

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



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

For the

February Meeting of the California Coastal Commission

February 06, 2017

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 February 2017 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>
9-16-1152-W Steinhart Aquarium, CA Academy of Sciences, Attn: William "Bart" Shepherd	Collection of marine substrate (live rock, sand, and other similar natural materials) to be used as décor and to enhance animal health in the Steinhart Aquarium's living exhibits.	11 Intertidal And Subtidal Sites Authorized By Ccc In 9-13-0969-W As Well As 1 Additional Site On Central Big Sur Coast.
9-17-0033-W Ultramar, Inc. Wilmington Refinery, Attn: Matt Smith	Replace the 26-year old scalehouse at the entrance of the Ultramar Wilmington refinery. The new structure will be the same height and will be located on the existing foundation at the south-east entrance of the refinery and is used in conjunction with truck scale as required by the Dept. of Transportation. The project construction will begin February 2017	2402 East Anaheim St. Wilmington, Los Angeles County
9-17-0128-W Beach Oil Minerals Partners	Conduct limited soil testing as part of the Phase II Environmental Assessment that it is preparing by using a hand auger to collect a maximum of five soil samples from the four cardinal point at each of the four "discovery" locations within the Synergy Oil Field. The samples will be collected at depths ranging from 6 inches to 36 inches below ground surface depending what depth groundwater is encountered.	6433 E. Second St. (North Of East 2Nd St. & West Of Studeleake Rd.), Long Beach, Ca 90803

**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>
9-14-0489-A1 Wrigley Inst. for Environmental Studies, Attn: University of Southern California	Amend the scope of the approved research program to include additional shellfish species, to accommodate new research on the biology and culture of commercially and ecologically valuable California Mytilid mussel species. The USC's newly approved facilities in Catalina Harbor will be utilized to house these mussels, allowing for complete life-cycle research of experimental stocks alongside previously oyster species.	Catalina Harbor, Santa Catalina Island, Ca
9-15-0531-A1 Pacific Gas & Electric Company, Attn: James Salmon	Demolish Building #5 at the Humboldt Bay Power Plant (HBPP), pave the building footprint, and incorporate it into the HBPP Core Area for reuse by the Humboldt Bay Generating Station (HBGS)	1000 King Salmon Ave., Eureka, Ca 95503 (APN(s): 305-131-35)

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SUITE 2000
PH (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



January 24, 2017

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: 9-16-1152-W

Applicant: Steinhart Aquarium, California Academy of Sciences

Location: Pillar Point Harbor, Pillar Point South Beach, and northern Pigeon Point in San Mateo County; an area of submerged state lands located approximately one-half mile offshore of the City of Monterey; Duxbury Reef in Marin County; Stillwater Cove and Timber Cove in Sonoma County; and Lingcod Reef, Arch Rock Cove, Partington Cove, Soberanes Point, Cypress Point, and Big Sur-Compost in Monterey County.

Proposed Development: Collection of marine substrate (live rock, sand, and other similar natural materials) to be used as décor and to enhance animal health in the Steinhart Aquarium's living exhibits. Collection would occur at 11 intertidal and subtidal sites authorized by the Commission in CDP De Minimis Waiver No. 9-13-0969-W as well as one additional site on the central Big Sur coast. Steinhart Aquarium staff is proposing to periodically collect, using hand tools only, "live rock" and sand from eleven locations along the north-central and central coast for a period of three years. "Live rock" is the term used to describe rocky substrate that has been colonized by a variety of small invertebrate and algal organisms, many of which are difficult to initially establish in artificial settings.

Rationale:

- The proposed sites would be outside of all designated State Marine Conservation Areas, State Marine Reserves, and State Marine Recreational Managed Areas.
- Other than the potential use of SCUBA gear and a dive vessel at select sites, no mechanized vehicles or equipment would be used during collecting activities.
- An effort would be made to relocate all mobile organisms from targeted rock and sand prior to collection.
- Collecting activities would be spread throughout the 12 proposed sites and among a variety of subsites at each location to ensure that no single site experiences a noticeable loss of either sand or loose rock habitat.

Coastal Development Permit De Minimis Waiver

9-16-1152-W

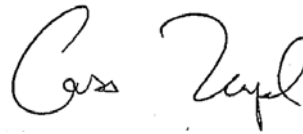
- Care would be taken during all collecting activities to limit the disturbance and disruption of intact intertidal and subtidal habitat.
- No more than a total of 35 cubic feet of sand and baseball to basketball-sized rocks would be removed each year, divided among the 12 sites. No mechanized equipment would be used to remove rock or sand.

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 February 2017 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director



By: _____
CASSIDY TEUFEL
Senior Environmental Scientist

cc: File

CALIFORNIA COASTAL COMMISSION

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



January 26, 2017

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: 9-17-0033-W

Applicant: Ultramar, Inc. Wilmington Refinery

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

Proposed Development: Replace the 26-year old scalehouse at the entrance of the Ultramar Wilmington refinery with a new structure of the same height and located on the existing foundation.

Rationale: The applicant owns and operates the Refinery, located in the coastal zone within the City of Los Angeles. The Refinery is adjacent to the Dominguez Channel, which flows to Los Angeles Harbor, and is near several other heavy industrial facilities, including another refinery, marine cargo transport facilities, a hydrogen plant, storage areas and other related activities. More than a century of port, industrial, and oil and gas development has heavily disturbed the coastal zone in the vicinity of the Refinery.

The applicant proposes to replace the existing scalehouse, located at the south-east entrance of the Ultramar Wilmington refinery, with a new pre-fabricated structure that is the same height and located on the existing foundation. The scalehouse is used by Ultramar in conjunction with a truck scale as required by the California Department of Transportation. Construction is estimated to take three to four months.

The proposed structure is to be installed within the boundary of a primarily paved industrial site that is also surrounded by other industrial facilities. There will be no impacts to biological resources of the coastal zone. Project construction will result in a minor and temporary increase in traffic due to construction vehicles, although this increase is not expected to substantially impact existing traffic in the vicinity of the refinery and interfere with the public's ability to get

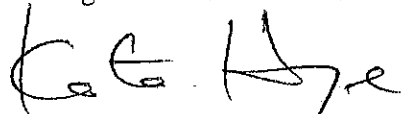
to the coast. Construction, excavation and soil handling activities will result in a temporary increase in air emissions that will be addressed under SCAQMD's Rule 403 which regulates fugitive emissions during construction. Potentially contaminated soil will be handled according to Ultramar's interim waste discharge permit for soil management in connection with excavation from the Los Angeles Regional Water Quality Control Board. The Refinery is subject to a Stormwater Pollution Prevention (SWPP) Plan and a Spill Prevention Control and Countermeasures (SPCC) Plan. These Plans will be implemented during the proposed project to avoid or minimize effects to coastal waters. The proposed structure will be visible from outside the Refinery property; however because the facility is in an area already heavily dominated by industrial equipment and processes, the proposed structure will be visually compatible with the existing character of the area.

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

This waiver will not become effective until reported to the Commission at its 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



Kate Huckelbridge
Senior Environmental Scientist

cc: File

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45 FREMONT STREET
SUITE 2000
P.O. BOX 904-5200 FAX (415) 904-5400
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February 1, 2017

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: 9-17-0128-W

Applicant: Beach Oil Minerals Partners, LLC

Location: 6433 Second St., Long Beach

Proposed Development: Beach Oil Minerals Partners (BOMP) proposes to conduct follow-up soil sampling at four locations within the Synergy Oil Field. In November 2016, the Commission approved a waiver (9-16-0947-W) for BOMP to conduct a Phase II Environmental Site Assessment in support of an environmental analysis of a larger project that will consolidate BOMP oil operations off of the existing Synergy Oil Field and wetland area, and create a wetland mitigation bank within a portion of the Synergy Oil Field. 9-16-0947-W authorized BOMP to use hand augers to collect soil samples at 16 locations. Results of the analysis of these soil samples indicated elevated levels of hydrocarbons and metals at four locations. To further define the extent of contamination at these locations, BOMP proposes to use hand augers to collect five soil samples surrounding each of the four locations where contamination was discovered. These sites and the proposed surrounding sample locations are depicted as sites 3, 5, 9, and 12 on Exhibit 1. Samples will be collected at depths ranging from 6 to 36 inches, depending on the depth to groundwater. Sampling work will require two workers and will take place over two days. No mechanized equipment will be used and all staging will occur on existing access roads.

Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- **Wetlands:** The purpose of the proposed soil sampling is to determine the extent of soil contamination present within the portion of the Synergy Oil Field that BOMP will be proposing as a wetland mitigation bank. Two of the proposed soil sampling locations are on previously disturbed areas, including unpaved roads. Two of the proposed soil sampling locations (sites #9 and #12) include areas mapped as Coastal Commission wetlands, although sampling will occur

Coastal Development Permit De Minimis Waiver

9-17-0128-W

only in unvegetated areas to avoid impacts to wetland vegetation. Although up to 10 samples will be taken from wetland areas, the impact area is small (8.3 square inches per sample, a maximum of 83 square inches total) and will be sited to avoid impacts to any wetland vegetation. Given the small size and isolated location of each sample impact area, any potential impacts to the surrounding wetland habitat will be insignificant. To further reduce the potential for adverse effects, a biological monitor will monitor all sampling work to ensure any sensitive areas and species are avoided and will conduct onsite contractor training to inform workers of sensitive habitats throughout the site. One service truck vehicle will be necessary to transport the workers conducting the sampling to the sites, but the truck will remain on existing access roads. All work will occur outside the avian nesting season.

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 its 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



Kate Huckelbridge
Senior Environmental Scientist

cc: File

Notice of Proposed Immaterial Permit Amendment

9-14-0489-A1

- The proposed rearing of a maximum of 7,500 to 15,000 individual mussels (including juvenile and adult life stages) would replace a similar number of the previously-permitted oyster stock on the floating upwelling system and longlines. As a result, the proposed addition of mussels to the cultivation facilities would not significantly alter either the filtration capacity of the shellfish stock or the potential for deposition and accumulation of biological materials (e.g., shell material, pseudofeces), and thus would not result in significant adverse impacts to water column or benthic habitats.
- The mussels to be reared on USC's existing permitted facilities would be produced in land-based hatchery and nursery systems at the Wrigley Institute laboratory. Broodstock of the two species would be collected from several Southern California locations, including local populations on Catalina Island outside of marine protected areas, as authorized by permits issued by the California Department of Fish and Wildlife (CDFW). No use of imported seed or broodstock is proposed. USC-WIES's adherence to CDFW regulations regarding seed importation would minimize the potential for the project amendment to cause accidental releases or introductions of invasive species, pathogens, or parasites.
- *M. californianus* is a native species with wide distribution along the California coast and on Catalina Island, particularly within rocky intertidal habitats. Although *M. galloprovincialis* (which prefers calm lower intertidal to subtidal conditions) is a non-native species, it was widely introduced in California waters over the past century and is now the dominant species of blue mussel in Southern California, including Catalina Island. Wild populations of both species are currently found in Cat Harbor within 100 meters of the permitted aquaculture research facilities. Recent surveys of Cat Harbor conducted by USC have documented the presence of *M. galloprovincialis* in varying size classes on the lines of the nearby Hubbs/Sea World fish pens and at multiple locations along the shores of the embayment. Thus, the proposed amendment to the project would not result in the new introduction or establishment of the already widespread non-native Mediterranean mussel in Cat Harbor.

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

cc: Commissioners/File

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PH (415) 904-5200 FAX (415) 904-5400
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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **9-15-0531-A1**

January 25, 2017

To: All Interested Parties

From: John Ainsworth, Acting Executive Director

Subject: Permit No. **9-15-0531-A1** 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):

Instead of retaining for use by the ISFSI support staff, PG&E proposes to demolish Building #5 (Area 2e [incorrectly referred to in the project description of the staff report as Area 2f]) at the Humboldt Bay Power Plant (HBPP), pave the building footprint, and incorporate it into the HBPP Core Area for reuse by the Humboldt Bay Generating Station (HBGS).

Several of the special conditions included in CDP 9-15-0531 require monitoring or the implementation of protection plans based on the proposed project description that did not include any construction activities at Building 5 (Area 2e). This amendment alters some of these requirements such that they will now incorporate the proposed demolition of Building #5 and paving of the building footprint. Specifically, the special conditions that will incorporate these amended activities include: Special Condition 1 (Stormwater Management Plan), Special Condition 2 (Pre-construction Biological Surveys), Special Condition 3 (Biological Monitoring), and Special Condition 13 (Archeological Resource Protection Plan).

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

Notice of Proposed Immaterial Permit Amendment

9-15-0531-A1

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: Building #5, formerly used as administrative office space, and instrument laboratory and machine shop warehouse, is located in the HBPP core area. This area has supported industrial uses for many years and does not support environmentally sensitive habitat. Nevertheless, PG&E has proposed to conduct pre-construction biological surveys in accordance with **Special Condition #2** to ensure the protection of any sensitive species or habitats. If any sensitive species or habitats are identified at the site, PG&E will conduct biological monitoring during any project-related activities at the site to ensure protection of biological resources. In addition, the measures outlined in the Stormwater Management Plan (SMP) required by **Special Condition #1** extend to all construction activities and thus will be implemented during the demolition of Building #5, and paving of the building footprint. The purpose of these measures is to avoid or minimize impacts to coastal waters, wetlands, and biological resources from stormwater runoff. Finally, as approved in CDP-15-0531, 0.129 acres of Area 2e, which encompasses the Building #5 site, are to be restored to upland habitat. The proposed amendment does not change the location or the acreage of the proposed restored uplands in Area 2e.

With these measures in place, the Commission finds 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.

Hazardous Materials: Soil sampling has been conducted at 16 locations in areas adjacent to Building #5. Most of the samples indicated contaminant levels below the Interim Measures/Removal Action Work Plan (IM/RAW) approved by the California Department of Toxic Substances Control (DTSC). Three samples indicated levels of TPH-diesel fuel concentrations that exceed IM-RAW screening levels and one sample indicated exceedance of the benzo(a)pyrene screening level. Soil that contains identified contaminants that exceed screening thresholds will be excavated and properly disposed of per the IM/RAW.

To address the potential for unknown contamination of soils and groundwater beneath and around Building #5, PG&E will first conduct hazardous materials abatement of Building #5 to remove hazardous materials prior to demolition. After demolition, PG&E will excavate to a depth of 3 feet. All excavated soil will be sampled to determine if contamination is present, and then stockpiled or properly disposed of as per the IM/RAW. After excavation is complete, PG&E will conduct conformation soil sampling to ensure additional contamination below the building footprint is not present. All sampling results for Building #5 will be incorporated into the final post-decommissioning site characterization report, which is reviewed by the DTSC. Furthermore, **Special Condition 3** requires PG&E to hire a designated project biologist to implement the protective measures included in the SMP (required by **Special Condition 1**). Implementation of the SMP will ensure that all construction areas, including remediation areas, install appropriate BMPs to ensure that contamination does not spread to adjacent areas through stormwater or other means.

Notice of Proposed Immaterial Permit Amendment

9-15-0531-A1

With the measures proposed by PG&E, and as conditioned, the project will provide adequate protection against oil spills and the release of hazardous substances, will ensure necessary containment and cleanup should a spill occur, and, for the reasons stated above, will be consistent with Section 30232 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