

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
(415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV

**F10****ENERGY, OCEAN RESOURCES AND FEDERAL
CONSISTENCY DIVISION****DEPUTY DIRECTOR'S REPORT***For the**September Meeting of the California Coastal Commission*

September 01, 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 September 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>
9-16-0752-W Ultramar, Inc. Wilmington Refinery, Attn: Jon Elliott	Install an underground concrete vault on either the Terminal Island Freeway that bisects the north and south of the refinery. From each of the these underground concrete vaults there will be approximately ten critical service lines that connect to the existing refinery piping.	2402 East Anaheim St. Wilmington, Ca 90744
9-16-0771-W Parley Foundation, Attn: Cyrill Gutsch	Temporary mooring of three underwater sculptures, The Underwater Pavilions Project, within the City of Avalon's Casino Point Dive Park. The three pavilions would be moored beneath the ocean surface at depths of up to 16 feet, and anchored by a total of seven 2500-pound moorings placed on the seafloor. The project also includes the installation of a live feed video system, with cameras attached to the mooring lines and cables laid on the seafloor. The installation, including pavilions, anchors and mooring line, and video system, would be fully removed no later than December. 31, 2016.	Catalina Island Dive Park

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

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>
E-09-010-A6 Pacific Gas & Electric Co., Attn: Loren Sharp	Relocate an existing fiber optic communications cable to serve the Humboldt Bay Generating Station (HBGS) operations, Humboldt Bay Power Plant (HBPP) decommissioning/restoration activities, and Independent Spent Fuel Storage Installation (ISFSI) operations. The new fiber optic cables will originate at the HBGS communications room and extend underground within Alpha Road to King Salmon Avenue. Two fiber optic cables will be installed, each placed in separate 4-inch conduits. One cable will serve HBGS; the other cable will serve HBPP decommissioning/restoration and ISFSI operations.	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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
ND-0011-16 Department of the Navy	Maintenance dredging of 240,000 cu.yds. of sediment at Piers 2, 6, 7, 13, 14, and Chollas Creek; ten present of volume to be disposed at LA-5 with the balance disposed at an upland landfill. Action: Concur, 8/9/2016	Naval Base San Diego
ND-0022-16 Corps of Engineers, Los Angeles District	Maintenance dredging of between 114,000 to 407,000 cubic yards of sediment in the Marina del Rey Harbor Entrance Channel, and placement of sediments at Dockweiler Beach, either on the beach or in the nearshore zone, Los Angeles County. Action: Concur, 9/1/2016	Marina Del Rey Harbor Entrance Channel And Dockweiler Beach, Los Angeles County
ND-0027-16 Department of the Air Force	Replacement of Overhead and Underground Electrical Distribution Lines (Feeders C1 and B3) on North Vandenberg Air Force Base, Santa Barbara County. Action: Concur, 8/26/2016	Vandenberg Air Force Base, Santa Barbara County
ND-0031-16 Indian Health Service	Indian Health Services, Yurok Tribe water well, with a capacity of 30 gallons/minute, to serve 48 homes in the Klamath Community Service District, in Klamath, Del Norte Co. The existing water system is degraded and a threat to public health, and the Tribe must cease its use of an emergency back-up well. Action: Concur, 9/1/2016	Town Of Klamath, North End Of Town (APN(s): 140-060-16)
NE-0008-16 National Oceanic and Atmospheric Administration	Private Moorings approved by the State Lands Commission under the NOAA Sanctuaries/SLC Tomales Bay Mooring Program, Marin County - Second round of moorings approved by the State Lands Commission on August 9, 2016 Action: Concur, 8/10/2016	Various Locations, Tomales Bay

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September 1, 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: 9-16-0752-W

Applicant: Ultramar, Inc. Wilmington Refinery

Location: 2402 East Anaheim St. Wilmington, CA 90744 (City of Los Angeles) (APN(s): 7440-2-20, 7440-2-22)

Proposed Development: Install an underground concrete vault on either the Terminal Island Freeway that bisects the north and south sides of the refinery. From each of these underground concrete vaults there will be approximately ten critical service lines that connect to the existing refinery piping.

Rationale:

- The refinery is located in an area in which industrial activity is the predominant use. It is adjacent to the Dominguez Channel, which is used primarily for industrial and stormwater drainage, and does not include public access or recreational use. The proposed project will not preclude or interfere with public access to, or recreational uses of, the coast.
- The project involves installation of two underground concrete vaults within existing paved areas on the industrial site to house ten critical service lines that connect one side of the refinery to the other. There will be no impact to biological resources of the coastal zone. Proposed activities will not affect refinery operations and will not increase the risk of a hazardous materials spill. The applicant will carry out construction activities consistent with the Storm Water Pollution Prevention Plan currently in place for refinery operations to manage storm water runoff during construction and operation of the new underground concrete vaults.
- The vaults are prefabricated concrete structures measuring ten feet wide, 12 feet deep and between 10 and 20 feet long. Installation would require the excavation of approximately 140 cubic yards of soil between the two sites. Those installation sites are within the central portion of the refinery facility on either side of the Terminal Island Freeway and would not

Coastal Development Permit De Minimis Waiver

9-16-0752-W

block coastal views or be located in an area where visual quality is not already heavily dominated by industrial equipment and processes. Therefore, the proposed project will be visually compatible with the existing character of the area.

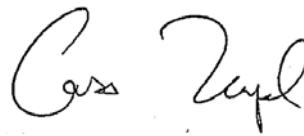
- The applicant is required to obtain building permits from the City of Los Angeles prior to the commencement of construction.

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

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

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "Cassidy Teufel", with a stylized, cursive script.

Cassidy Teufel
Coastal Program Analyst

cc: File

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August 31, 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: 9-16-0771-W

Applicant: Parley Foundation

Location: Casino Point Dive Park, Avalon, Santa Catalina Island, Los Angeles County

Proposed Development: Temporary placement of three underwater sculptures and seven moorings within the existing Casino Point Dive Park

The Parley Foundation proposes to install the Underwater Pavilions Project, a temporary underwater sculpture exhibit, within the City of Avalon's Casino Point Dive Park ("Dive Park") off the coast of Santa Catalina Island, Los Angeles County. The installation, featuring three buoyant underwater sculptures ("pavilions") by artist Doug Aitken, is intended to promote public engagement on ocean issues and to augment existing recreational diving opportunities. The proposed project location is within the northwestern corner of the Dive Park, approximately 225 to 350 feet offshore. The project would be adjacent to, but outside the boundaries of, the Casino Point State Marine Conservation Area (SMCA). The three pavilions would be moored beneath the ocean surface at depths of up to 16 feet, and anchored by a total of seven 2500-pound concrete blocks placed on the seafloor. The exhibit would be installed over a period of five days beginning in mid- to late September, 2016, and remain in place for approximately three months. The mooring anchors would be lowered into place from a small vessel, launched from nearby Avalon Harbor, with the assistance of a dive team. The pavilions would then be towed into position and secured to the anchors using polypropylene lines. The project would also include the installation of a live feed video system, with cameras attached to the mooring lines and cables laid on the seafloor. The installation, including pavilions, anchors and mooring line, and video system, would be fully removed no later than December 31, 2016. If the applicant wishes to retain the exhibit or mooring beyond this date, it will seek new authorization from the Commission. The applicant will notify Commission staff when the exhibit has been removed.

Coastal Development Permit De Minimis Waiver

9-16-0771-W

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:

- **Marine Resources & Water Quality:** The project would be installed outside the boundaries of the Casino Point SMCA and would avoid sensitive seafloor habitats during mooring and cable-laying. The applicant commissioned a biological survey of the project area and has identified anchoring locations in sandy sediment areas that would avoid hard substrate habitats and submerged aquatic vegetation. A qualified biologist would be assigned to oversee installation activities, assure the placement of anchors in the selected locations, and monitor for the presence of marine mammals and other sensitive wildlife. The exhibit and mooring lines would be inspected weekly to ensure that no lines have come loose, minimizing the risk of entanglement to marine animals. Project vessels would be equipped with emergency protocols and spill kits to minimize the potential for spills of contaminants and hazardous materials during vessel operation.
- **Hazards:** The proposed mooring system has been designed and engineered to withstand wave and current conditions likely to occur during its period of emplacement, would be deployed in accordance with City of Avalon mooring protocols, and would be inspected weekly for structural integrity and stability. The applicant has developed a contingency plan for the rapid (1-day) removal of the pavilions in the event that the site is threatened by a severe storm or wave event (e.g., such as occurred in Avalon Harbor related to Hurricane Marie in 2014).
- **Visual Resources:** The temporary exhibit would be completely beneath the ocean surface, and would not significantly alter views to and along the coast.
- **Public Access & Recreation:** The project would provide an additional feature to the Casino Point Dive Park, and thus would temporarily enhance recreational diving opportunities. Due to its location within the Dive Park, which is closed to boat traffic, the project would not interfere with recreational boating or create a navigational hazard.

This waiver will not become effective until reported to the Commission at the September 9, 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****E-09-010-A6**

TO: All Interested Parties

FROM: John Ainsworth, Acting Executive Director

DATE: August 25, 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 (HBPP), 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 relocation of an existing fiber optic communications cable to support ongoing HBPP decommissioning and ISFSI operations.

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. On July 14, 2016, the Commission approved a fifth amendment to allow PG&E to conduct 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.

Requested Amendment: PG&E has requested its permit be amended to allow it to relocate an existing fiber optic communications cable that provides network connectivity for HBPP, the Independent Spent Fuel Storage Installation (ISFSI), and the Humboldt Bay Generating Station (HBGS). In addition, PG&E intends to relocate the network communications system from the HBPP to the HBGS communications room to serve the HBGS operations, HBPP decommissioning/restoration activities, and ISFSI operations. The new fiber optic cables will originate at the HBGS communications room and extend underground within Alpha Road to King Salmon Avenue. Two fiber optic cables will be installed, each placed in separate 4-inch conduits. One cable will serve HBGS; the other cable will serve HBPP decommissioning/restoration and ISFSI operations. Fiber optic conduits will be installed using horizontal boring, with water used as a lubricant and coolant during drilling operations. Excavated soil will be tested according to the Department of Toxic Substances Control approved

HBPP Interim Measures Removal Action Work Plan and then reused onsite, if appropriate. The entire effort should take approximately 8 days.

PG&E has also included as part of this immaterial amendment several avoidance and minimization measures meant to ensure that any impacts of fiber optic cable installation 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:

- Wetlands and Water Quality: PG&E will conduct all project-related activities in accordance with the existing Stormwater Management Plan required under Special Condition 1, thus minimizing erosion and the migration of soil and construction debris into wetlands and coastal waters. In addition, PG&E will implement best practices (as described in their project description), including the use of water only to lubricate and cool the drill bit during drilling activities, to minimize the potential for an inadvertent release of material into adjacent wetlands. Furthermore, a biological monitor will be present during all drilling operations to ensure impacts to wetlands are avoided. In the unlikely event of a release of muddy water during the drilling process, the monitor will document the release and supervise any necessary cleanup. If wetlands are impacted during project-related activities, PG&E will submit an application to amend its permit to address the impact. With these measures, any wetland and/or water quality impacts would be *de minimis*.
- Cultural Resources: Horizontal drilling operations could extend into Horizon A, a culturally sensitive soil layer approximately 3 feet below the surface. To ensure that impacts to cultural resources are minimized, a cultural resources monitor will be present for all ground-disturbing activities along Alpha Road. In the event that a cultural resource is encountered, PG&E will follow the protocols set forth in the Archeological Resources Protection Plan required in Special Condition 4. With these measures, impacts to cultural resources are would be *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 determination 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 Kate Huckelbridge at the above address. If you have any questions, you may contact her at (415) 906-9708 or via email at khuckelbridge@coastal.ca.gov.

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August 9, 2016

Larry S. Williams
Deputy Public Works Officer
Naval Base San Diego
3455 Senn Road
San Diego, CA 92136-5084

Subject: Negative Determination ND-0011-16 (Maintenance Dredging at Naval Base San Diego, San Diego County)

Dear Mr. Williams:

The Coastal Commission staff has reviewed the above-referenced project. The Department of the Navy proposes to undertake maintenance dredging to restore berthing areas to operational depths at Piers 2, 6, 7, 13, former Pier 14 and Chollas Creek at Naval Base San Diego. The total volume to be dredged is approximately 250,780 cubic yards; dredging would commence in fall 2016 and last through 2017. The Navy states that 85,340 cu.yds. of dredged sediment will be disposed at the LA-5 ocean disposal site and 165,439 cu.yds. will be transported to an approved upland landfill.

The Commission staff and the EPA and the U.S. Army Corps of Engineers have reviewed the physical and chemical sediment test results and agree that the material proposed for disposal at LA-5 is suitable for open ocean disposal, and that these sediments are not suitable for beach replenishment due to insufficient grain size. The remaining sediments are unsuitable for ocean disposal and beach nourishment due to sediment chemistry characteristics. The Navy will implement standard construction best management practices during all dredging operations, including spill prevention measures and cleanup plans. If turbidity is observed beyond the immediate vicinity of the project area, dredging will be adjusted to allow turbidity to dissipate. The project area will be monitored for the presence or marine mammals and sea turtles prior to the commencement of and during all dredging activities. If necessary, dredging will be adjusted until the project area is clear of these species. The project footprint is not within a designated California least tern foraging area and therefore dredging will not be seasonally restricted. The project will not adversely affect public access as the piers and adjacent water areas are off-limits to the general public for military security and public safety reasons.

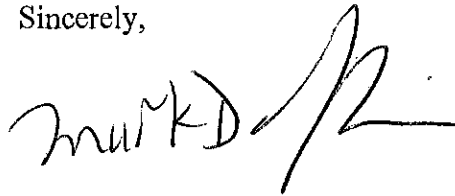
Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to previously concurred with consistency and negative determinations for Navy pier maintenance dredging activities in San

ND-0011-16 (Department of the Navy)
Navy Base San Diego

Diego Bay (e.g., ND-0031-14, CD-011-13, ND-052-12, ND-011-11, CD-031-01, ND-023-00, CD-089-99, CD-051-94, CD-64-92, and CD-51-87).

In conclusion, the Commission staff **agrees** that the proposed maintenance dredging and disposal of suitable sediments at the LA-5 ocean disposal site is similar to the above-referenced determinations and will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 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 dark ink, appearing to read "Mark D. Ainsworth", with a stylized flourish at the end.

(for)

JOHN AINSWORTH
Acting Executive Director

cc: CCC – San Diego Coast District

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September 1, 2016

Eduardo T. De Mesa
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Larry Smith
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017

Subject: Negative Determination ND-0022-16 (Maintenance Dredging of Marina del Rey
Entrance Channels, Los Angeles County)

Dear Mr. De Mesa:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to maintenance dredge between 114,000 and 407,000 cubic yards of clean, sandy sediments from Areas 4, 5, and 6 in the federal entrance channels at Marina del Rey Harbor, and dispose the sediments on Dockweiler State Beach or in the adjacent nearshore zone. The Corps last dredged the entrance channels at Marina del Rey in 2012 (ND-021-12). The actual volume of dredging to occur during the proposed project will depend on the availability of federal funding and the results of the contracting bid. The project is scheduled to occur between October 2016 and April 15, 2017, and will take between 30 and 60 days to complete, depending on the type of dredging equipment used and the location of sediment placement.

The sediments to be dredged are suitable for either beach or nearshore placement, based on physical and chemical testing of the dredge areas. On June 22, 2016, the multi-agency Southern California Dredge Material Management Team and Contaminated Sediment Task Force (which includes staff members from the Coastal Commission, the U.S. Environmental Protection Agency, and the Los Angeles Regional Water Quality Control Board) reviewed the Marina del Rey Harbor sediment and chemistry test results. The SCDMMT/CSTF concurred with the suitability determination made by the Corps of Engineers for placement of dredged sediments either on or in the nearshore off Dockweiler Beach.


The Corps will ensure that the project contractor implements a water quality monitoring plan at the dredge and beach or nearshore placement sites. The proposed project will create short-term increases in turbidity in the vicinity of dredging operations. Turbidity levels will be monitored throughout dredging and the project includes prescribed actions (e.g., slowing dredge cycle

times, use of silt curtains) should turbidity exceed pre-established water quality conditions. Beach placement of dredged materials will be limited to a single-point placement site or similar methodology to minimize nearshore turbidity. The project also includes measures to minimize the presence of trash and debris in dredged sediments placed in the nearshore or on the beach. If dredging is performed with a clamshell dredge (with nearshore placement), grizzly screens will be placed over the placement barges to mechanically screen out debris as sediments are placed in the barge. If a hydraulic dredge is used for beach placement, monitors will be present on the beach to collect and remove any trash or debris encountered during placement and grading operations. All trash and debris collected under either dredging operation will be disposed as solid waste at an appropriate inland facility. When dredged materials are placed on a beach, these sediments are usually darker in color than the receiving beach sands. However, once the dredged sediments dry, they will lighten to match existing beach sands. This minor temporary impact is outweighed by the significant recreational benefits obtained from the placement of clean and grain-size compatible sand on Dockweiler State Beach.

The proposed project will occur outside the nesting season of the California least tern. With this timing restriction and other environmental commitments incorporated into the project, dredging and disposal will not adversely affect least tern nesting or foraging. While the project will also occur outside the nesting season of the western snowy plover, wintering snowy plovers are present on Dockweiler Beach. To protect plovers, the proposed sand placement location avoids the identified snowy plover wintering area, and the sand discharge pipeline avoids this area and the 50-foot-wide buffer adjacent to the perimeter fencing of the wintering area. Pre-construction surveys will be conducted at the placement site and should snowy plovers be found on or adjacent to this site, monitors will be hired to direct the project contractor to avoid those areas during sand placement and grading.

Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to previously concurred with consistency and negative determinations submitted by the Corps of Engineers for maintenance dredging at Marina del Rey Harbor and sand placement at Dockweiler State Beach or in adjacent nearshore waters (CD-035-10, ND-006-12, ND-021-12). In conclusion, the Commission staff **agrees** that the proposed maintenance dredging and beach nourishment project is similar to the above-referenced consistency and negative determinations and will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 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

ND-0022-16 (U.S. Army Corps of Engineers)
Marina del Rey Harbor Maintenance Dredging

cc: CCC -- South Coast District
USFWS -- Carlsbad
NMFS -- Long Beach
CDFW -- Long Beach

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August 26, 2016

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

Subject: Negative Determination ND-0027-16 (Replacement of Overhead and Underground Electrical Distribution Lines on North Vandenberg Air Force Base, Santa Barbara County)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to replace existing overhead and underground electrical distribution lines (Feeders C1 and B3) which power numerous space launch facilities on north Vandenberg Air Force Base. The new lines will be placed above and below ground, will continue to run along the same general routes as the existing lines, and overhead lines will be placed adjacent to existing roads to the extent feasible. The existing lines will remain operational until installation, testing, and operation of the new lines are completed. Subsequently, the existing wires and electrical equipment will be removed and wooden power poles will be removed and/or cut off at ground level to avoid soil disturbance.

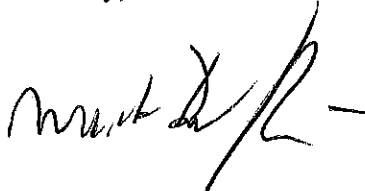
The Air Force completed Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service regarding the federally endangered Vandenberg monkeyflower. The Service concurred with the Air Force's determination that the proposed project is not likely to adversely affect this species. The Air Force also completed National Historic Preservation Act Section 106 consultation with the California State Historic Preservation Officer, who concurred with the Air Force's finding that the project would not affect historic properties. Project construction activities hold the potential to temporarily affect soils, vegetation, and water quality at and adjacent to work areas. All exposed soil areas will be revegetated with a native seed mix and sufficient mulch to prevent erosion. The Air Force will implement a Storm Water Pollution Prevention Plan and incorporate best management practices into the project design to avoid adverse effects to water resources.

Under the federal consistency regulations (15 CFR Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." In July 2012 the Executive Director concurred

ND-0027-16 (Department of the Air Force)
Vandenberg Air Force Base

with ND-022-12 for an electrical distribution line replacement project on south Vandenberg Air Force Base. The proposed electrical distribution line project on north Vandenberg Air Force Base is similar to this previous work. In conclusion, the Commission staff **agrees** that the proposed project 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,


(per) JOHN AINSWORTH
Acting Executive Director

cc: CCC – South Central Coast District

CALIFORNIA COASTAL COMMISSION

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



September 1, 2016

S. Joshua Newcom, MAS
NEPA Coordination
Indian Health Service
California Area Office
650 Capitol Mall, Suite 7-100
Sacramento, CA 95814-4708

Re: **ND-0031-16** Indian Health Service, Negative Determination, Test Wells for Yurok Tribe,
Klamath, Del Norte Co.

Dear Mr. Newcom:

The Indian Health Service (IHS) has submitted the above-referenced negative determination to drill test wells for needed upgrades to an existing, but substandard, water supply system for the Yurok Tribe (Tribe) in the town of Klamath. The system serves 48 homes in the Klamath Community Service District serving the Tribe. The existing wells are unsanitary for a number of reasons, and the Tribe currently relies on an emergency well from the Green Diamond Lumber Company located at the south end of town, which it must cease use of by the end of 2016. The IHS proposes to drill one (or two, if needed) test well(s) to determine the adequacy of available groundwater. If adequate water sources are found, the Tribe will subsequently construct a new well and appurtenances, including pipelines, to replace the existing water facilities. All necessary permits for the wells will be obtained prior to construction, and if constructed, the new water system will be operated and maintained by the Klamath Community Service District (with assistance from the Yurok Tribe Public Utility District).

In conclusion, the Commission staff **agrees** that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

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

(for) JOHN AINSWORTH
Acting Executive Director

cc: Arcata District

CALIFORNIA COASTAL COMMISSION

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



August 10, 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-0008-16**, 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:

The Commission staff is reviewing "no effects" determinations for six private moorings in Tomales Bay under ten-year leases being issued by the California State Lands Commission (CSLC) to the applicants listed below:

Applicant	LAT	LONG	Tag #
Steven and Barbara Schwanke	38.19109	-122.91895	New
Joan Carlson / Mark Ropers	38.1419	-122.8779	New
Lorca Rossman	38.140944	-122.87709	G68
Mark and Varian Bartolini	38.115713	-122.864946	G6
James Blair	38.151181	-122.890813	G41
Douglas Hanford / David Casella	38.151677	-122.89041	G40

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.¹ 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

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

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.

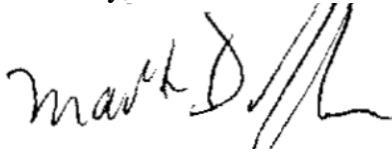
GFNMS and CSLC are administering the Mooring Program together because regulations of both agencies apply in Tomales Bay. GFNMS is issuing a permit to CSLC that makes it possible for CSLC to lease areas of state sovereign lands in the bay for moorings that comply with federal and state laws. The GFNMS 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 August 9, 2016, the CSLC authorized the six leases that are the subject of this letter. These authorizations follow the CSLC's previous (July 28, 2016) authorizations of 13 private leases, which we subsequently concurred with (on June 30, 2016) as No Effects Determination ND-0007-16.

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" 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

Steven and Barbara Schwanke
1100 Bay Laurel Drive
Menlo Park, CA 94025

Joan Carlson and Mark Ropers
PO BOX 809
Marshall, CA 94940

Lorca Rossman
PO BOX 255
Olema, CA 94950

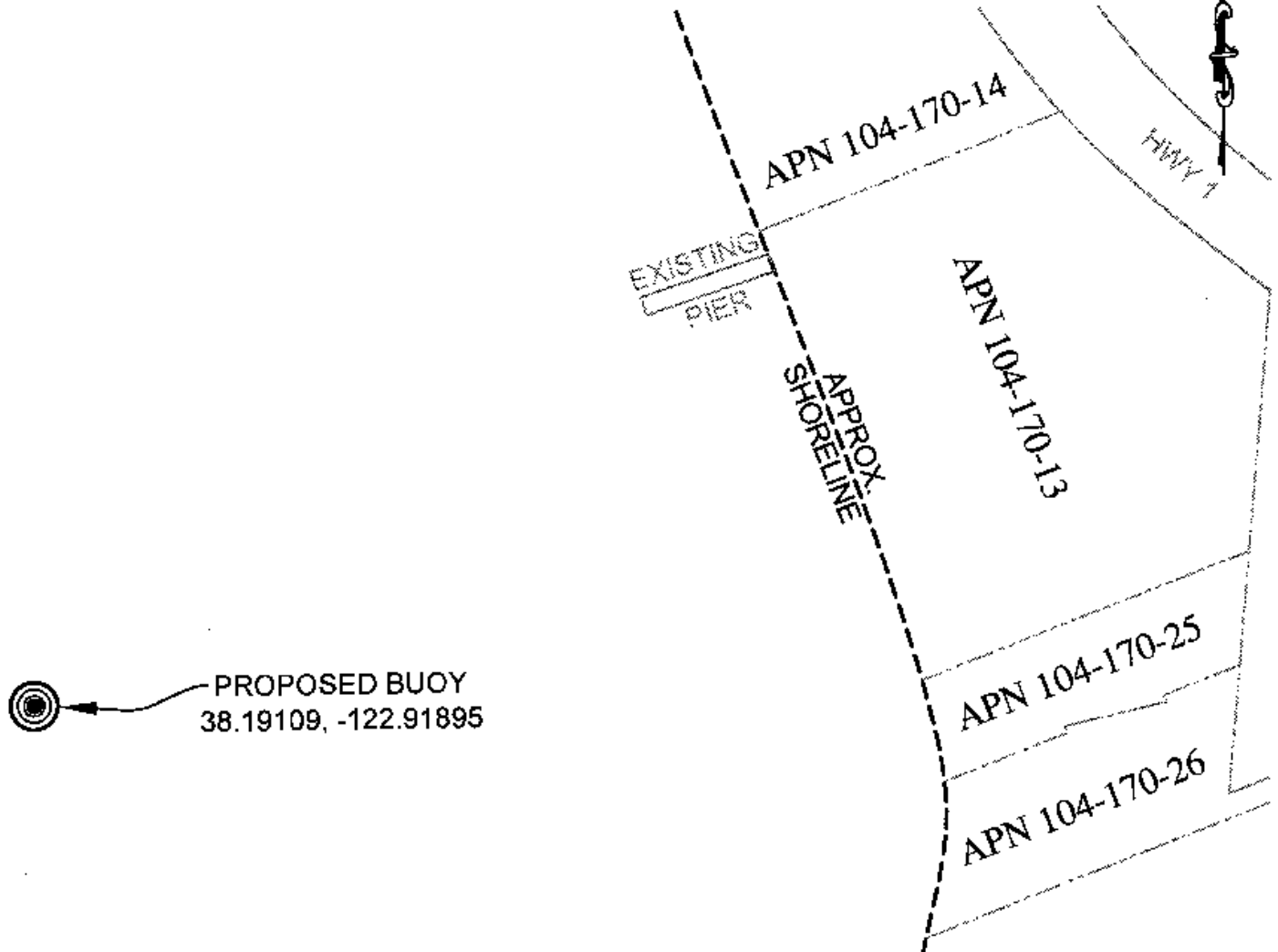
Mark and Varian Bartolini
40 Robert Dr
Inverness, CA 94937

James Blair
1217 Sunset Avenue
Santa Rosa, CA 95407

Douglas Hanford and David Casella
PO BOX 506
Glen Ellen, CA 95442

NO SCALE

SITE



NEAR 22665 STATE ROUTE 1, MARSHALL

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 26974
SCHWANKE
APN 104-170-13
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGB 06/10/16

NO SCALE

SITE

APN
106-301-04

APN 106-301-05

APPROX.
SHORELINE

TOMALES BAY

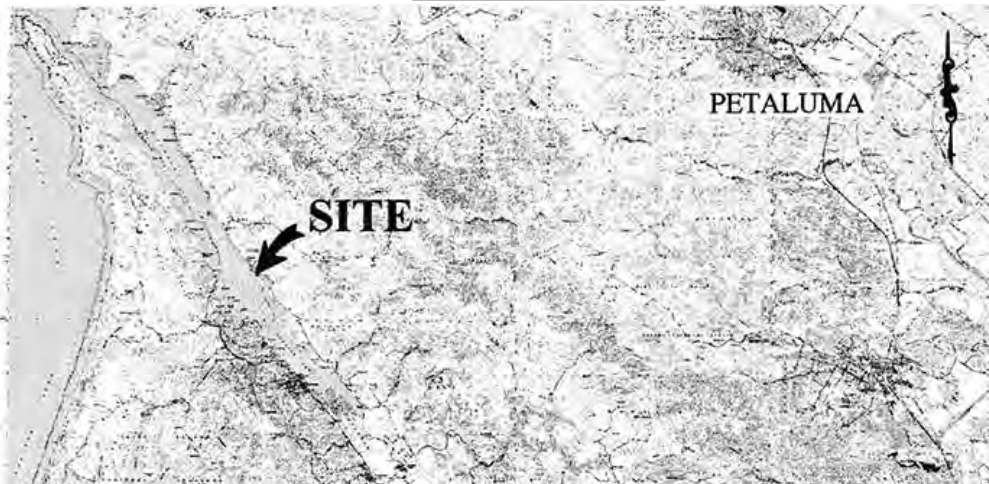
PROPOSED BUOY



NEAR 18555 STATE HIGHWAY 1, MARSHALL

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

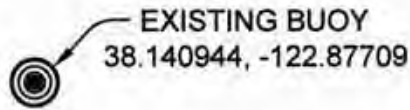
W 26975
CARLSON-ROPER
APN 106-301-04
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGE 06/07/16

NO SCALE

SITE



APN 106-301-07

TOMALES BAY

APPROX.
SHORELINE

NEAR 18255 STATE ROUTE 1, MARSHALL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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Exhibit B

W 26972
ROSSMAN
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGB 06/10/16

NO SCALE

SITE

EXISTING BUOY
38.115713, -122.864946



TOMALES BAY

APPROX
SHORELINE

APN 112-023-07

EXISTING
PIER
PRC 3240

NEAR 178 CAMINO DEL MAR, 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 26971
BARTOLINI
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGB 06/07/16

NO SCALE

SITE

EXISTING BUOY
38.151181, -122.890813

TOMALES BAY



NEAR 19225 STATE ROUTE 1, MARSHALL

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 26970
BLAIR
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



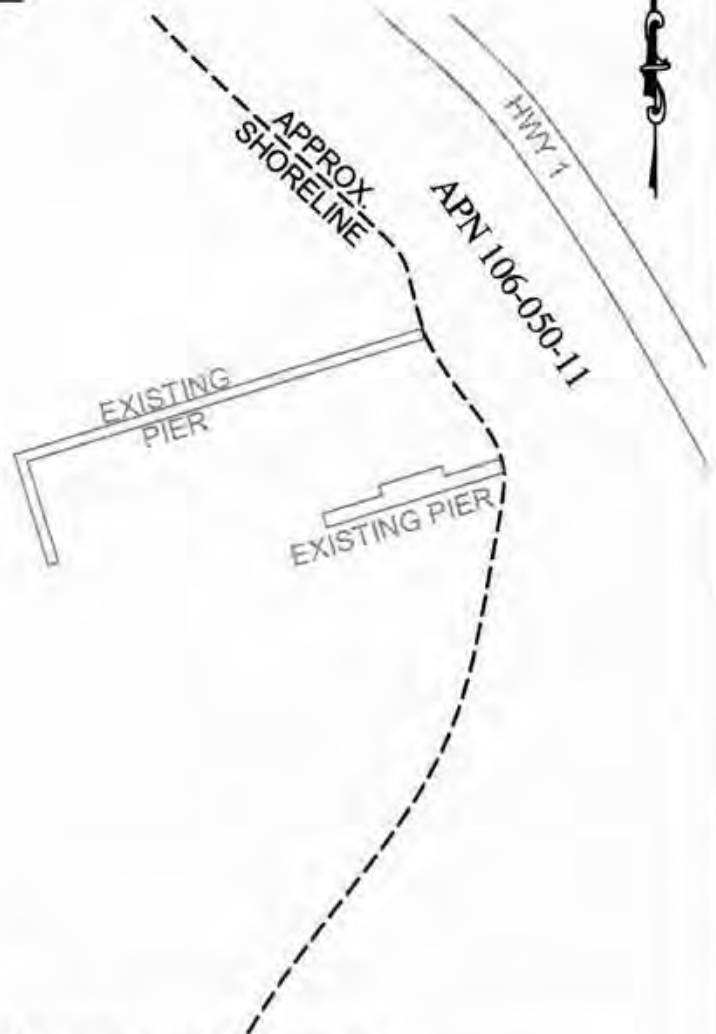
RGB 06/07/16

NO SCALE

SITE

EXISTING BUOY
38.151677, -122.89041

TOMALES BAY



NEAR 19225 STATE ROUTE 1, MARSHALL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26973
HANFORD-CASELLA
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGB 06/10/16

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.

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

EXHIBIT C
TOMALES BAY MOORING PROGRAM REQUIREMENTS
(POLICIES AND CRITERIA)
APRIL 28, 2016

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

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.

EXHIBIT C
TOMALES BAY MOORING PROGRAM REQUIREMENTS
(POLICIES AND CRITERIA)
APRIL 28, 2016

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

EXHIBIT C
TOMALES BAY MOORING PROGRAM REQUIREMENTS
(POLICIES AND CRITERIA)
APRIL 28, 2016

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.

EXHIBIT C
TOMALES BAY MOORING PROGRAM REQUIREMENTS
(POLICIES AND CRITERIA)
APRIL 28, 2016

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

EXHIBIT C
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(POLICIES AND CRITERIA)
APRIL 28, 2016

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

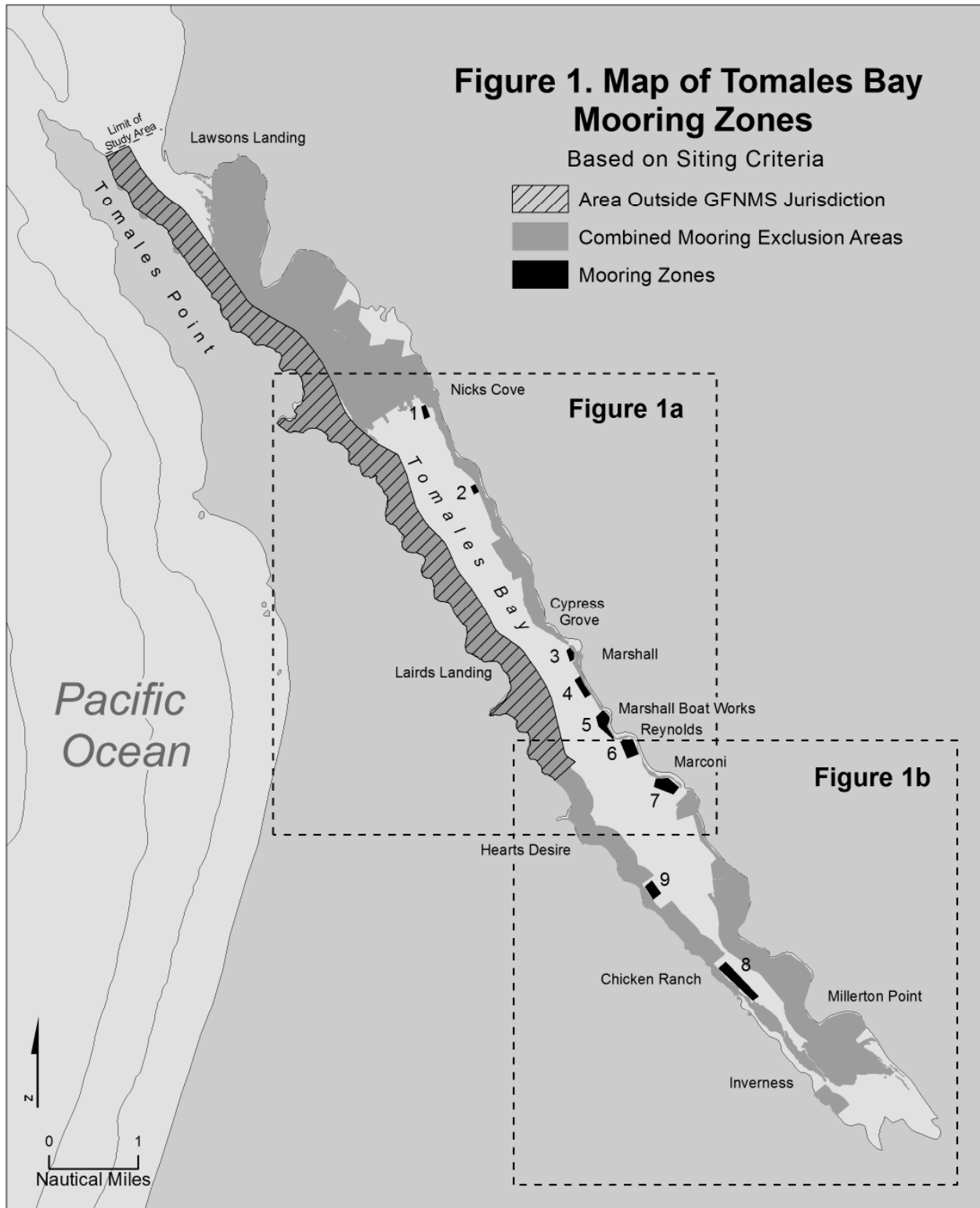


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Figure 1a: Map of Tomales Bay Mooring Zones

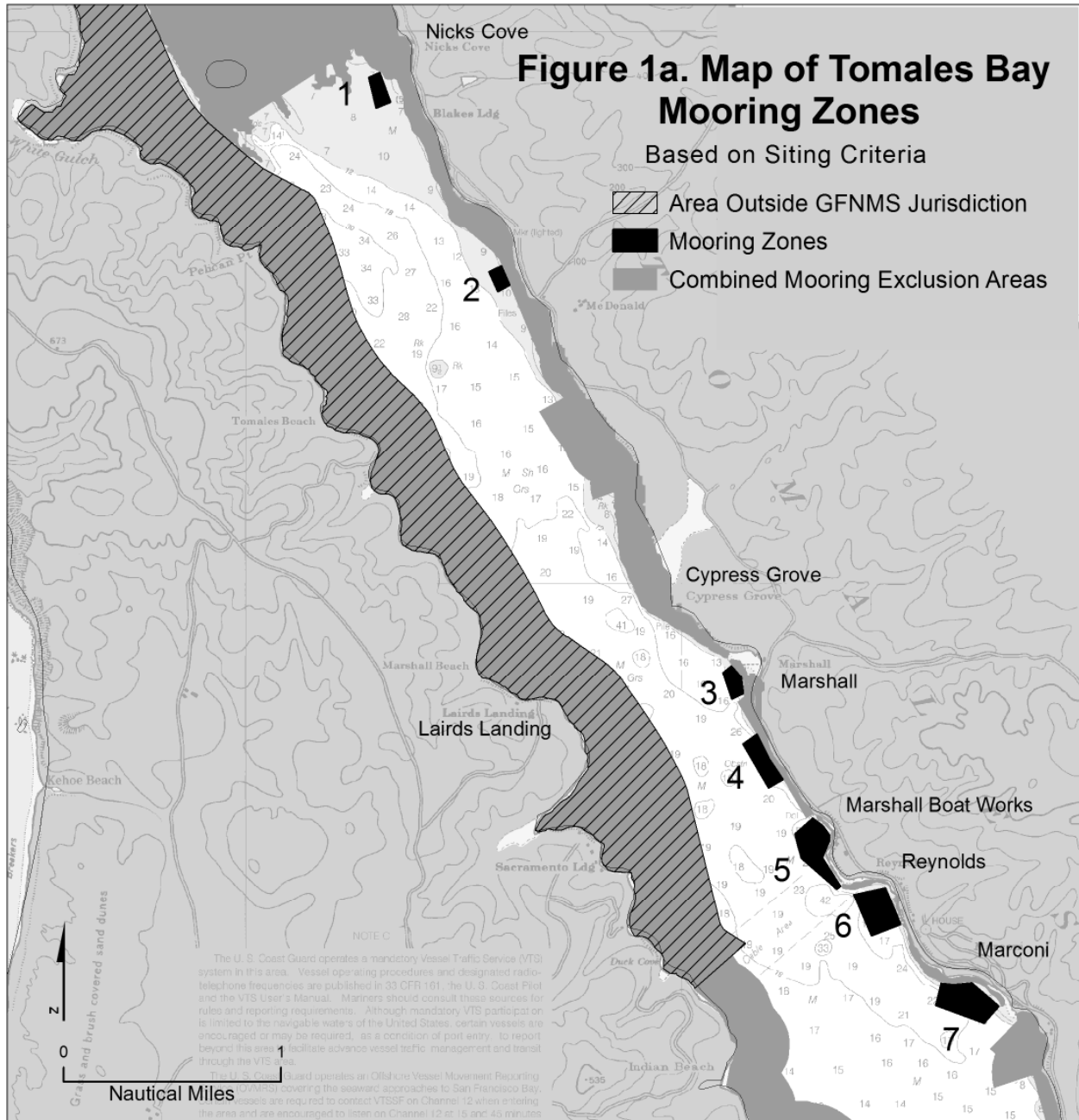


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Figure 1b: Map of Tomales Bay Mooring Zones

