorings used for aquaculture operations within state water bottom lease areas;
  2. *Adjacent to Developed Littoral Properties*: Owners of developed littoral properties must apply for a lease for the use of submerged lands for the placement, use, and maintenance of one mooring directly adjacent to and offshore of that developed littoral parcel. The mooring and attached vessel must meet all of the requirements of the MP including criteria for siting, installation, inspection, and maintenance.
  3. *Preexisting Vessel Moorings*: Mooring owners that applied for a Lease during the MP initial rollout period (between August 10, 2015 and February 10, 2016), for moorings that existed prior to August 2013, were allowed to keep their moorings in the original location if that location met all MP mooring criteria, and the mooring passed an initial inspection.
- CSLC does not guarantee that a Lease will be issued for the same location as the desired mooring location proposed by the applicant, even if that site meets all MP mooring criteria and is within an approved mooring zone. Space and capacity for moorings may be limited in some mooring zones. Spacing limitations will be initially determined by the mooring contractor and his/her expert opinion, but capacity in each zone is subject to agency review and approval based on proximity to aquaculture operations or other sensitive sites, or restricted land access to the mooring sites. If the proposed site is not accepted, then CSLC will provide the applicant with an alternate location within a designated mooring zone, as near in proximity to the proposed location as feasible.

**VII. Mooring Tackle Requirements:**

In order to prevent vessels from separating from their moorings during extreme weather and sea conditions on Tomales Bay, and to minimize environment impacts and public safety hazards, all vessel moorings authorized under the MP shall be subject to the following requirements for the design and construction, and inspection and maintenance of the mooring system:

- Mooring Lessees shall own and be responsible for maintaining all mooring tackle.
- All mooring equipment must be installed and inspected in accordance with the MP tackle and

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inspection requirements and by a GFNMS approved Mooring Contractor, at the lessee's sole cost and expense.

- Private vessel mooring tackle will need to meet design standards, as described in this section, developed for Tomales Bay by the TBIC. Mooring tackle that has been installed but not reviewed by an approved Mooring Contractor might not comply with MP Mooring Tackle standards and could violate the terms of the mooring lease.
- Owners of vessels over 55-feet must submit mooring plans from a credentialed marine engineer along with a completed CSLC lease application.
- The mooring tackle and anchor shall be appropriate for Tomales Bay benthic habitat and geologic and hydrodynamic conditions, and capable of withstanding extreme weather and sea conditions. Extreme conditions within Tomales Bay can include: maximum sustained winds of over 30 knots, with gusts over 75 knots; wave heights of up to six feet (3-6 second intervals); maximum current speed of 2-3 knots, and; a maximum tidal variation of 9.1 feet.

*Buoys:*

- Mooring buoys must be standard white, hard shell, with foam interior and with blue horizontal stripe.
- The associated CSLC lease number must be prominently displayed on two opposite sides of the mooring buoy in block letters (minimum of 4") using black oil-based paint or permanent marine-quality stickers appropriate for use on mooring buoys.
- The cleat, post or deck hardware, which attaches to the pendant, shall be visibly free of rot, corrosion or disrepair and capable of withstanding loads, to the satisfaction of the approved Mooring Contractor.
- If a pendant is used, then chafing gear is required between the pendant and vessel.

*Mooring Anchors:*

- Mooring anchors must be appropriate for the specific conditions at each mooring lease location and must be approved by an approved Mooring Contractor. Engine blocks, Manta Ray and helical type anchors are not authorized. Examples of acceptable mooring anchors include pyramid (e.g., Dor Mor) or mushroom type anchors, properly designed and constructed one or two concrete filled 55-gallon drums, and clean railroad wheels.
- Anchor weight and design shall be proportional to the size of the vessel being moored and must be sufficient to hold the vessel in extreme weather conditions.
- Helix anchors are not permitted at this time but may be reconsidered upon further demonstration of their effectiveness, including long-term testing in Tomales Bay.

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*Rode:*

- Chain and all metal components such as shackles, swivels, and eyes, shall be appropriately sized and of a high manufacturing quality (e.g. hot-dipped galvanized), to the satisfaction of the Mooring Contractor.
- Stainless steel safety wire or other binding material shall be required on all shackles to prevent unscrewing.
- If two individual lengths of chain (top and bottom chain) are required, they shall be shackled together, with swivel, to form one continuous length.
- Where the mooring chain is a single piece the shackle and swivel shall be placed between the anchor and chain.
- A shackle and swivel shall be used between buoy and top of mooring chain.
- All chain ½” and smaller shall be new upon initial installation.
- Seaflex or other elastic rodes shall not be permitted at this time but may be reconsidered upon further demonstration of their effectiveness including long-term testing in Tomales Bay.

**VIII. List of GFNMS Approved Mooring Contractors:**

- GFNMS staff have developed and will maintain a list of mooring services contractors approved for installing, inspecting and repairing/maintaining all moorings subject to the MP. Mooring installations will need to be inspected annually by an approved Mooring Contractor. Completed installation and annual inspection forms will be provided to CSLC.

**IX. Inspection and Maintenance Requirements:**

- Inspections by an approved Mooring Contractor shall be required for all moorings leased under the MP, at the mooring Lessee’s sole cost and expense. Inspection is required upon submission of a lease application (for preexisting mooring owners), or installation at the mooring site and annually thereafter on the lease anniversary date.
- It is the mooring Lessee’s responsibility to schedule and ensure that the required inspections occur.
- The mooring inspector must complete an *Annual Mooring Inspection Form*, which includes the current GPS location, in decimal degrees with an accuracy of a minimum of 6 decimal place digits, of the mooring anchor and a statement certifying the condition of the mooring tackle and whether or not it passes inspection. This form must be submitted by the mooring Lessee or Mooring Contractor to CSLC on or before the lease anniversary date, along with

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the payment of annual rent, proof of liability insurance, and current vessel registration.

- If the mooring does not pass inspection then the Lessee shall be given 45-days to take corrective actions, and submit a revised *Annual Mooring Inspection Form* signed by an approved Mooring Contractor. If corrective action is not taken within 45-days, the lease will be considered in default and CSLC may take action to terminate the lease. Once the lease is terminated, mooring tackle is subject to removal, at the owner's expense, pursuant to the authority of local, state, and federal laws and regulations.
- Moorings/vessels that are determined during an inspection to be at risk of equipment failure shall be reported immediately by the Mooring Contractor to CSLC and GFNMS staff, and shall require immediate action including potential removal at the lessee's expense.
- Mooring pendants, if used, shall be inspected annually and kept in good condition at all times. The mooring Lessee shall routinely check pendant for chafing and wear, and replace as necessary to prevent pendant failure.

**X. Mooring Lease Application Process and Submittal Information Requirements For New Moorings:**

The following section outlines the general lease application process for all new moorings.

- The following information shall be submitted by the applicant along with a completed *Application for Lease of State Lands* for review prior to consideration of a mooring lease by the CSLC at a public meeting:
  - ✓ The name and address of the vessel owner/mooring lease applicant;
  - ✓ Detailed description and schematic diagram of all mooring tackle planned for use, including the planned size, shape and color of the buoy;
  - ✓ Recent color photograph(s) of and general description of the size and type of vessel(s) to be attached to the mooring;
  - ✓ Documentation of vessel ownership in the lease applicant's name, consisting of applicable valid Department of Motor Vehicle registration or U.S. Coast Guard Certificate of Documentation;
  - ✓ Proof of valid liability insurance upon the due date of their rent for the vessel(s) proposed to be moored;
  - ✓ Letter authorizing or permitting access through a privately owned parcel if applicable;
  - ✓ Request for a proposed mooring location, such as the approximate latitude/longitude coordinates for the anchor placement location and the name of Mooring Zone requested (i.e. Zone 4);
  - ✓ Statement of need if more than one mooring is being requested.

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- If the mooring lease application is for a littoral property owner then the following information, in addition to the above requirements, shall be required to be submitted:
  - ✓ The address and *Assessor's Parcel Number* of the developed littoral parcel.
  - ✓ Copy of the current upland vesting document (Deed).
- Lessees shall be responsible for promptly notifying CSLC staff of any changes to the original information provided on the application.

**XI. Mooring Lease Costs:**

- An application fee and filing fee will be required by CSLC upon receipt of a mooring lease application.
- Mooring lease rent shall be payable annually.
- Lease Application Fees do not include the costs of the mooring equipment or its installation, inspection, maintenance, annual rent, or removal.

**XII. Mooring Installation and Positioning:**

- Lessee shall be required to have the mooring installed by an approved Mooring Contractor (as close in proximity to the authorized location as is feasible) within 90-days of CSLC issuance of the lease.
- The Mooring Contractor who is responsible for installation of a mooring is required to fill out a *Pre-installation Mooring Proposal Form*, which shall be submitted to CSLC by the contractor or applicant with the CSLC mooring lease application. Required submittal information on this form includes: GPS location of the proposed mooring anchor; a detailed description and schematic diagram of the proposed mooring tackle demonstrating that all mooring tackle meets MP requirements; current vessel registration and Lessee's contact information.

**XIII. Mooring Lease Termination:**

A Lease will include provisions that the lease may be terminated by CSLC upon a breach of the lease, which includes, but is not limited to the following occurrences upon described notification as outlined in the lease:

- Failure to pay mooring lease rent on time;
- Failure to provide evidence of the required liability insurance;
- Failure to submit an *Annual Mooring Inspection Form* (within 15 days of inspection due date);
- Failure to pay annual rent, and show annual proof of the required liability insurance and current vessel registration when due;
- Failure to comply with MP mooring tackle requirements or mooring inspection requirements;
- Failure to maintain mooring or perform required repairs and maintenance within 45 days of failing an annual mooring inspection;

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- Failure to maintain the moored vessel in seaworthy and operable condition;
- Selling, renting, or subleasing a mooring lease; and
- Transferring ownership of a non-littoral property mooring lease, or transfer of a littoral property lease without prior approval by CSLC.

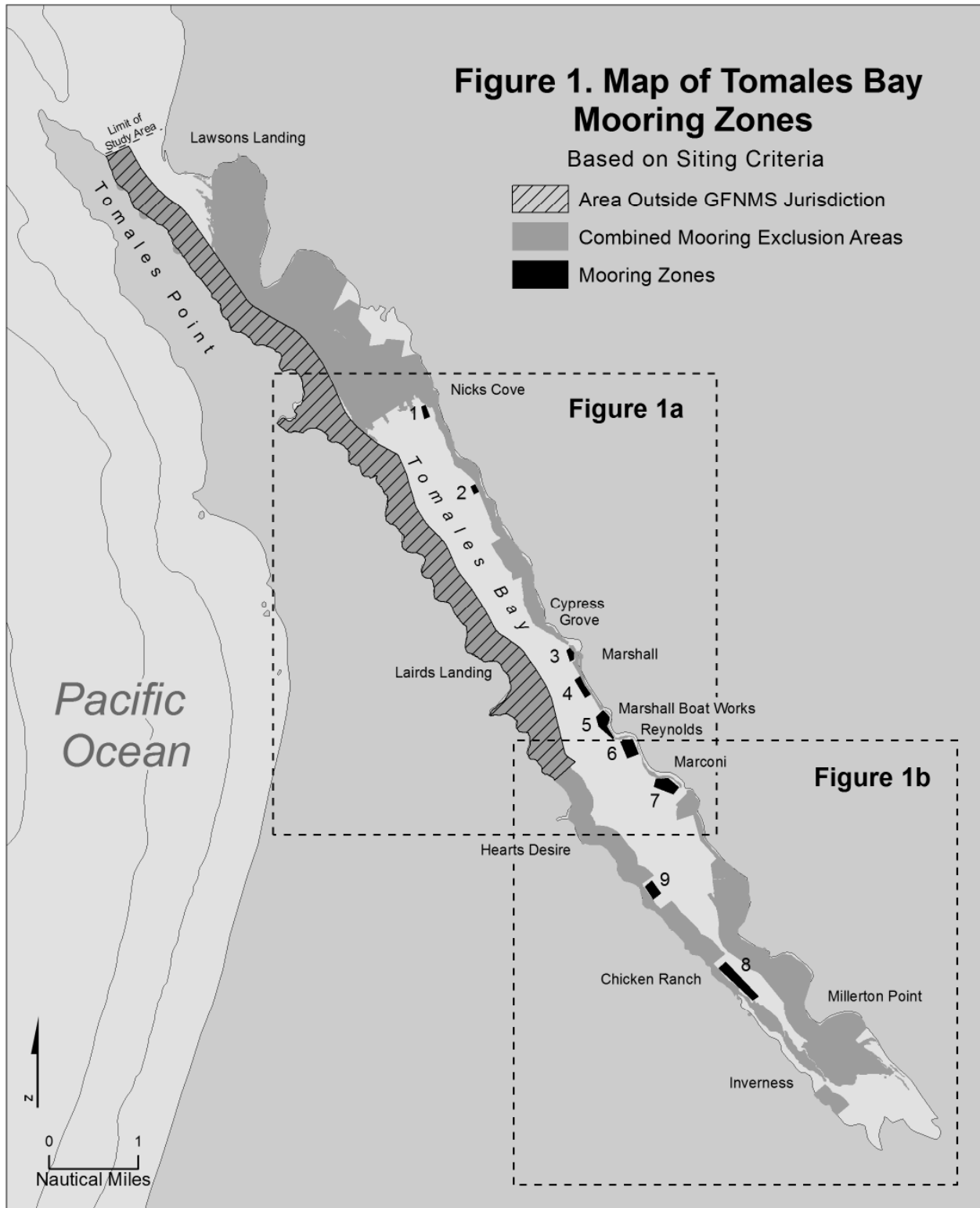
If the mooring owner does not remove a mooring system and associated vessel within 45 days of lease termination, then the mooring system and associated vessel shall be removed at the mooring owner's expense and would subsequently be in violation of state and federal laws and regulations including, but not limited to violations of California Public Resources Code, California Code of Regulations Title 14, The National Marine Sanctuaries Act and Regulations at 15 CFR, Part 922, Section H.

**XIV. Compliance Monitoring and Enforcement:**

- Current laws and regulations shall be enforced. No unauthorized moorings are allowed to exist within Tomales Bay. GFNMS staff, in coordination with other TBIC agencies shall conduct regular ongoing compliance monitoring and maintain a database of permitted moorings on the bay.
- Once the MP initial rollout process is completed unauthorized moorings are subject to removal at the owner's expense and would be in violation of local, state and federal laws and regulations.

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**Figure 1: Map of Tomales Bay Mooring Zones**

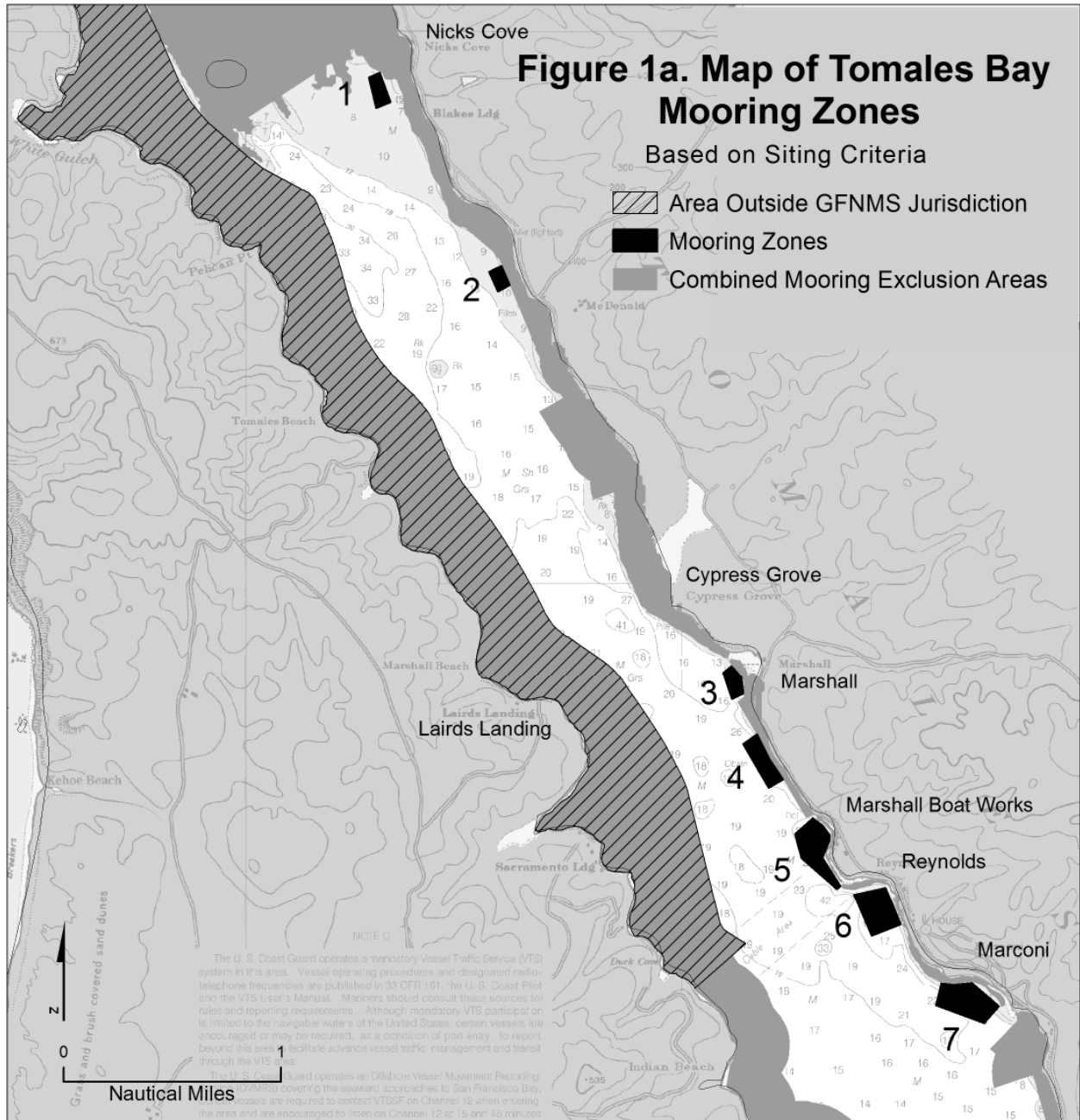


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**Figure 1a: Map of Tomales Bay Mooring Zones**





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**Figure 1b: Map of Tomales Bay Mooring Zones**

