

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
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W16

Prepared November 02, 2017 (for the November 08, 2017 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for November 2017**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on November 08, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 8th.

With respect to the November 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 08, 2017 (see attached)

Immaterial Amendments

- **9-15-0531-A3**, Humboldt Bay Power Plant (HBPP) Final Site Restoration Plan Implementation (Eureka)

Emergency Permit

- **G-9-17-0049**, Morro Bay Power Plant (MBPP) Marine Terminal Pigging and Flushing Maintenance, (San Luis Obispo County)

Negative Determinations and No Effect Letters

Administrative Items for Federal Consistency Matters

- **ND-0020-17, Bureau of Land Management, Action: Concur, 10/12/2017**
Ocean Day marine education event for students grades K through 8 for years 2017 through 2021, including removal of invasive European beachgrass and participation in an aerial art event, at Table Bluff County Park, South Spit of Humboldt Bay, and Eel River Wildlife Area, Humboldt County.

- **ND-0025-17, National Park Service, Action: Concur, 10/4/2017**
Install two ground water monitoring wells, three surface water level loggers in Wilkins Gulch Creek and Lewis Gulch Creek, and one precipitation gauge, all located on Wilkins Ranch near the north end of Bolinas Lagoon in the Golden Gate NRA, Marin County.
- **ND-0026-17, National Oceanic and Atmospheric Administration, Action: Concur, 10/18/2017**
NOAA's Assessment and Restoration Division, Oil Spill Simulation using drones (Unmanned Aircraft Systems (UAS)) for detecting oil spills, simulated by use of fluorescein dye mixture and rice hulls. Gaviota to Santa Barbara offshore area. Santa Barbara Channel.
- **NE-0009-17, National Oceanic and Atmospheric Administration, Action: Concur, 10/19/2017**
Private Moorings approved by the State Lands Commission under the NOAA Sanctuaries/SLC Tomales Bay Mooring Program, Marin County.
- **NE-0010-17, Bureau of Safety and Environmental Enforcement, Action: Concur, 10/31/2017**
Freeport McMoran Oil and Gas OCS Lease Suspension for one additional year, due to Shutdown of Pipeline Lines 901 and 913, Point Arguello Unit, Santa Barbara Co.
- **Correspondence in Response to the Issuance of ND-0020-17, Bureau of Land Management**

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **9-15-0531-A3**

October 26, 2017

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **9-15-0531-A3** granted to **Pacific Gas & Electric Company** for:
Implementation of the Final Site Restoration Plan for the Humboldt Bay Power Plant
(HBPP)

Project Site: 1000 King Salmon Ave., Eureka, CA 95503 (APN: 305-131-35)

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

PG&E proposes to relocate Pretreatment Basin X (Area 9e) at the Humboldt Bay Power Plant (HBPP) to the former location of Building 5 (Area 2e). Permit Amendment 9-15-0531-A1 approved the demolition of Building 5 and incorporating the footprint of the building into the HBPP Core Area for reuse by the Humboldt Bay Generating Station (HBGS). With this amendment, PG&E now proposes to move the location of the pretreatment basin, designed to filter and treat stormwater runoff from the HBPP site, from its approved location to the east of the Waste Management Facility (WMF, Area 9e) to the former Building 5 site (Area 2e). A portion of Area 9e would be paved and a portion would be restored to coastal bluff scrub and managed native grasses (see Exhibit ??). The purpose of the relocation is to maximize the staging area for the WMF, improve the quality of surrounding restored areas and improve maintenance access to the pretreatment basin.

Implementation of the changes described above will require a change to the deed restriction required under Special Condition 9 and recorded prior to issuance of CDP 9-15-0531. To address this change as well as the potential for future small discrepancies between the recorded deed restriction and the as-built condition, the following Special Condition will be added to the permit as part of this amendment:

14. **WITHIN 90 DAYS OF THE COMPLETION OF CONSTRUCTION**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has amended the deed restriction (required by Special Condition 8), recorded on August 24, 2016 as document number 2016-016016 in the official records of Humboldt County, to accurately reflect all areas required to be protected and restricted as restored areas, consistent with the as-built plans..

Notice of Proposed Immaterial Permit Amendment

9-15-0531-A3

FINDINGS

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

Biological and Marine Resources: The new proposed location of the Pretreatment Basin is the former location of Building 5 (Area 2e). Although this building was originally permitted to be retained for use by the HBGS, 9-15-0531-A1 approved the demolition of this building, as well as paving of the building footprint. CDP 9-15-0531 designated 0.129 acres of Area 2e for upland habitat restoration, which will be retained under this amendment. The Pretreatment Basin is not considered a wetland or upland "restored area," and thus, relocating the basin to the proposed location will not result in a change to the acreage of proposed restored area in Area 2e. PG&E also proposes changes to Area 9e. The configuration of the restored area will change as indicated in Exhibit 1, to allow for a slightly expanded paved parking lot for the WMF. In addition, the acreage of restored area will increase slightly from 1.01 acres to 1.02 acres. Similar to changes proposed for Area 2e, the proposed changes to Area 9e will not result in a significant change to the acreage of proposed restored areas described in CDP 9-15-0531.

Special Condition 7 places an open space restriction on the areas designated as restored areas, and only allows activities such as monitoring and maintenance of habitat areas and stormwater features, invasive plant removal, and fence repair. **Special Condition 8** required PG&E to record a deed restriction against the HBPP property indicating that the Commission had approved development in a manner that restricts the use and enjoyment of the property for as long as the permit or the development it authorizes remains in existence. The changes proposed under this amendment affect some of the areas designated as restored areas and will therefore need to be included as restored areas in an amended deed restriction. To ensure that these changes are included in the deed restriction recorded against the property, **Special Condition 14** requires that within 90 days of the conclusion of construction, PG&E amend the recorded deed restriction to reflect the actual areas to be identified and restricted as restored areas.

Furthermore, PG&E will continue to implement all construction related mitigation measures, including pre-construction biological surveys in accordance with **Special Condition 2** to ensure the protection of any sensitive species or habitats, and measures outlined in the Stormwater Management Plan (SMP) required by **Special Condition 1**. With these measures in place, the Executive Director has determined that the project will protect sensitive habitat areas and maintain the quality of coastal waters, streams and wetlands, and, for the reasons stated above, will be consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

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

cc: Commissioners/File

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**EMERGENCY PERMIT**

Issue Date: October 9, 2017
Emergency Permit No. G-9-17-0049

APPLICANT:

Dynegy Morro Bay, LLC
1290 Embarcadero Road
Morro Bay, CA 93442
Attn: Ninah Rhodes Hartley

AGENT:

Padre Associates, Inc.
396 Pacific Street
San Luis Obispo, CA 93401
Attn: Eric Snelling

LOCATION OF EMERGENCY

In coastal waters of Estero Bay, offshore of the City of Morro Bay, County of San Luis Obispo.

EMERGENCY WORK

Dynegy seeks approval to conduct activities necessary to prevent potential oil spills into coastal waters. The proposed activities involve "pigging" and flushing two fuel oil delivery pipelines that are part of a retired marine terminal formerly used by the Morro Bay Power Plant ("MBPP"). These activities would be a continuation of work Dynegy previously conducted without benefit of a coastal development permit, which is the subject of an enforcement matter and will be considered separately by the Commission. The activities authorized by this emergency permit include only those necessary to respond to an unexpected occurrence that poses an immediate threat to the environment and public safety.

Background: The Morro Bay Power Plant's retired marine terminal was formerly used to deliver fuel to the power plant from tankers anchored offshore. The marine terminal includes two intake pipelines, one 24-inch diameter and one 16-inch diameter, that run from the MBPP to offshore of Morro Bay State Beach. The pipelines are buried beneath the beach and seafloor until they emerge onto the seafloor surface several hundred feet offshore and about a quarter-mile north of Morro Rock. The offshore ends of the pipelines include steel flanges, a manifold, and rubber/steel hoses that were formerly used to circulate fluid between the pipelines and to clean them after fuel delivery. In 1994, the power plant switched from fuel oil to natural gas, and the marine terminal was purged and filled with a freshwater/sodium hydroxide solution to inhibit corrosion. The marine terminal has not been used since that time.

Dynegy plans to remove the marine terminal in 2018, and has started the necessary environmental review process, with the State Lands Commission as lead CEQA agency. In June 2017, in preparing for the planned removal, Dynegy tested the water within the pipelines and found it contained some residual oil and other contaminants. In August 2017, Dynegy developed a work plan that described the actions it would take to purge the liquid within the pipelines, which included pigging and flushing the lines to ensure there would be no residual oil within the pipelines during the planned removal. In late September 2017, Dynegy started conducting the initial activities in preparation for

the pigging, which included installing a temporary wastewater treatment system and vacuum pumps at the power plant site, anchoring a work boat over the end of the pipelines, having divers install a seep tent over the end of one of the pipelines, and disconnecting one of the two hoses connecting the two pipelines. When Dynegy separated the hose from the pipeline, it released approximately five to 10 gallons of residual oil into the water column, some of which reached Morro Rock Beach. Dynegy notified the state Office of Spill Prevention and Response and the Morro Bay Harbor District, and then conducted cleanup activities on the beach by raking the oil/sand mixture and using a tractor to remove the material. Dynegy conducted these development activities without the coastal development permit required from the Commission, which is the subject of a separate enforcement matter.

However, in conducting these activities, Dynegy noted that the two hoses had deteriorated significantly during their past couple of decades of non-use (hoses of this type are generally replaced on five-year cycles at other similar active facilities). On an October 3, 2017 conference call with Commission staff to discuss the enforcement matter, Dynegy stated that the degraded state of the hoses could lead to additional, and possibly larger, releases of any other residual oil remaining in the pipelines if the hoses were damaged during the upcoming winter storm season. Dynegy also stated that it would likely be able to conduct the work needed to stabilize and clean the pipelines only during the next few weeks before the expected arrival of winter storms and unfavorable sea conditions.

On October 5, 2017, Dynegy submitted an application for an emergency coastal development permit to authorize the remaining activities needed to purge the remaining oil and other liquids from the pipelines and stabilize the marine terminal components until they can be removed, presumably in 2018. These remaining activities, which are described in Dynegy's August 15, 2017 *Technical Plan – Pigging and Flushing Maintenance Activity* as modified by Dynegy's October 3, 2017 revised *Section 6 – Procedures* and *Section 12 – Oil Spill Response Plan*, and which are authorized by this emergency coastal development permit, include:

- **Staging and Equipment Installation:** Dynegy will use a work boat to employ divers for preparing the seafloor work area at the end of each pipeline. To reduce the potential for spills or releases, work will be done only during calm sea states, a vacuum pump will be used on the onshore end of each pipeline to create a positive flow of liquids in the landward direction, and divers will install separate "seep tents" over each pipeline/hose connection to capture any residual oil that may be released during work. Working on one pipeline/hose connection at a time, divers will remove the existing fittings that seal the ends of the pipelines and replace them with new flanges to which the pig launchers – one about 12 feet long and one about 18 feet long – will be attached. The hoses will be removed using a "cradle" to hoist them to the work boat.
- **Flushing and treatment activities:** Dynegy will use three pigs in each pipeline – the first will be made of a stiff foam material, the second is made of urethane discs, and the third is a foam pig similar to the first. The divers will install the first pig and then pump surfactant solution to fill the first 150 feet of each pipeline, which will push the first pig forward. The divers will then install the second and third pigs, and then pump seawater into each pipeline, forcing the pigs and surfactant to pig receivers installed at the inland end of the pipelines. Liquids removed from the pipelines will be routed to a temporary treatment system installed at the power plant. Based on the length and diameter of the pipelines, Dynegy expects to

remove and treat about 260,000 gallons of liquids total. The wastewater treatment system includes several different treatment components and covers about 6,000 square feet.

- **Demobilization:** Once flushing and treatment is complete, Dynegy will remove the temporary treatment system and the offshore seep tents and pig launchers.

This letter constitutes approval of the emergency work Dynegy or its representative has requested be done at the location listed above. I understand from the information provided that an unexpected occurrence – i.e., discovering deteriorated hoses on fuel oil intake lines – poses a threat to the environment and to public safety in the form of a potential release of oil to coastal waters and the shoreline if these hoses rupture or degrade further. The proposed activities require immediate action to prevent loss or damage to life, health, property, or essential public services pursuant to 14 Cal. Admin. Code Section 13009, and there is insufficient time to process the proposed activities for a regular coastal development permit.

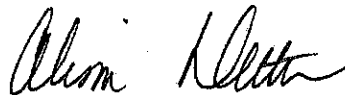
The Executive Director of the California Coastal Commission hereby finds that:

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

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

Sincerely,

John Ainsworth
Acting Executive Director



By: Alison Dettmer, Deputy Director

cc: Morro Bay Harbor District
State Lands Commission

Enclosure: Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PERMITTEE and returned to our office within 15 working days. The work authorized by this permit must be completed within 45 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
2. Only work specifically described in this permit and in Dynergy's Fall 2017 *Technical Work Plan: Pigging and Flushing Activity*, as modified by Dynergy's October 3, 2017 modified Sections 6 and 12 of that *Work Plan* is authorized. Table 12.7.1 of the modified *Section 12 – Oil Spill Response Plan* shall be revised to include the Coastal Commission as one of the agencies Dynergy will contact in the event of a spill (contact Jonathan Bishop at 415-693-8375 and Tom Luster at 415-904-5248). Any additional work not described in these documents requires separate authorization from the Executive Director.
3. PRIOR TO STARTING WORK, Dynergy is to submit evidence of its contract with Clean Harbors Environmental Services for potential offshore spill response and cleanup activities.
4. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
5. The applicant recognizes that the emergency work is considered temporary until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.
6. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
8. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director.
9. Failure to submit a complete follow-up CDP Application that complies with Condition 9 above or to comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

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**Emergency Permit Acceptance Form**

To: California Coastal Commission
Energy, Ocean Resources, and Federal Consistency Division
45 Fremont Street, #2000
San Francisco, CA 94105

Re: Emergency Permit No. **G-17-09-0049** – Dynegy Morro Bay, LLC & Padre Associates, Inc.

Instructions: After reading the attached Emergency Permit, please sign this form and return to the Energy, Ocean Resources, and Federal Consistency Division within 15 working days from the date of permit issuance.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary to make the approved work permanent. I agree to apply for a regular Coastal Development Permit within 60 days of the date of issuance of this emergency permit (i.e., by December 9, 2017), unless extended by the Executive Director for good cause.

Signature of Permittee:

Address:

Printed Name of Permittee:

Date Signed:

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October 10, 2017

Molly Brown
Field Manager
Arcata Field Office
Bureau of Land Management
ATTN: Chris Heppe
1695 Heindon Road
Arcata, CA 95521

Subject: Negative Determination ND-0020-17 (Ocean Day Marine Education Program, 2018-2021, Humboldt County)

Dear Ms. Brown:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to continue to implement its long-running Ocean Day marine education program during the 2018-2021 time period. Ocean Day is an annual statewide marine education program funded in part by the Coastal Commission, and for 13 years has been implemented in Humboldt County by the BLM Arcata Field Office and Friends of the Dunes. The BLM states that approximately 800 to 1,000 Humboldt County kindergarten through 8th grade students participate in a day of habitat restoration and aerial art at the Eel River Wildlife Area (ERWA) and the adjacent Table Bluff County Park (TBCP), respectively.¹ Prior to the Ocean Day event, students receive classroom lessons focusing on the health of coastal and marine environments. On the day of the event, busses transport students, teachers, and volunteer parents to the southern end of the South Spit of Humboldt Bay. Participants first walk to the dunes on the Eel River Wildlife Area to pull European beachgrass, an invasive, non-native grass that has displaced native dune flora. Students then walk north to the beach at Table Bluff County Park where they gather in an aerial art design while a plane flies over to capture the image.

The BLM submitted this negative determination to document that removal of European beachgrass at the Ocean Day site does not adversely affect coastal resources. The BLM states that:

¹ The California Department of Fish and Wildlife owns and manages the ERWA. Humboldt County owns TBCP but this site is managed by the BLM as part of its Humboldt Bay South Spit Management Area (SSMA), located directly north of the ERWA.

Students are invited to pull beachgrass for approximately two hours on an area that covers roughly five acres. While this annual effort has resulted in a short-term reduction of beachgrass cover, the beachgrass continues to resprout from underground roots providing new plants for the students to pull.

...

The relatively small amount of non-native beachgrass removed represents a modest step toward meeting the resources protection and restoration goals that are clearly articulated and supported in several management plans for the South Spit and other local beach and dune areas.

Since 1994 the Commission, through its federal consistency authority, has concurred with consistency and negative determinations for dune management and restoration projects sponsored by the BLM and the U.S. Fish and Wildlife Service (USFWS) on the North and South Spits of Humboldt Bay. These projects often included the removal of invasive, non-native vegetation such as European beachgrass in order to provide opportunities for restoration of native dune mat and dune grassland habitat.²

In the subject negative determination the BLM refers to the 1998 USFWS *Recovery Plan for Seven Coastal Plants and the Myrtle's Silverspot Butterfly*, the 2002 BLM *South Spit Interim Management Plan*, and the 2014 USFWS *Biological Opinion* (for implementation of the Final Management Plan for the BLM's South Spit Management Area):

The aforementioned plans demonstrate a longstanding justification and interagency support for implementing native, rare and endangered plant community recovery on coastal dunes through invasive, non-native plant removal projects at the South Spit. Since 2002, the BLM has restored approximately one mile of native beach and dune habitat at the South Spit, thanks in large part to the hand labor cooperatively provided by the California Conservation Corps.

Notwithstanding the Commission's concurrence with projects that led to successful dune restoration work on the South Spit, questions about potential adverse effects from vegetation removal (e.g., reduced dune height, wave overwash, enhanced inland sand transport) were raised with the Commission staff prior to and after submittal of the subject negative determination. The BLM states in the subject negative determination that:

² In December 2002 the Commission conditionally concurred with the BLM's consistency determination CD-052-02 for the *Humboldt Bay South Spit Interim Management Plan*. The adopted findings reference the BLM's management goal of restoring native dune habitat. The BLM's July 2002 *Biological Assessment* for the *Interim Plan* included a goal of eradicating invasive non-native vegetation, including European beachgrass. The BLM's July 2002 *Environmental Assessment* for the *Interim Plan* stated that a minimum of two acres of native dune habitat would be restored on the South Spit during implementation of the *Interim Plan*. However, the BLM reported in April 2006 that under the *Interim Plan* 20 acres of European beachgrass were removed to restore native dune habitat on the South Spit, and proposed an additional 75 acres of native dune restoration on the South Spit. In October 2006 the BLM stated that due in part to achievement of resource protection goals, the *Interim Plan* would be used as the long-term plan for management of the South Spit.

The successful recovery of native dune mat and foredune grassland communities through repeated, manual eradication of European beachgrass and other invasive species such as yellow bush lupine and iceplant, is well supported through qualitative observations as well as quantitative monitoring results of plant community mapping (BLM 2014 [South Spit Dunes Vegetation Monitoring Summary 2008-2014]) and air photo analysis.

....

The BLM has not observed nor received any data or evidence to suggest that wetlands or other coastal resources have been impacted by beachgrass removal associated with Ocean Day or with previously conducted restoration work at the SSMA [South Spit Management Area]. The restored dune area has not facilitated any measurable sand movement to the east, even during recent years of extremely high tides. The South Spit road that lies to the east of the restoration area provides a hard substrate upon which to measure sand mobility following dune restoration. With over 15 years of experience maintaining the road, BLM has not observed sand accumulation or movement across the road.

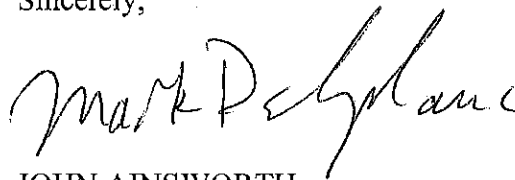
The BLM also reports in its negative determination that it is addressing potential sea-level rise effects on the agency's coastal dune restoration work:

The BLM is collaborating with USFWS and other agencies to implement the ongoing Sea-Level Rise Coastal Resilience, Vulnerability and Adaptation Project on Humboldt Bay, California (as part of the Coastal Conservancy Climate Ready Grant Program) which has established transects throughout the Eureka littoral cell to measure dune elevation and topography. If this study or other data suggest that beach grass removal is having unintended negative effects, BLM will evaluate and adapt restoration actions accordingly.

Under the federal consistency regulations (15 CFR Section 930.35(a)), a negative determination can be submitted for an activity "which is the same or similar to activities for which consistency determinations have been prepared in the past." The proposed four-year continuation of the annual Ocean Day removal of invasive European beachgrass at a five-acre site on the Eel River Wildlife Area is similar to the coastal dune restoration and non-native plant removal activities on the South and North Spits of Humboldt Bay previously concurred with by the Commission in numerous consistency and negative determinations since 1994. Short-term beachgrass removal associated with the BLM's Ocean Day event has taken place at the project site since 2010 and has not adversely affected coastal resources at or adjacent to the site.

In conclusion, the Commission staff **agrees** that the proposed continuation of the Ocean Day Marine Education Program through 2021 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 cursive script, appearing to read "Mark DeGaulle".

(for)

JOHN AINSWORTH
Executive Director

cc: CCC – North Coast District
California Department of Fish and Wildlife
Humboldt County Planning and Building Department
Uri Driscoll

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October 4, 2017

Cynthia MacLeod
Acting Superintendent
Point Reyes National Seashore
ATTN: Ben Becker
Point Reyes, CA 94956

Subject: Negative Determination ND-0025-17 (Installation of Water Monitoring Devices on Wilkins Ranch, Golden Gate National Recreation Area, Marin County)

Dear Ms. MacLeod:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to install ground and surface water monitoring devices on NPS property known as "Wilkins Ranch" within the north district of Golden Gate National Recreation Area. The NPS will install two ground water monitoring wells in 10-foot-deep borings, install three surface water level loggers (two in Wilkins Gulch Creek and one in Lewis Gulch Creek), and install a precipitation gauge at Wilkins Ranch. The purpose of the project is to characterize the hydrology of the creek deltas at the northern end of Bolinas Lagoon. The devices will allow the NPS to assess water levels in creek channels and the adjacent ground water, relationships between creek discharge and groundwater and the hydraulic connectivity between the two, estimated flow rates in the creeks, and salinity response to fluctuating hydraulic conditions. The monitoring results will inform the hydraulic aspects of multi-agency restoration efforts at the north end of Bolinas Lagoon. The two proposed ground water monitoring wells will not be located within environmentally sensitive habitat and will not affect water resources, the wells are not within areas that support archaeological resources, and the three instream water gauges will not affect the hydrology or biology of Wilkins Gulch and Lewis Gulch creeks (and will be removed after the anticipated two-year monitoring period).

In conclusion, the Commission staff agrees that the proposed water monitoring devices on the Wilkins Ranch 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,

Larry Simon

(for)

JOHN AINSWORTH
Executive Director

cc: CCC – North Central Coast District

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October 18, 2017

Rob Ricker, Ph.D.
Regional Manager, SW Region
Assessment and Restoration Division
Office of Response and Restoration, NOAA
1410 Neotomas Ave, Suite 110
Santa Rosa, CA 95405

Re: **ND-0026-17**, NOAA Negative Determination, Fluorescein Dye Oil Spill Simulation, Santa Barbara Channel

Dear Mr. Ricker:

The Coastal Commission staff has reviewed the above-referenced negative determination to carry out scientific research on the use of Unmanned Aircraft Systems for detecting oil spills. The project utilizes a non-toxic fluorescein dye mixture and rice hulls to simulate spilled oil in the ocean. The simulation will be conducted from October 30th to November 3rd, 2017 in coastal and marine areas near Santa Barbara. The Coastal Commission staff **agrees** with your conclusion that the exercise as described therein would not adversely affect coastal zone resources.

In addition, under federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity “which is the same as or similar to activities for which consistency determinations have been prepared in the past.” We agree that the proposed activities are the same as or are similar to previous negative determinations for fluorescein dye oil spill simulation exercises (e.g., ND-0026-14) with which we have concurred.

We therefore **concur** with your negative determination made pursuant for 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact me at (415) 904-5289, or Jonathan Bishop, Oil Spill Program Coordinator, at (831) 427-4873 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Bishop'.

(for) JOHN AINSWORTH
Executive Director

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Response and Restoration
Silver Spring, Maryland 20910

Mark Delaplaine
California Coastal Commission
1121 L Street #503,
Sacramento, CA 95814

Re: Request for concurrence on negative determination pursuant to Coastal Zone Management Act of 1972, Section 307 (1) and 15 CFR Section 930.35

Dear Mr. Mark Delaplaine,

We, the Office of Response and Restoration, Assessment and Restoration Division, propose to carry-out scientific research on the use of Unmanned Aircraft Systems (UAS) for detecting oil spills. The field work would be conducted from October 30th to November 3rd, 2017, in coastal and marine areas near Santa Barbara, California.

In accordance with the Coastal Zone Management Act of 1972, Section 307 (1) and 15 CFR Section 930.35, we anticipate the actions proposed are not likely to affect California state resources or provide any impediments to coastal access and recreational uses. Our analysis, including a description of the proposed action, the action area, and the effects of the proposed action on California resources and coastal uses is attached.

We certify that we have used the best information available to complete our analysis and request your office concurrence with our negative determination.

If you have any questions or require additional information, please contact Rob Ricker or Matt Dorsey at (707) 570-1760 or (562) 980-3250.

Rob W. Ricker, PHD
Regional Manager, Southwest Region
Assessment & Restoration Division
Office of Response and Restoration
NOAA National Ocean Service
1410 Neotomas Ave, Suite 110
Santa Rosa CA 95405

Enclosure

Description of the proposed action

Objective

NOAA in conjunction with California Department of Fish and Wildlife (CDFW), Chevron and American Aerospace Technologies Incorporated (AATI) propose to conduct an exercise to simulate an oil spill and assess the ability of an Unmanned Aircraft System (UAS) to locate and characterize the oil. The goal of the exercise is to demonstrate that UAS can effectively be used to collect evidence of oil exposure to coastal and marine habitats. UAS could therefore be used for conducting a Natural Resources Damage Assessment (NRDA) protocol and to provide shoreline reconnaissance information of oiling to the proper emergency response personnel. In turn, they would be able to know where to focus shoreline assessment crews during a spill.

Duration

The proposed duration of the research is five days (October 30 to November 3rd, 2017).

Action area

The exercise will occur in coastal (beach) and offshore marine areas near Santa Barbara, California (Figures 1 and 2). The geographic operational area that a Certificate of Authorization (COA) has been requested for is bounded by the coordinates:

Point 1 - Lat: 34.53758, Long: -120.51135 Point 4 - Lat: 34.22306, Long: -119.59263
Point 2 - Lat: 34.13274, Long: -120.31429 Point 5 - Lat: 34.26790, Long: -120.01423
Point 3 - Lat: 34.13502, Long: -119.58095 Point 6 - Lat: 34.52966, Long: -120.07054

The exercise will be focused on the action areas shown in Figures 1 & 2. The UAS would be launched by AATI at the Gaviota Maine Terminal located at 16899 US-101, Goleta, CA 93117. The action area does overlap several California state parks and a protected area and we are actively working with California Department of Fish and Wildlife to notify the appropriate State points of contact of the exercise and the planned actions. We do not anticipate the actions proposed to have any negative effects to federally listed endangered species or California state resources nor any impediments to coastal access and recreational uses.

Method

The proposed research is divided into 2 parts, an offshore component and an onshore/nearshore component. The UAS will be launched and piloted by AATI and will be directed by Chevron, CDFW and NOAA ARD personnel. Chevron and AATI have applied for a commercial Certificate of Authorization (COA) from the Federal Aviation Administration (FAA) to perform these activities off the Santa Barbara coast (Figure 3). The UAS will be a Jump 20 platform (Figure 4). It is a hybrid vertical takeoff and landing (VTOL)/fixed-wing with long endurance (9-16 hours) for beyond visual line of sight operations. In addition, there will be a chase plane following as required by the FAA. The UAS will be deployed for approximately 5 – 8 hours each day above the ocean surface and/or shoreline at varying altitudes between 1000 and 4000 feet above sea level. The Jump 20 system has a 190cc 4 Stroke engine that produces little to no

distinguishable sound while standing on the ground when the platform is overhead at the 1000 foot altitude level.

For the offshore exercise, a non-toxic fluorescein dye mixture (See appendix - Fluorescein Dye Material Safety Data Sheet [MSDS]) and/or rice hulls, will be applied or deployed, from the Research Vessel (R/V) Shearwater into the designated area of the ocean to simulate surface oil (Figure 3). The dye will be administered by a hose and pump off the deck of the vessel and sprayed into the ocean. One dye application would consist of 3 gallons of dye per 100 gallons of freshwater and 500 gallons of seawater. We plan to administer up to 10 total applications daily, approximately 8 miles from the closest shoreline away from public access points to the Ocean. (Figure 6) The dye will color the sea water simulating an oil spill and act as a target for the UAS to follow. We will fly the UAS over the applied dye and rice hulls at an altitudes between 1000 and 4000 feet to collect aerial photography of the dye mixture or rice hull application as they spread through the upper water column.

For the onshore/nearshore component of the exercise, no dye or rice hulls will be deployed. The UAS will be flown over man made targets laid out in predetermined areas along the shoreline. For this component the UAS will be flown at varying altitudes between 1000 and 4000 feet to identify the placed targets. There will be 2 types of placed targets in use. The first will consist of brown or black visqueen sheeting to simulate oil. The second type of placed targets will be artificial targets made to mimic dead birds and other animals. All artificial targets will be picked up at the end of the day.

Description of the effects of the proposed action in coastal use (land or water) or natural resources of the coastal zone

Coastal Uses & Resources

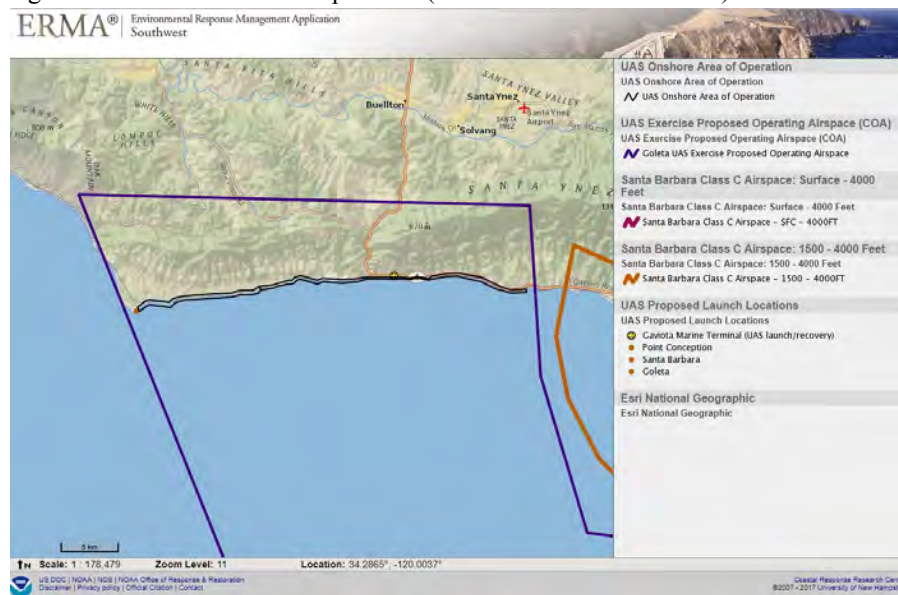
As described above the proposed exercise will be conducted in 2 general locations, nearshore/onshore and offshore as depicted in Figures 1 & 2. The first location will take place along the shoreline from Refugio Beach to Gaviota State Park. Artificial targets designed to simulate oil will be placed along the shoreline and the UAS will be flown overhead capturing aerial imagery. The second location will take place in an area 5 - 10 miles offshore Refugio Beach to Gaviota State Park shoreline. As described above the dye mixture/rice hulls will be released and the UAS will be flown overhead capturing aerial imagery.

The mentioned artificial targets simulating oil will be retrieved at the end of the day and placement will be closely monitored during the duration of the exercise. Targets will not be placed in a way that obstructs or interferes with coastal uses such as public access and recreational activities. The UAS will be flown at a distance above a 1000 feet where sound levels are estimated to be 50 decibels or less. At this altitude and noise level the UAS's sound would be barely discernible and should not harass marine life nor disturb recreational activities that may be occurring in the area. The dye/rice hulls will be released 5-10 miles offshore and are expected to completely dissipate in a half hour or less. The toxicity of the dye is considered

very low and the dye/rice hull release will only occur when the application area is considered clear of boating traffic and recreational fishing activities.

Finally, a similar exercise was conducted in 2014. (i.e., August 4-6) For that exercise the California Coastal Commission's concurrence of a negative determination on effects to State resources and coastal uses was sought and received.¹

Figure 1: Nearshore Area of Operation (Black Outline of Shoreline)



¹ OR&R Evaluates Unmanned Aerial Systems (UAS) for Natural Resources Damage Assessments
<https://response.restoration.noaa.gov/about/media/orr-evaluates-unmanned-aerial-systems-uas-natural-resources-damage-assessments.html>

Figure 2: Offshore Area of Operation (Black Hatched Polygons)

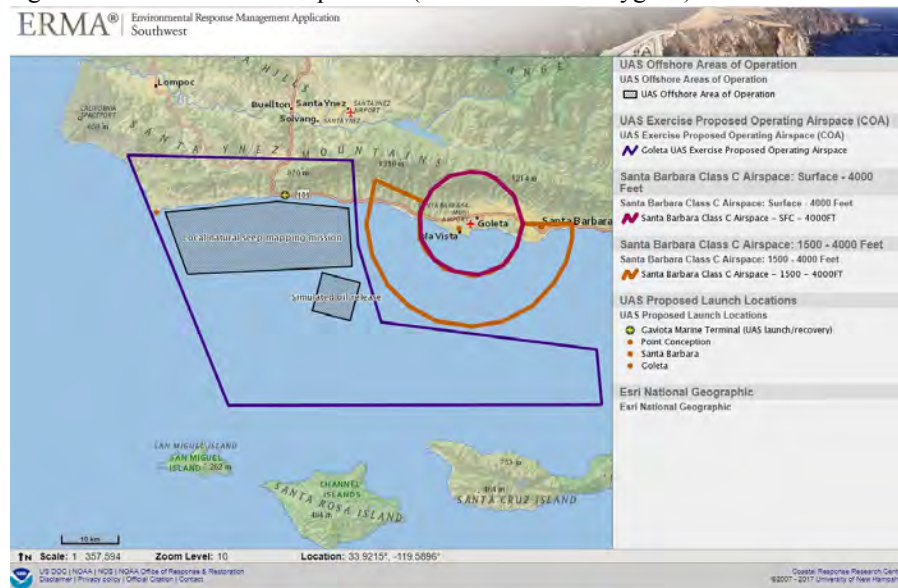


Figure 4: COA (Purple)

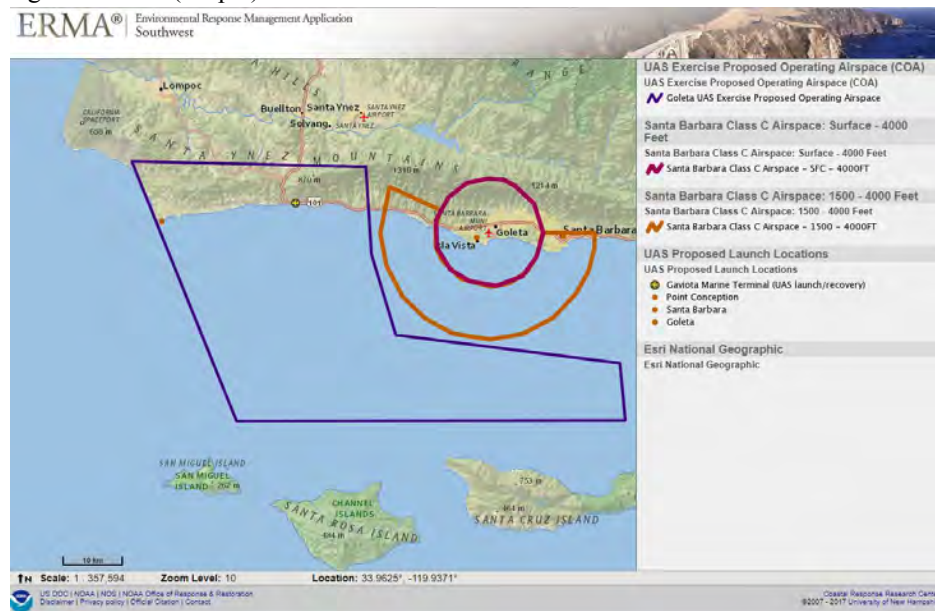


Figure 5: Unmanned Aircraft System (UAS) Jump 20



BRIGHT DYES MATERIAL SAFETY DATA SHEET
FLT YELLOW/GREEN LIQUID CONCENTRATE
PAGE 1 OF 3

MSDS PREPARATION INFORMATION

PREPARED BY:	T. P. MULDOON (937) 886-9100	EMERGENCY RESPONSE:	INFOTRAC
DATE PREPARED:	11/9/11	USA/CANADA/MEXICO:	(800) 535-5053
		INTERNATIONAL:	(352) 323-3500

PRODUCT INFORMATION

MAUFACTURED BY:	KINGSCOTE CHEMICALS 3334 S. TECH BLVD. MIAMISBURG, OHIO 45342
-----------------	---------------------------------------------------------------------

CHEMICAL NAME	NOT APPLICABLE
CHEMICAL FORMULA	NOT APPLICABLE
CHEMICAL FAMILY	AQUEOUS DYE PRODUCT

HAZARDOUS INGREDIENTS

NONE PER 29 CFR 1910.1200

PHYSICAL DATA

PHYSICAL STATE	LIQUID
ODOR AND APPEARANCE	YELLOW/GREEN, WITH NO APPARENT ODOR
SPECIFIC GRAVITY	APPROXIMATELY 1.05
VAPOR DENSITY (mm Hg @ 25 ° C)	~23.75
VAPOR DENSITY (AIR =1)	~0.6
EVAPORATION RATE (Butyl Acetate = 1)	~1.8
BOILING POINT	100 degrees C (212 degrees F)
FREEZING POINT	0 degrees C (32 degrees F)
pH	8.0 OR ABOVE
SOLUBILITY IN WATER	HIGHLY SOLUBLE

FIRE HAZARD

CONDITION OF FLAMMABILITY	NON-FLAMABLE
MEANS OF EXTINCTION	WATER FOG, CARBON DIOXIDE, OR DRY CHEMICAL
FLASH POINT AND METHOD	NOT APPLICABLE
UPPER FLAMABLE LIMIT	NOT APPLICABLE
LOWER FLAMABLE LIMIT	NOT APPLICABLE
AUTO-IGNITION TEMPERATURE	NOT APPLICABLE
HAZARDOUS COMBUSTION PRODUCTS	NOT APPLICABLE
UNUSUAL FIRE HAZARD	NOT APPLICABLE

BRIGHT DYES MATERIAL SAFETY DATA SHEET
FLT YELLOW/GREEN LIQUID CONCENTRATE
PAGE 2 OF 3

EXPLOSION HAZARD

SENSITIVITY TO STATIC DISCHARGE NOT APPLICABLE
SENSITIVITY TO MECHANICAL IMPACT NOT APPLICABLE

REACTIVITY DATA

PRODUCT STABILITY STABLE
PRODUCT INCOMPATIBILITY NONE KNOWN
CONDITIONS OF REACTIVITY NOT APPLICABLE
HAZARDOUS DECOMPOSITION PRODUCTS NONE KNOWN

TOXICOLOGICAL PROPERTIES

SYMPTOMS OF OVER EXPOSURE FOR EACH POTENTIAL ROUTE OF ENTRY:

INHALLATION, ACUTE NO HARMFUL EFFECTS EXPECTED.
INHALATION, CHRONIC NO HARMFUL EFFECTS EXPECTED.
SKIN CONTACT WILL TEMPORARILY GIVE SKIN A YELLOW/GREEN COLOR.
EYE CONTACT NO HARMFUL EFFECTS EXPECTED.
INGESTION URINE MAY BE A YELLOW/GREEN COLOR UNTIL THE DYE
HAS BEEN WASHED THROUGH THE SYSTEM.
EFFECTS OF ACUTE EXPOSURE NO HARMFUL EFFECTS EXPECTED
EFFECTS OF CHRONIC EXPOSURE NO HARMFUL EFFECTS EXPECTED
THRESHOLD OF LIMIT VALUE NOT APPLICABLE
CARCINOGENICITY NOT LISTED AS A KNOWN OR SUSPECTED CARCINOGEN BY
IARC, NTP OR OSHA.
TERATOGENICITY NONE KNOWN
TOXICOLOGY SYNERGISTIC PRODUCTS NONE KNOWN

PREVENTATIVE MEASURES

PERSONAL PROTECTIVE EQUIPMENT

GLOVES RUBBER
RESPIRATORY USE NIOSH APPROVED DUST MASK IF DUSTY CONDITIONS
EXIST.
CLOTHING PROTECTIVE CLOTHING SHOULD BE WORN WHERE
CONTACT IS UNAVOIDABLE.
OTHER HAVE ACCESS TO EMERGENCY EYEWASH.

BRIGHT DYES MATERIAL SAFETY DATA SHEET
FLT YELLOW/GREEN LIQUID CONCENTRATE
PAGE 3 OF 3

PREVENTATIVE MEASURES (CONT.)

ENGINEERING CONTROLS	NOT NECESSARY UNDER NORMAL CONDITIONS, USE LOCAL VENTILATION IF DUSTY CONDITIONS EXIST.
SPILL OR LEAK RESPONSE	CLEAN UP SPILLS IMMEDIATELY, PREVENT FROM ENTERING DRAIN. USE ABSORBANTS AND PLACE ALL SPILL MATERIALS IN WASTE DISPOSAL CONTAINER. FLUSH AFFECTED AREA WITH WATER.
WASTE DISPOSAL	INCINERATE OR REMOVE TO A SUITABLE SOLID WASTE DISPOSAL SITE, DISPOSE OF ALL WASTES IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
HANDELING PROCEDURES AND EQUIPMENT	NO SPECIAL REQUIREMENTS.
STORAGE REQUIREMENTS	STORE AT ROOM TEMPERATURE BUT ABOVE THE FREEZING POINT OF WATER.
SHIPPING INFORMATION	KEEP FROM FREEZING

FIRST AID MEASURES

FIRST AID EMERGENCY PROCEDURES

EYE CONTACT	FLUSH EYES WITH WATER FOR AT LEAST 15 MINUTES. GET MEDICAL ATTENTION IF IRRITATION PERSISTS.
SKIN CONTACT	WASH SKIN THOROUGHLY WITH SOAP AND WATER. GET MEDICAL ATTENTION IF IRRITATION DEVELOPS.
INHALATION	IF DUST IS INHALED, MOVE TO FRESH AIR. IF BREATHING IS DIFFICULT GIVE OXYGEN AND GET IMMEDIATE MEDICAL ATTENTION.
INGESTION	DRINK PLENTY OF WATER AND INDUCE VOMITING. GET MEDICAL ATTENTION IF LARGE QUANTITIES WERE INGESTED OR IF NAUSEA OCCURS. NEVER GIVE FLUIDS OR INDUCE VOMITING IF THE PERSON IS UNCONSCIOUS OR HAS CONVULSIONS.

SPECIAL NOTICE

ALL INFORMATION, RECOMMENDATIONS AND SUGGESTIONS APPEARING HEREIN CONCERNING THIS PRODUCT ARE BASED UPON DATA OBTAINED FROM MANUFACTURER AND/OR RECOGNIZED TECHNICAL SOURCES; HOWEVER, KINGSCOTE CHEMICALS MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE ACCURACY, SUFFICIENCY OR COMPLETENESS OF THE MATERIAL SET FORTH HEREIN. IT IS THE USER'S RESPONSIBILITY TO DETERMINE THE SAFETY, TOXICITY AND SUITABILITY OF HIS OWN USE, HANDLING, AND DISPOSAL OF THE PRODUCT. ADDITIONAL PRODUCT LITERATURE MAY BE AVAILABLE UPON REQUEST. SINCE ACTUAL USE BY OTHERS IS BEYOND OUR CONTROL, NO WARRANTY, EXPRESS OR IMPLIED, IS MADE BY KINGSCOTE CHEMICALS AS TO THE EFFECTS OF SUCH USE, THE RESULTS TO BE OBTAINED OR THE SAFETY AND TOXICITY OF THE PRODUCT, NOR DOES KINGSCOTE CHEMICALS ASSUME ANY LIABILITY ARISING OUT OF USE BY OTHERS OF THE PRODUCT REFERRED TO HEREIN. THE DATA IN THE MSDS RELATES ONLY TO SPECIFIC MATERIAL DESIGNATED HEREIN AND DOES NOT RELATE TO USE IN COMBINATION WITH ANY OTHER MATERIAL OR IN ANY PROCESS.

END OF MATERIAL SAFETY DATA SHEET

CALIFORNIA COASTAL COMMISSION

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



October 19, 2017

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-0009-17**, 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 two private moorings in Tomales Bay under ten-year leases being issued by the California State Lands Commission (CSLC) to the applicants listed below:

Applicant Name	LAT	LONG
Craig Fruin	38.124575	122.880392
Anthony Johnson and Terry Shrode	38.151373	122.890192

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 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,

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

and requires inspection and maintenance of the moorings. 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.

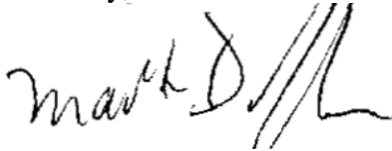
GFNMS and CSLC are administering the Mooring Program together because regulations of both agencies apply in Tomales Bay. GFNMS is issuing a permit to CSLC that makes it possible for CSLC to lease areas of state sovereign lands in the bay for moorings that comply with federal and state laws. The GFNMS 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 October 19, 2017, the CSLC authorized the two leases that are the subject of this letter. These authorizations follow the CSLC's previous authorizations of 28 private leases, which we subsequently concurred with under No Effects Determinations NE-0009-17, NE-0007-16, NE-0008-16, NE-0011-16, and NE-0002-17.

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,

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

(for) JOHN AINSWORTH
Executive 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

Attachment - A – Mooring Location Maps

Mooring Program Lessees

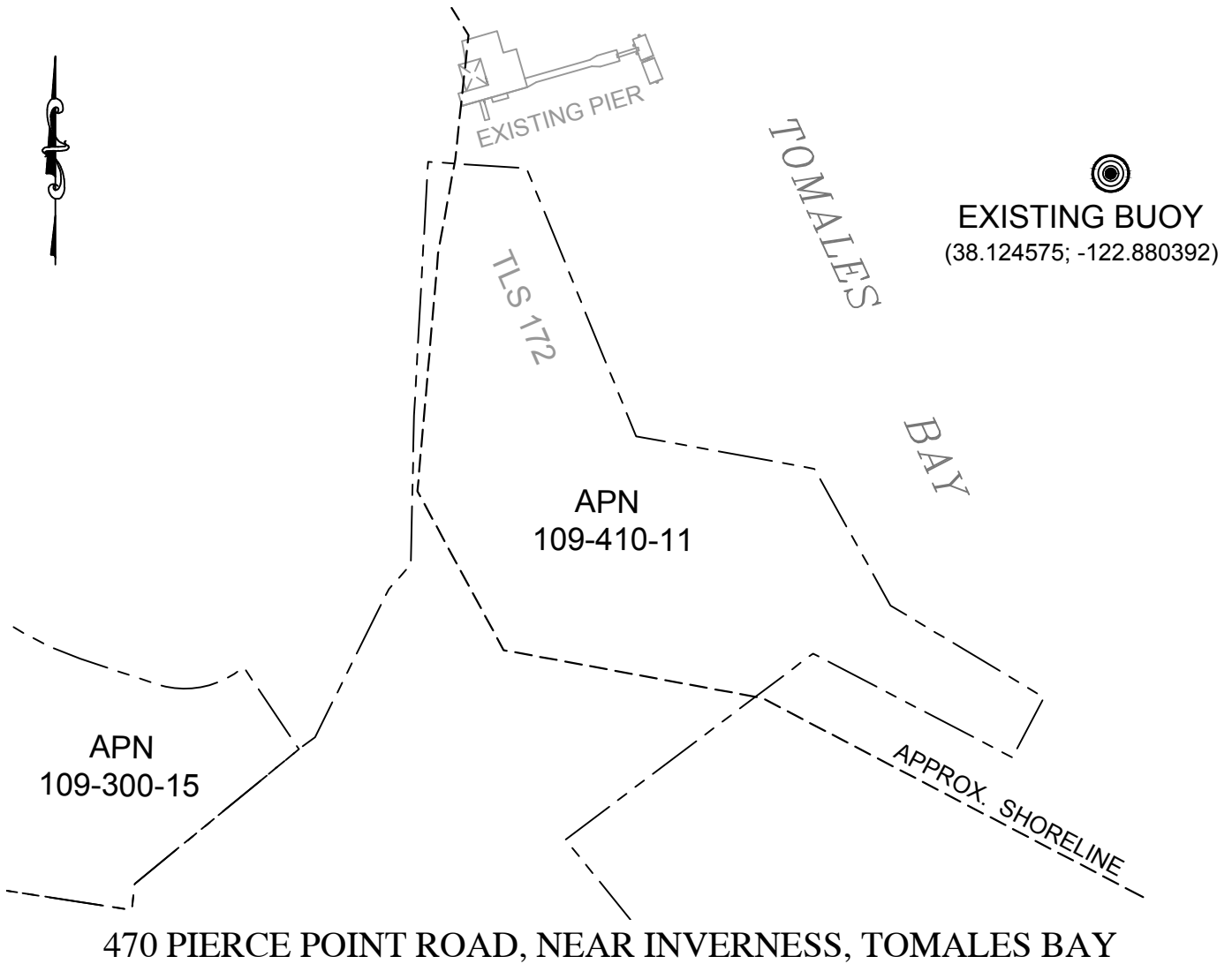
Craig Fruin
1040 Chestnut Street,
San Francisco, CA 94109

Anthony Johnson
125 Altona Street
San Rafael, CA 94901

Terry Shrode
2910 Tulare Avenue
Richmond, CA 94801

NO SCALE

SITE



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 27125

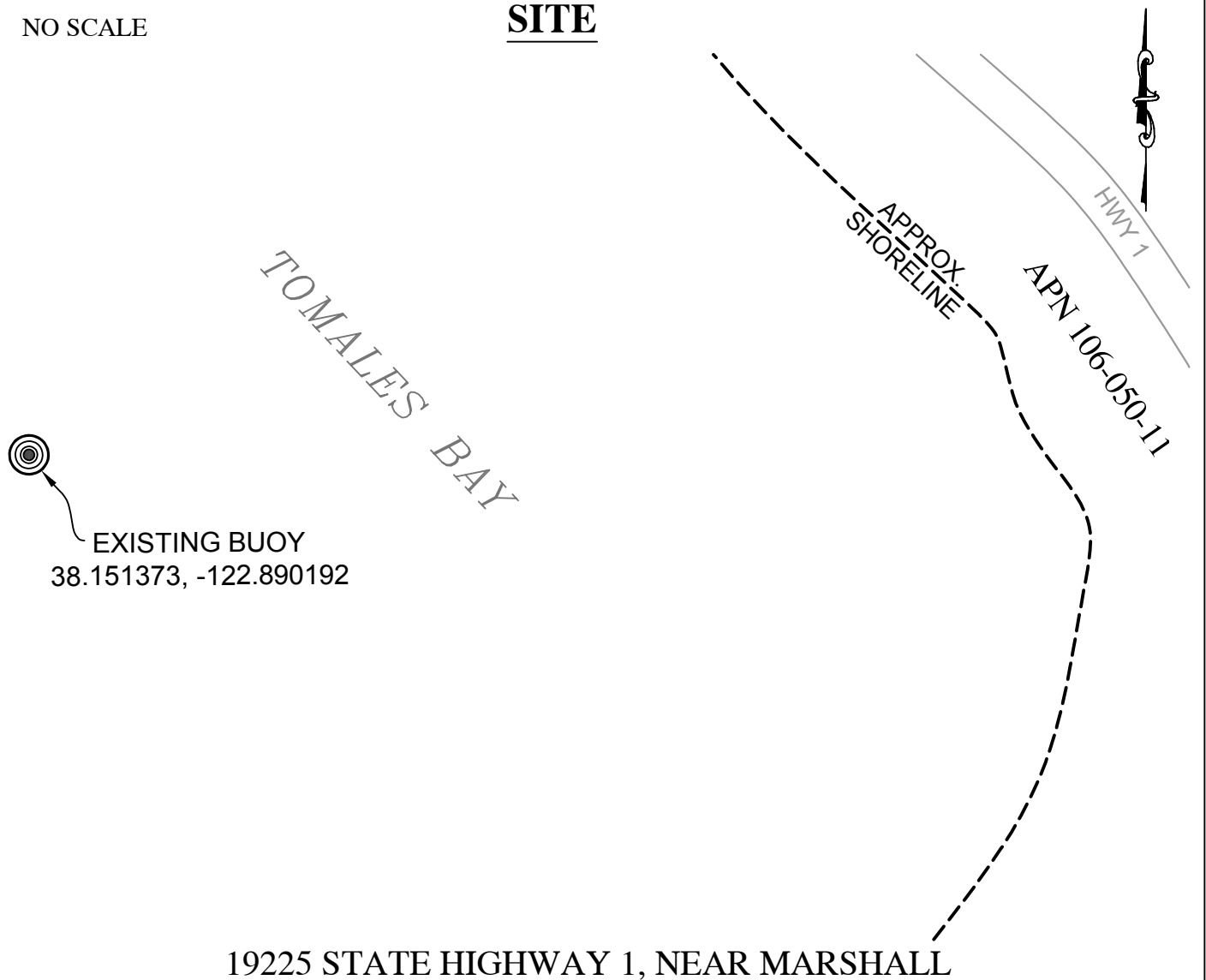
FRUIN, TRUSTEE
APN 109-300-15
GENERAL LEASE-
RECREATION USE
MARIN COUNTY



TS 08/01/17

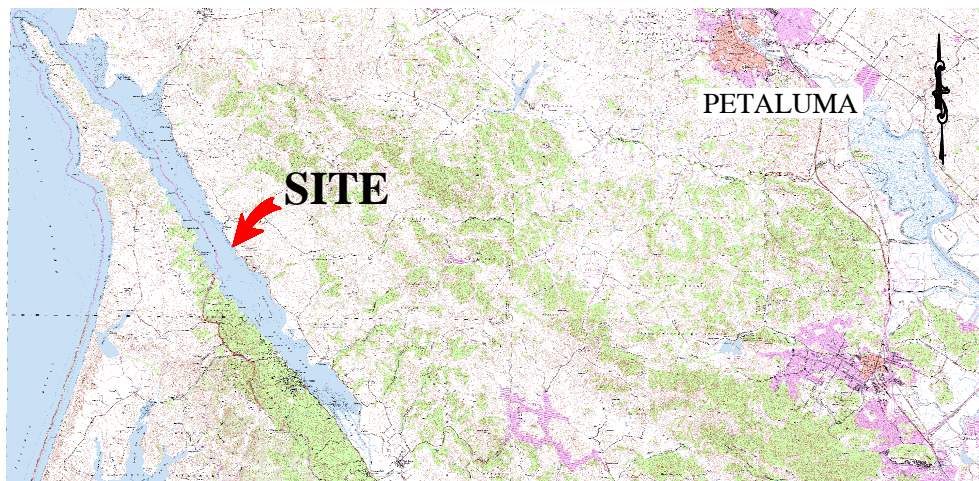
NO SCALE

SITE



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 27058
JOHNSON-SHRODE
GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



RGB 12/20/16

CALIFORNIA COASTAL COMMISSION

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



October 31, 2017

Drew Mayerson
Regional Supervisor
Office of Production and Development
Bureau of Safety and Environmental Enforcement
Pacific OCS Region
760 Paseo Camarillo, Suite 102
Camarillo, CA 93010-6064

Attn: Nathan Sinkula

Re: **NE-0010-17**, No Effects Determination, Freeport McMoran Oil and Gas, 180 days (or more) Lease Suspension, Point Arguello Unit, Santa Barbara Channel

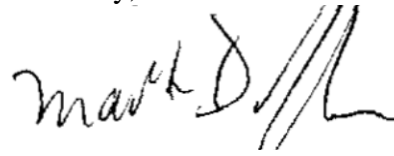
Dear Mr. Mayerson:

The Coastal Commission staff has received the above-referenced "no effects" determination for the request by Freeport McMoran Oil and Gas to be granted permission for additional time to resume oil and gas operations at the Point Arguello Unit. On December 4, 2015, and November 8, 2016, we authorized similar requests for the previous one-year periods (NE-0009-15 and NE-0012-16, respectively), the second of which terminates on November 26, 2017. The need for the time extension remains the same - the operations ceased after the U.S. Dept. of Transportation's Office of Pipeline Safety (OPS) ordered corrections to onshore pipelines Line 901 and 903 on May 21, 2015, following the Plains All American pipeline spill on Line 901. While Plains All American Pipeline is in discussions with Santa Barbara County¹ concerning replacement pipeline applications, no pipelines are currently available, and completion of remedial action plans or constructions of new pipelines may delay pipeline availability for at least an additional year. Under the terms of the BSEE approval letter, should a pipeline become available for export, the time extension approval for leaseholding operations under federal regulation 30 CFR 250.180(e) would expire in 60 days from pipeline operational date and Freeport McMoran would be required to submit all necessary applications for resumption of production from these leases.

As we indicated in the previously-cited concurrences, we agree with your assessment that this suspension of active oil and gas operations would have no effect on any coastal zone resources, and we therefore concur with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

¹ On August 15, 2017, Plains All American Pipeline, L.P., (Plains) submitted three discretionary applications (Case Nos. 17DVP-00000-00010, 17CUP-00000-00027 and 17CDP-00000-00060) to Santa Barbara County Planning and Development Energy and Minerals Division for the replacement of their existing, and currently shut down, Lines 901 and 903.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth". The signature is stylized with a large, looped "M" and a distinct "A" at the end.

(for) JOHN AINSWORTH
Executive Director

cc: Ventura District Office
Freeport McMoran Oil and Gas
Santa Barbara County Energy Division (Peter Cantle)

CALIFORNIA COASTAL COMMISSION

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



CORRESPONDENCE IN RESPONSE TO ISSUANCE OF ND-0020-17 (Bureau of Land Management)

Uri Driscoll
1578 Fickle Hill Rd
Arcata CA 95521

Dear Commissioners:

I do not agree with the Staff's recommendation for issuing ND 0020-17. The vegetation-removal activities being carried out by BLM violate the Coastal Act, and are in fact not consistent with the applicable local coastal plans.

The documents relevant to the vegetation-removal activities associated with the Ocean Day program explicitly describe an intent to "enhance inland sand transport" by the removal of the vegetation. (CUP 16-035 application documents).

However, the South Spit Interim/Final Management Plan (SSIMP) fails to disclose this intent. Further disturbing, the Environmental Assessment (Page 33, under Section VI, Geology and Soils, b. and c. (see attached)) says there would be no impact regarding erosion or destabilization. This is not true, as confirmed by the study on which the Environmental Assessment was based.

Purposely promoting erosion violates the Coastal Act. The Section 30253 (Coastal Hazards) of the Coastal Act provides that new development shall "Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs..."

Additionally, there are known and inventoried wetlands adjacent to the project area, and potential impacts to these coastal resources have not been addressed. This is important because in the Ma'lel area of the North Spit, there are coastal wetlands that have been

infilled with destabilized sand following ammophila removal. This alteration of natural coastal landform has not been reported to the Commission.

Of concern, the same Ma-lel area had a wave overtopping event (in January 2017) that came within 80 feet of a municipal water line that rests behind the compromised foredune. Repeated overtopping events would seriously impact this critical infrastructure.

Other Coastal Development permits issued by the County (to implement the Humboldt Beach and Dunes Management Plan) require that erosion, lateral spreading, etc. will not be a result of vegetation-removal projects. The County permits require all those projects to carryout mitigation measures, such as removing ammophila in a patchwork fashion and immediate replanting with suitable species. These measures have not been carried out at the South Spit, and are not identified in the proposed project description associated with ND 0020-17.

The CEQA document for the Humboldt Beach and Dunes Management Plan references and is based upon a study conducted by the Pacific Watershed Assn. That document acknowledges a desire for some to remove targeted plant species. But it warns that great care must be taken during these projects to maintain the security provided by stabilized fore-dunes (see attached page 36 of the SSIMP Environmental Assessment).

It is of great concern that these events and erosional impacts are not being reported and monitored effectively. Claims that there are no landform and wildlife impacts from these eradication projects are not supported by any significant monitoring. In fact, published base line vegetative monitoring was not established until five years after the start of these efforts, and none have been published. There have been no wildlife or topography baselines or monitoring reports published to date as indicated in the SSIMP.

I am alarmed that such a project is being allowed to expand without public review. There was no CEQA or other process that disclosed the South Spit would be subjected to widespread eradication

efforts that has already encompassed a mile-long portion of a narrow sand spit.

As the Commission may or may not be aware there has been no CEQA or CEQA-equivalent approved plan for the Eel River Wildlife Area that involves removal of Coastal Vegetation as described in the staff recommendation to approve ND 0020-17.

The Commission would agree that the CEQA process requires full disclosure and transparency, so we can make fully informed decisions regarding our public lands. It is vital that this established process is followed. It is clear in the staff recommendation to approve ND 0020-17 and associated projects that the CEQA process has been significantly ignored. For the CEQA process to be effective it is important that consistent enforcement of it is applied.

Thank you for your consideration,

Uri Driscoll

11/1/17

Attached

4/29/2017 Questions submitted to Larry Simon (no response to date)

8/28/2017 Letter regarding the South Spit Consistency determination

South Spit Interim Management Environmental Assessment cover page, page 33, page 36

Photo Eel River wildlife area after 2017 Ocean Day event

[Simon, Larry@Coastal <Larry.Simon@coastal.ca.gov>](mailto:Larry.Simon@coastal.ca.gov)

To

[Uri Driscoll](#)

CC

[Merrill, Bob@Coastal Dettmer, Alison@Coastal](#)

Today at 9:24 AM

Mr. Driscoll:

The Commission staff is preparing a comprehensive response to your questions regarding coastal dune restoration on the South and North Spits of Humboldt Bay. We anticipate sending that response to you later this month.

Larry Simon

Federal Consistency Coordinator

Energy, Ocean Resources and

Federal Consistency Division

Updated questions first submitted to Mr. Simon April 29, 2017 regarding the North and South Spit restoration projects approved by the Coastal Commissions Consistency Determinations.

- At the time of approval was the Coastal Commission informed that there would be landform alterations and enhancement of inland sand transport associated with targeted vegetation removal from the South Spit or North Spit restoration programs? If so how were those alterations described?
- To the Commissions knowledge was there a comprehensive risk assessment to inland infrastructure and habitats associated with converting stabilized coastal dune habitat to a semi-stabilized one? If so when was that assessment completed?
- Are purposely increasing the risks to inland infrastructure by increasing inland sand transport and altering foredune topography supported by the Coastal Act? Would those risks comply with FEMA guidelines?
- Is the Commission been made aware through BLM monitoring reports of the wave overtopping event that occurred at the Ma-lel site this year following targeted plant removal and related landform alteration?

- Were wetland impacts such as sand infill resulting from targeted coastal plant removal an approved effect identified in the North Spit restoration plans and associated Consistency Determinations.
- Was the intent of BLM to exceed the original 2+ acre hand removal of vegetation identified in the South Spit Interim Management Plan expressed in any documents approved by the Commission? If so please identify those documents.
- Is there an identified priority for non-native plant removal described in the Coastal Act.
- Did the BLM meet its stated obligation (Sept 12, 2008) to provide the Commission with yearly monitoring for projects under the CD 02-052? If so who reviewed those monitoring reports and what were the results of those reviews?
- Was the stated intention described in provided BLM documents to the Coastal Commission dated April 17, 2006 for the expansion of restoration acreage up to 75 acres over the life of plan ever authorized or amended from the original Plan by a new Consistency Determination?
- When was the Commission informed that there had been no required permit issued authorizing 1000 children to remove targeted vegetation from Table Bluff County Park from 2003 to 2015 as part of the Commission's sponsored Ocean Day Event?

Thank you

Uri Driscoll

8/7/2017



ENVIRONMENTAL ASSESSMENT

for the

SOUTH SPIT

INTERIM

MANAGEMENT PLAN

July 2002

Bureau of Land Management
Arcata Field Office
1695 Heindon Road
Arcata, CA 95521

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii) Seismic-related ground failure, including liquefaction? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XI. NOISE B Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X