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## STAFF REPORT: PERMIT AMENDMENT

<b>Application No.:</b>	<b>9-16-0384-A1</b>
<b>Applicant:</b>	<b>Los Angeles Department of Water &amp; Power (LADWP)</b>
<b>Location:</b>	In state waters of Santa Monica Bay offshore of Los Angeles
<b>Project Description:</b>	Removal of a non-operational underwater electrode array and related structures that were previously replaced as part of the Sylmar Ground Return System Replacement Project.
<b>Staff Recommendation:</b>	Approve permit amendment with conditions

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## SUMMARY OF STAFF RECOMMENDATION

In 2017, the Commission approved a coastal development permit (CDP) 9-16-0384 allowing the City of Los Angeles Department of Water & Power (LADWP) to construct and operate the Sylmar Ground Return System (SGRS) Replacement Project, which included installing electric cables and concrete vaults housing electrodes in state waters of Santa Monica Bay to replace the original cable and electrode array. As part of its leasing process for the SGRS Replacement Project, the California State Lands Commission required LADWP to remove the original SGRS components following completion of a feasibility study to determine how to do so. The

feasibility study has been completed and, consequently, the LADWP proposes to amend CDP 9-16-0384 to authorize the removal of the original SGRS cables and electrode array, which consists of 24 concrete vaults with electrodes and cables connecting the vaults to the landside portion of the SGRS.

The key Coastal Act issues raised by this project are the potential for adverse impacts to marine resources and water quality, commercial and recreational fishing, and cultural resources. To avoid and minimize impacts to both soft- and hard-bottom subtidal habitats and marine mammals and fish, Commission staff recommends several conditions to protect sensitive habitats and species. These include revisions to **Special Conditions 3 and 5**, which incorporate measures to protect hard bottom areas and kelp beds during project vessel anchoring and structure removal activities; and revisions to **Special Condition 6** requiring LADWP to submit a Marine Wildlife Monitoring and Contingency Plan for the protection of marine mammals and sea turtles during offshore work. Revisions to **Special Conditions 12, 13, and 14** require LADWP to submit plans, specific for the removal of the original SGRS structures, and enact measures to protect against the discharge of hazardous and non-hazardous substances into the marine environment.

To address the potential for unanticipated impacts to cultural and archaeological resources, **Special Condition 3** includes measures to ensure the protection and proper handling of any cultural and archaeological resources discovered during project construction.

Other conditions of the original permit CDP 9-16-0384 to address potential impacts to navigation and water quality would remain in place for the work proposed under this amendment (see **Appendix C**). For example, **Special Condition 7** limits night-time construction, and **Special Condition 14** requires a zero-discharge policy for all project vessels.

Commission staff recommends that the Commission **approve with conditions** the proposed amendment to coastal development permit application 9-16-0384. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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## APPENDICES

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## EXHIBITS

[Exhibit 1 – Project location](#)

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit 9-16-0384 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

### Resolution:

*The Commission hereby approves the coastal development permit amendment on grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.*

## II. STANDARD AND SPECIAL CONDITIONS

The Standard Conditions 1-5 and Special Conditions 1-14 of CDP 9-16-0384 remain in full force and effect, except that **Special Conditions 3, 5, 6, 12, 13, and 14** are modified as shown below with additions in underlined text and deletions in ~~strikeout~~. **Appendix C** provides the language of all Standard and Special Conditions which would be applicable following approval of this CDP amendment.

### Revised Special Conditions

- 3. Environmental Impact Report (EIR) Best Management Practices.** This permit incorporates those best management practices identified in the July 2016 *Final Environmental Impact Report* (State Clearinghouse No. 2010091044) concerning marine habitats, biological resources, water quality, navigation, and cultural resources that are attached to this report as **Appendix B**, except that BMP-5 (Marine Location Markings) is not applicable to the removal of the original SGRS cables and vaults.

PRIOR TO THE COMMENCEMENT OF OFFSHORE CONSTRUCTION, the Permittee shall submit the following items to the Executive Director for his review and approval:

- (a) A report summarizing the results of the pre-construction survey required under BMP-2;
- (b) Copies of the USCG Notice to Mariners and the project notices to be posted in local harbormasters' offices, as required under BMP-6.

5. **Anchoring Plan.** PRIOR TO THE COMMENCEMENT OF OFFSHORE ACTIVITIES, the Permittee shall prepare and submit an Anchoring Plan, including a version that is specific for activities associated with the removal of the original SGRS cables and vaults, to the Executive Director for review and approval that describes how the Permittee will avoid placing anchors on sensitive ocean floor habitats and pipelines. The Plan shall include at least the following information:
- (a) A list of all vessels that will anchor during the Project and the number and size of anchors to be set;
  - (b) Detailed maps showing proposed anchoring sites that are located at least 40 feet (12 meters) from rocky habitat identified during the project EIR and supporting studies;
  - (c) A description of the navigation equipment that would be used to ensure anchors are accurately set; and
  - (d) Anchor handling procedures that would be followed to prevent or minimize anchor dragging, such as placing and removing all anchors vertically.
6. **Marine Wildlife Monitoring and Contingency Plan (MWMCP).** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall prepare a MWMCP for review and approval by the Executive Director. The Permittee shall implement the MWMCP during all marine operations (e.g., cable and electrode vault installation and removal of the original SGRS cables and vaults). The MWMCP shall include the following elements, and shall be implemented consistent with vessel and worker safety needs:
- (a) Prior to the start of offshore activities the Permittee shall provide awareness training to all Project-related personnel and vessel crew, including viewing of an applicable wildlife and fisheries training video, on the most common types of marine wildlife likely to be encountered in the Project area and the types of activities that have the most potential for affecting the animals.
  - (b) A minimum of two qualified marine mammal observers shall be located on the crane barge, cable laying vessel, cable and vault removal vessels, or other nearby project vessel to conduct observations, with two observers on duty during all marine construction activities. The MWMCP shall identify any scenarios that require an additional observer on the barge or other Project vessel and, in these cases, make recommendations as to where they should be placed to ensure complete coverage of the surrounding marine environment.
  - (~~c~~) Shipboard observers shall submit a daily sighting report to the Executive Director no later than noon the following day that shall be of sufficient detail to determine whether observable effects to marine mammals are occurring.
  - (~~d~~e) The observers shall have the appropriate safety and monitoring equipment adequate to conduct their activities.
  - (~~e~~f) The observers shall have the authority to temporarily halt any project activity that could result in harm to a marine mammal, sea turtle or other special status species, and to suspend those activities until the animals have left the area.

- (fg) For monitoring purposes, the observers shall establish a 1,640 foot (500 meter) radius avoidance zone around the construction work zone and project vessels for the protection of large marine mammals (i.e., whales) and a 500-foot (152-meter) radius avoidance zone around the derrick barge and other Project vessels for the protection of smaller marine mammals (i.e., dolphins, sea lions, seals, etc.) or sea turtles. The observers shall closely monitor any animal entering within these radii, and notify the project manager or construction supervisor of the possible need for suspension or redirection of construction activities. If a marine mammal or sea turtle is identified within 100 meters of the construction work zone and/or project vessels, construction activity shall be temporarily halted until the sea turtle or marine mammal moves safely beyond this distance.
- (gh) In the event that a whale becomes entangled in any cables or lines (e.g., vessel mooring lines), the observer shall immediately notify NMFS and the Executive Director, so appropriate response measures can be implemented. Similarly, if any take involving harassment or harm to a marine mammal or sea turtle occurs, the observer shall immediately notify the Executive Director, NMFS and any other required regulatory agency.
- (hi) Propeller noise and other noises associated with construction activities shall be reduced or minimized to the extent feasible.
- (ij) In addition to on-site monitoring, the MWMCP shall describe measures to be taken during the transit of project vessels and equipment to the project site in order to minimize the risk of collisions with marine mammals and/or sea turtles. Such measures shall include, but are not limited to, restrictions on vessel speed.
- (jk) Marine observers and vessel operators shall monitor for and take steps to avoid observed fishing gear during vessel transit and project operations.
- (kl) The captain of the derrick barge and the Permittee's project management team shall be responsible for ensuring that the MWMCP is implemented.
- (lm) A final report summarizing the results of monitoring activities shall be submitted to the Executive Director and other appropriate agencies no more than 90 days following completion of ~~pipeline removal and other~~ offshore activities. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine mammal, sea turtle, and other wildlife sightings (species and numbers); (ii) any wildlife behavioral changes; and (iii) any project delays or cessation of operations due to the presence in the project area of marine wildlife species subject to protection.

**12. Spill Prevention and Response Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit a project-specific Spill Prevention and Response Plan to the Executive Director for review and approval, including a Plan specific to the activities involved in the removal of the original SGRS cables and vaults. The Plan shall identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan shall also include preventative measures the

Permittee will implement to avoid spills and clearly identify responsibilities of onshore and offshore contractors and the Permittee personnel and shall list and identify the location of oil spill response equipment (including booms), appropriate protocols and response times for deployment. Petroleum-fueled equipment on the main deck of all vessels shall have drop pans or other means of collecting dripped petroleum, which shall be collected and treated with onboard equipment. Response drills shall be in accordance with Federal and State requirements. Contracts with off-site spill response companies shall be in-place and shall provide additional containment and clean-up resources as needed.

13. **Critical Operations and Curtailment Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit a Final Critical Operations and Curtailment (COCP) to the Executive Director for approval, including a separate COCP for the removal of the original SGRS cables and vaults. The COCP shall define the limiting conditions of sea state, wind, or any other weather conditions that exceed the safe operation of offshore vessels, equipment, or divers in the water; that hinder potential spill cleanup; or in any way pose a threat to personnel or the safety of the environment. The COCP shall provide for a minimum ongoing 5-day advance favorable weather forecast during offshore operations. The plan shall also identify the onsite person with authority to determine critical conditions and suspend work operations when needed.
  
14. **Marine Discharge.** There shall be no marine discharge of sewage or bilge/ballast water from vessels either installing or repairing the marine electrodes and cables, or involved in the removal of the original SGRS cables and vaults. A zero-discharge policy shall be adopted for all project vessels.

### III. FINDINGS AND DECLARATIONS

#### A. PROJECT DESCRIPTION

The Los Angeles Department of Water and Power (LADWP) proposes to remove the original marine cables and marine electrode elements of the Sylmar Ground Return System (SGRS), within state waters of Santa Monica Bay offshore of Pacific Palisades (**Exhibits 1-2**). In 2017, the Commission approved Coastal Development Permit (CDP) 9-16-0384 for the installation of new SGRS elements (cables and marine electrodes), rendering the original SGRS structures obsolete.

#### Background

The SGRS is an integral component of the Pacific Direct Current Intertie Transmission Line (PDCI), which since 1970 has transmitted bulk power to the Los Angeles area from generating facilities in the Pacific Northwest. The PDCI is a 3,100 megawatt direct current transmission line extending approximately 850 miles from The Dalles, Oregon, to the Sylmar Converter Station in the San Fernando Valley, used primarily to transfer electricity from hydroelectric and wind energy facilities in the Pacific Northwest to the Southern California regional electric grid. In order to function safely and reliably, the PDCI requires a ground return system to safely conduct and dissipate overflows of electrical energy during system disruptions that prevent the normal transmission of the energy. The SGRS serves as a safeguard to allow the PDCI to remain

operational for a period of time when a fault occurs on the transmission line, thus preventing a complete outage of the line and allowing time to resolve the disruption and/or secure alternative generation sources.

### **Project Description**

The LADWP is proposing to remove the original marine segment of the SGRS, which originates at the Gladstone Vault, a sub-surface utility vault in a parking lot along the south side of the Pacific Coast Highway (PCH) near its intersection with Sunset Boulevard, adjacent to Will Rogers State Beach (**Exhibit 2**). From this vault, six conductor cables (bundled into two sets of three cables) extend underground and under the ocean floor to connect to an electrode array (**Exhibit 2**). From the vault to a point approximately 1,200 feet offshore, the two SGRS cable sets are installed inside two separate conduits which run beneath the beach and nearshore zone. From the end of the conduits, the two cable bundles extend to approximately one mile offshore, where the conductors divide and connect to 24 concrete vaults, each containing two electrode rods which serve to dissipate current to the seafloor. The vaults are arranged in a linear fashion and are seven feet wide, 11 feet long, and six feet high. The array is located directly on the ocean floor one mile offshore, in water depths of approximately 50 feet, and is approximately 550 feet in length, including spacing between the vaults (**Exhibit 2**).

The LADWP anticipates that the proposed project will commence in the fall of 2021 and consist of approximately seven weeks of in-water work; no on-land work is proposed. Construction is anticipated to take place daily from 5:00 AM to 5:00 PM. The proposed project includes two components: first, removal of the marine cables; and second, removal of the electrode arrays.

To remove the cables, each bundled set of three cables would be reeled onto a surface vessel. In its CDP application, the LADWP describes the process for doing so as follows:

*Divers would disconnect the conductor cables from the electrode vaults. Because each of the two bundled cable sets includes three main conductor cables, which are divided from the bundled set near the electrode array, the end of each of the main conductor cables would be attached to a steel cable and pulled up to the vessel on the surface. On the vessel, the three main cables from one bundled set would be joined onto a single reel located on deck.*

*The cables would then be wound onto the reel, pulling the bundled set up from the seafloor...The vessel would move forward shore along the cable route at a very slow rate as the cable was wound onto the reel.*

*This process would continue until the end of the conduit that extends from the Gladstone Vault was reached, approximately 1,200 feet offshore, in about 25 feet of water. At this point, the bundled cable set would be entirely removed since it... [was] ... previously severed at the end of the conduit during the installation of the replacement SGRS marine segment. This process would be carried out individually for each bundled set rather than removing both sets in one operation.*



*Including mobilization (i.e., the vessel travel from port), the cable removal operation would take less than one week. It would precede the removal of the concrete vaults to avoid conflicts in the area of the electrode array. The vessel would likely not return to port until the cable removal was completed, but some personnel may be transported by water taxi on a daily basis to and from the vessel.*

Each of the 24 concrete vaults would be removed by lifting them in one piece from the seafloor onto a surface vessel. The LADWP describes the process for doing so as follows:

*Divers would feed steel cables under and around the vault to secure it for hoisting. Because the vaults have settled onto the soft bottom of the ocean floor, it would be necessary to clear a pathway for the steel cables beneath each vault. This would be achieved by using a water-jet lance to create channels under the vaults, which would also help free the vaults from the floor to facilitate the hoisting operation. The cables would then be fed by the divers through the cleared channels and secured around the vault.*

*The vault would then be slowly hoisted to the surface with a crane mounted to the vessel. A remotely operated vehicle (ROV) would be utilized to monitor this operation from the seafloor to the surface. It is anticipated that the vaults are structurally sound, and, therefore, little if any breakage is expected during the hoisting operation. In the event that pieces of concrete break off from the vault, they would be collected by the divers and hoisted to the surface.*

*At the surface, the vaults would be placed onto the deck of the crane vessel or onto a separate vessel moored alongside. Depending on the number of vaults that could be stored on the vessel, several trips back to port (likely Long Beach) would be required. However, daily trips are not anticipated. Once the vaults are returned to port, they would be recycled or disposed of as appropriate and consistent with waste diversion, reduction, and recycling mandates. After the removal of the vaults, the marker buoys, including the anchorages, would be removed.*

*The vaults would be removed one at a time, and it is anticipated that two to three vaults could be removed in one day. At this rate, the removal of the electrode array would take approximately two to three weeks. Allowing for mobilization time and potentially several trips to and from port to transport the removed vaults, the entire removal operation may take about one month.*

*The vessel used for the vault removal operation would be a crane barge, which would require tug boats for transport to and from the electrode site and to provide anchoring support. All power for the hoisting operation and other activities would be provided from the barge. Unless required to return to port to offload vaults, the barge would remain anchored at the electrode site throughout*

*the removal operation. However, personnel would be transported by water taxi on a daily basis to and from the electrode site.*

## **B. OTHER AGENCY APPROVALS AND TRIBAL CONSULTATION**

### **Los Angeles Department of Water and Power**

The Los Angeles Department of Water and Power (LADWP) is the project proponent and lead agency under the California Environmental Quality Act (CEQA) for the proposed project. On August 2, 2016, the LADWP Board of Commissioners approved the project and certified a final Environmental Impact Report (FEIR). In August 2018, the LADWP prepared an addendum to the FEIR for the removal of the original SGRS elements.

### **California State Lands Commission**

On December 6, 2016, the California State Lands Commission (CSLC) authorized a new General Lease – Industrial Use for: (a) the construction and operation of the new SGRS facility for a period of 20 years, ending December 5, 2036; and (b) the continued maintenance of the non-operational electrode array and cables (following the commissioning of the new facility) through December 5, 2019. As required by this lease, LADWP submitted a feasibility study to the CSLC assessing the full removal of the existing electrode array and cables, and CSLC determined that the original SGRS facilities should be removed. In April 2019, the LADWP applied for an application to amend its lease for the SGRS to remove the non-operational SGRS, and to extend the date for such removal to a deadline of December 31<sup>st</sup>, 2021. This lease amendment is on the CSLC's October 24, 2019 agenda.

### **Los Angeles Regional Water Quality Control Board (RWQCB)**

The RWQCB regulates waste discharges into receiving waters in the project area. On June 14, 2016, LADWP submitted an application for a Section 401 Water Quality Certification for the SGRS replacement project. The RWQCB issued its Certification and Order in May 2017.

### **U.S. Army Corps of Engineers**

The U.S. Army Corps of Engineers (ACOE) has regulatory authority over the proposed project under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C 1344). On June 24, 2016, the ACOE conditionally certified the proposed project under Nationwide Permit No. 12 (Utility Line Activities), contingent upon the issuance of a Coastal Zone Management Act (CZMA) consistency certification. Pursuant to Section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), any applicant for a required federal permit to conduct an activity affecting any land or water use or natural resource in the coastal zone must obtain the Commission's concurrence in a certification to the permitting agency that the project will be conducted consistent with California's approved coastal management program. The subject coastal development permit (9-16-0384-A1) will serve as Commission review of the project under the CZMA.

### **Tribal Outreach and Consultations**

During the process of reviewing this project and developing this recommendation, Commission staff reached out to the Native American Heritage Commission, which provided contact

information for Native American Tribes understood to have current and/or historic connections to the project area. These Tribes include the Barbareno/Ventureno Band of Mission Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Fernandeno Tataviam Band of Mission Indians, Gabrieleno Band of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino-Tongva Tribe, Northern Chumash Tribal Council, San Fernando Band of Mission Indians, San Luis Obispo County Chumash Council, Santa Ynez Band of Chumash Indians, and Northern Chumash Tribe. Commission staff reached out to the above-listed tribes to solicit comments and concerns. At the time of publication of this staff report and recommendation, no questions or concerns had been brought to the attention of Commission staff by representatives of these Tribes. Any concerns raised subsequent to the publication of this report will be brought to the attention of the Commission through the development of an addendum to this staff report.

### **C. MARINE RESOURCES AND WATER QUALITY**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30232 states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

All of the work associated with the removal of the cables and vaults would take place in the marine environment. The project area includes soft-bottom seafloor and the nearshore ocean of Santa Monica Bay, which support ecologically-significant habitats and species. Proposed project

activities include the use of cable-pulling and other vessels to remove electrical cables and concrete vaults from the seafloor.

Cable removal would eliminate concerns regarding potential whale entanglement or snagging of fishing gear with cables. Furthermore, removal of the vaults would result in the restoration of the project site to its former soft-bottom habitat. However, the proposed activities to remove the cables and vaults have the potential to affect marine resources including marine vegetation, benthic habitats and species, fish, marine mammals and sea turtles, and water quality.

### **Impacts to Benthic Habitats**

In this portion of Santa Monica Bay, soft-bottom habitats predominate, with only a small percentage of rocky reefs. The proposed project has the potential to adversely affect benthic habitats and associated biota in the project area. These impacts would occur largely in areas of soft-bottom, sandy seafloor, but could also extend into more sensitive hard substrate areas adjacent to the cables.

#### *Hard Substrate Seafloor*

Hard substrate is exposed rocky seafloor area that provides habitat for a diverse group of plants and animals. Hard substrates, including rocky bottom, rock outcrops, and rock crevices, provide habitat and shelter for numerous sessile organisms, demersal fishes, and mobile invertebrates such as lobsters and crabs. Hard substrates also provide the necessary anchoring sites for macroalgae such as giant kelp (*Macrocystis pyrifera*), one of the more visible and iconic marine organisms of the California coast. The kelp forests of coastal Southern California are highly productive and species-rich, in large part due to the multi-layered vertical habitat they provide. Over 50 fish species, 130 species of plants and macroalgae and almost 800 species of invertebrates are known to inhabit Southern California kelp forests, making them both ecologically and economically important.

Offshore of Southern California, hard substrate habitats and their associated biota are relatively rare, and therefore any effect on them is potentially significant. In particular, impacts to hard substrate are significant because: (a) rocky reefs and other hard substrate habitats comprise a small fraction of the seafloor area; (b) they support a diverse and productive assemblage of epifaunal invertebrates; (c) they attract fish as a nursery ground, food source, and as shelter; (d) epibiota residing on rocky substrates are sensitive to mechanical disturbance and increased sediment loads; and (e) hard bottom ecosystems are slow to recover from direct impacts.

Kelp forest habitat within Santa Monica Bay is primarily located in the shallow subtidal zone around Malibu and the Palos Verdes peninsula. No kelp is known to occur within the proposed cable alignment or project footprint, although previous mapping indicated potential hard substrate habitat to the east of the offshore conduit through which the cables pass. No kelp has established on the concrete vaults that are to be removed; red algae and California golden gorgonians (*Muricea californica*) are found on the vaults.

Cable and vault removal will occur outside of hard substrate habitat areas, avoiding most direct impacts to these resources. However, the project has the potential to adversely affect adjacent

rocky seafloor habitats and species due to: (a) the setting or dragging of anchors during the siting of project vessels, and (b) disturbance of seafloor sediments and turbidity during cable and electrode vault removal activities. Placement and dragging of anchors and/or anchor lines from project vessels could result in scraping, scouring and other physical damage of rocky habitat and kelp beds, while turbidity and sediment redistribution could result in the burial of hard substrate habitats and organisms and/or reduction in light penetration and photosynthesis in kelp or other macroalgae beds.

To help identify habitat types in the project area, LADWP proposes to implement Best Management Practice (BMP) 2 (see **Appendix B**), which would provide for a pre-construction ROV-survey of the existing cable route to help avoid hard substrates and any previously unmapped areas of kelp. The Commission is including this measure in this CDP amendment as a part of **Special Condition 3**.

Project activities would require the use of several ocean-going vessels for cable and vault removal, some of which (for example, the crane barge used to lift vaults) would need to be anchored in fixed positions. Anchoring of project vessels in close proximity to areas of rocky seafloor could result damage to sensitive hard substrate habitats if anchors are not carefully set or drag after placement. Although the project addendum to the FEIR states that vessel anchors would be set only in areas of soft-bottom seafloor, LADWP has not identified specific anchoring locations, nor described measures to ensure that anchor placement or dragging would not impact hard substrate habitats. In order to avoid and minimize the potential for adverse impacts to these resources from anchoring, the Commission is including revisions to **Special Condition 5**, which would require LADWP to submit, for the Executive Director's review and approval, an Anchoring Plan specific for cable and vault removal activities. This Anchoring Plan is required to demonstrate that hard bottom substrate areas would be avoided and to list the equipment and procedures to be used to ensure anchors are accurately placed.

For these reasons, and as conditioned, the proposed project would not result in significant adverse impacts to hard substrate habitats and organisms.

#### *Soft Bottom Seafloor*

Soft bottom areas, which make up much of the seafloor in the project area, consist of unconsolidated sediments (e.g., sand, silty sand, sandy silt, and sandy clay) that provide habitat to epifaunal (surface living) and infaunal (below-surface living) organisms (Fugro 2012; Weston 2012; Burns & McDonnell 2016). Project impacts to soft bottom areas are of potential concern because: (1) the removal of the electrode vaults and cables and placement of anchors for project vessels would disturb the habitat of epifaunal and infaunal benthic organisms; (2) infaunal organisms have limited mobility and cannot easily escape habitat destruction or disturbance; and (3) infauna are a source of food for more mobile epifaunal and pelagic organisms such as crabs, fin fish, and marine mammals, and is thus an important component of the marine ecosystem.

Biological surveys of the soft-bottom habitats of Santa Monica Bay have documented a productive, diverse infauna composed of 625 different taxa (City of Los Angeles 2003). The most abundance infaunal invertebrates are polychaete worms (various species), followed by

brittle stars (*Amphiodia urtica*), horseshoe worms (*Phoronis* sp.), capitellid worms (*Mediomastus* sp.), and amphipods (*Ampelisca brevisimulata*). Epibenthic invertebrates of Santa Monica Bay include sea stars, sea cucumbers, sand dollars, sea urchins, crabs, shrimp, snails, tube worms, nudibranchs, and sea slugs. The extensive soft-bottom habitat within Santa Monica Bay supports an abundant and diverse assemblage of more than 100 species of demersal fish (fish that live and feed on or near the sea bottom). Flatfish, rockfish, sculpins, combfishes, and eelpouts make up the majority of the soft-bottom fish found in the bay (Marine Biological Consultants 1993; City of Los Angeles 2003). According to the project EIR, no threatened or endangered soft-bottom benthic species were identified during surveys or are known to exist in the project area.

The amount of soft-bottom area that would be disturbed from the proposed project is very small relative to the geographical extent of this habitat type in Santa Monica Bay. Soft-bottom benthos is the dominant seafloor type in Santa Monica Bay; in the EIR, LADWP estimates that the total area of soft-bottom habitat between the shoreline and the 100-foot depth contour (the depth at which the electrode array would be placed) is over 35,000 acres. Thus, the temporary disturbance of soft-bottom habitat, estimated at less than a tenth of an acre, resulting from the proposed project is a very small percentage of the overall available soft-bottom habitat in Santa Monica Bay (less than 0.0003 percent). Over time, the disturbed sediments along the cable route would be redistributed over the project area by the same processes (wave action, currents, etc.) that are the primary source of natural disturbance in this shallow water environment. In addition, the benthic infauna that would be affected is comprised of common species capable of re-colonizing an area following temporary sediment disturbance. Studies have shown that other factors, including the fact that project-related disturbances would not involve the removal of sediment, and the close proximity of the disturbed sediments to undisturbed sediments, would tend to minimize the amount of time needed for recolonization and recovery by benthic organisms.

For these reasons, the proposed installation of the ground return cables and electrode vaults would not result in significant adverse impacts to soft bottom habitats or organisms to the extent that would necessitate mitigation requirements.

## **Impacts to Marine Wildlife**

### *Marine Mammals*

The Southern California Bight supports 40 different species of marine mammals and five species of sea turtles that are protected by state and federal law. A number of these species are known to occur in the nearshore waters of Santa Monica Bay, and could be adversely affected by the proposed project. Seven cetacean species, including bottlenose dolphin (*Tursiops truncatus*), short-beaked common dolphin (*Delphinus delphis*), Risso's dolphin (*Grampus griseus*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), long-beaked common dolphin (*Delphinus capensis*), and California gray whale (*Eschrichtius robustus*), are commonly observed in nearshore waters in significant numbers and may occur in the project area either seasonally or on a year-round basis. The dolphin and porpoise species live in the region year-round, while gray whales migrate through the area twice each year, between December – February (southern migration) and February – May (northern migration). Other whale species, including blue, fin, humpback, sperm and killer whales, are typically observed farther offshore than the project area, but may occur closer to shore when their prey are abundant

in nearshore waters. California sea lions (*Zalophus californianus*) and harbor seals (*Phoca vitulina*) inhabit the coastal waters of Santa Monica Bay on a year-round basis and are likely to occur in the project area. Northern elephant seals (*Mirounga angustirostris*), though less ubiquitous, maintain breeding colonies in the offshore Channel Islands and may also occasionally pass through the project area. Though relatively rare, leatherback, green, loggerhead and olive ridley sea turtles have been observed off the Southern California coast and have the potential to occur in the project area.

#### *Other Sensitive Fish and Bird Species*

Santa Monica Bay is known to support several sensitive fish species.<sup>1</sup> Among these species, the southern California population segment of steelhead trout is listed as endangered under the federal Endangered Species Act. Santa Monica Bay also supports an abundant and diverse array of resident and migratory seabirds, including several special status species.<sup>2</sup>

Potential impacts to marine wildlife due to proposed project activities include marine mammal collisions with project vessels and harassment or injury during project activities.

#### *Collisions with Project Vessels and Impacts during Project Construction*

The offshore location of the proposed project places it within potential foraging and migration areas of marine mammals and turtles, raising the possibility of collisions with project vessels or harassment or injury during construction activities. Incidents with marine wildlife also could occur during cable and vault removal activities and vessel transit between the project site and the probable shore base of the project vessels at Long Beach.

As a safeguard against vessel collisions and other adverse impacts to marine mammals and sea turtles, LADWP proposes to implement mitigation measure BIO-1, which provides for a biological monitor, training of construction and vessel crews to recognize and avoid marine mammals and sea turtles, speed restrictions, and reporting of collisions to state and federal resource agencies (see **Appendix B**).

Implementation of BIO-1 would decrease the risk of collisions between marine wildlife and project vessels, as well as adverse impacts during project activities. However, measure BIO-1 lacks several specific provisions necessary to protect and minimize the potential for harm to marine wildlife species, as required under Sections 30230 and 30231 of the Coastal Act. In approving previous offshore projects of similar scope, the Commission has generally specified a minimum of two marine wildlife monitors to ensure adequate coverage of the project area and required the monitoring of larger marine wildlife “avoidance zones.” Therefore, the Commission

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<sup>1</sup> California Department of Fish and Wildlife-listed fish species in Santa Monica Bay include giant black sea bass (*Stereolepis gigas*), steelhead (*Oncorhynchus mykiss*), broomtail grouper (*Mycteroperca xenarcha*), garibaldi (*Hypsypops rubicundus*), bronze spotted rockfish (*Sebastes gilli*), canary rockfish (*Sebastes pinniger*), yelloweye rockfish (*Sebastes ruberrimus*), cowcod rockfish (*Sebastes levis*), basking shark (*Cetorhinus maximus*) and the bocaccio rockfish (*Sebastes paucispinis*).

<sup>2</sup> Special-status seabirds of the Southern California Bight include bald eagle (*Haliaeetus leucocephalus*), California brown pelican (*Pelecanus occidentalis californicus*), California least tern (*Sterna antillarum browni*), Western snowy plover (*Charadrius alexandrinus nivosus*), Marbled murrelet (*Brachyramphus marmoratus*), Xantus’s murrelet (*Synthliboramphus hypoleucus*), Ashy storm petrel (*Oceanodroma homochroa*), Black storm petrel (*Oceanodroma melania*) and Rhinoceros auklet (*Cerorhinca monocerata*).

is including additional mitigation measures to ensure that adverse impacts to marine mammals and sea turtles are minimized and healthy populations of marine organisms are maintained. Revisions to **Special Condition 6** require LADWP to submit a Final Marine Wildlife Monitoring and Contingency Plan (MWMCP), specific for the cable and vault removal, to the Executive Director for review and approval prior to beginning project construction. The MWMCP shall include measures similar to those contained in BIO-1 but shall also require: a minimum of two qualified marine wildlife observers be present during both project vessel transit and project operations; the establishment of 500-foot and 1640-foot avoidance zones, for smaller mammals and large cetaceans, respectively; and additional mitigation and reporting requirements.

### **Water Quality**

The proposed project would occur in the open coastal waters of Santa Monica Bay, and could adversely affect water quality and marine biota as a result of increased turbidity and the mobilization of sediment contaminants during project installation, and the release of fuel, hazardous materials, sewage or bilge/ballast water from project vessels, vehicles and equipment.

#### *Turbidity and Resuspension of Contaminated Sediments*

Increases in turbidity can degrade water quality by reducing light penetration, discoloring the ocean surface, or interfering with filter-feeding benthic organisms sensitive to increased turbidity, and, as discussed above, result in the burial of sensitive hard-substrate habitats.

Cable removal would result in a zone of temporary sediment disturbance, covering a total of less than a tenth of an acre, along the two cable alignments. The removal of the cables and vaults would result in some disturbance of seafloor sediments and will generate a minor amount of turbidity. In the project EIR, the LADWP estimates that turbidity levels generated by the project would be less severe those associated with waves, tidal action and storm events occurring naturally within Santa Monica Bay and affecting bottom sediments in the project area. Because of the sandy sediments that comprise much of the project area, turbidity plumes are expected to quickly settle out of the water column and would be limited to times of active cable and vault removal. Therefore, turbidity impacts on water quality would be insignificant.

Sediment re-suspension also has the potential to introduce contaminants into the water column. Large-scale regional studies estimate that 90 percent of the surface sediments of the Santa Monica Bay are contaminated with DDT, PCBs, metals, and other pollutants, largely due to legacy inputs of pollutants from a variety of industrial and urban sources (Schiff 2000). Re-suspension of sediments during project activity could result in the dispersal and uptake of these contaminants by benthic organisms. Sediment concentrations of contaminants of concern were measured within the project area as part of the 2012 *Marine Resources Assessment* (Weston 2012) and 2015 *Existing Electrode Study* (Burns & McDonnell 2016) and were below relevant thresholds for biological effects and showed no evidence of toxicity in laboratory bioassays (Weston 2012). Therefore, resuspension of sediments associated with the proposed project would not result in an increase in the distribution of contaminants of concern above bay-wide background levels or result in toxicity to benthic organisms.

#### *Spills, Leaks & Releases from Project Activities, Vessels and Equipment*

The proposed project requires the use of several vessels, vehicles, and heavy equipment, which



could discharge fuel or other hazardous fluids, sewage water, bilge water, debris, or ballast water into the marine environment. Depending on the size and contents of a leak, spill or discharge from one of these sources, impacts to marine organisms could be significant.

Although the likelihood of a spill occurring is low, LADWP has proposed to implement BMP-7, which prohibits discharge of hazardous materials into the Project area, requires a comprehensive spill prevention control and countermeasure plan and an environmental protection, and mandates that all debris shall be disposed of in appropriate containers (see **Appendix B**).

In order to further reduce and minimize the potential for accidental spills or leaks, the Commission is including revisions to **Special Condition 12**, requiring LADWP to submit a project-specific Spill Prevention and Response Plan to the Executive Director for review and approval. In addition to the requirements of BMP-7, the Plan is required to identify the worst-case spill scenario and demonstrate that adequate spill response equipment is available. The Plan is also required to clearly identify responsibilities, list and identify the location of oil spill response equipment, and include a plan for conducting training and response drills. The Commission also is including revisions to **Special Condition 13**, which requires LADWP to implement an Executive Director-approved Critical Operations and Curtailment Plan (COCP) that is specific to the proposed project. The COCP is required to define the limiting conditions of sea state, wind, or any other weather conditions that would hinder safe operation of vessels and equipment or a potential spill cleanup.

In summary, with the inclusion of the Special Conditions described above, the proposed project will minimize the potential for adverse impacts associated with increased turbidity, mobilization of contaminated sediments, and spills and discharges from project vessels and equipment.

### **Conclusion**

For the reasons discussed above, the Commission finds that the proposed project, as conditioned by revisions to **Special Conditions 3, 5, 6, 12, and 13**, will be carried out in a manner that maintains marine resources, sustains the biological productivity and quality of coastal waters, and protects against the spillage of hazardous substances into the marine environment, and is therefore consistent with Coastal Act Sections 30230, 30231 and 30232.

### **D. COMMERCIAL AND RECREATIONAL FISHING**

Coastal Act Section 30234.5 states:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Commercial and recreational fishing are important components of the regional economy in Los Angeles County. However, much of Santa Monica Bay, including the entire project area, is within a California Department of Fish and Wildlife (CDFW) Commercial Fishing Closure Area, which severely restricts the allowable gear types and the take of most commercially-important species within this area.

Recreational fishing in Santa Monica Bay occurs from the shore, from boats originating from two local harbors (Marina Del Rey and Redondo Beach), from kayaks launching from local

shores, and by divers. Primary species targeted by recreational fishermen include California halibut, kelp bass, barred sand bass, rockfishes, Pacific chub mackerel, Pacific bonito, white seabass, and Pacific barracuda. Sandy areas such as those surrounding the project site are fished mainly for pelagic species, such as bonito and barracuda, and bottom dwelling species, such as California halibut. Recreational fishing for California spiny lobster (*Panulirus interruptus*), via diving or hoop-netting, is also popular in Santa Monica Bay. The CDFW specifies a legal season for spiny lobster each year, typically from October through mid-March. Recreational fishing in typically peaks in January and February, with a small, secondary peak during the summer.

In order to minimize the potential for damage to fishing gear during vessel transit, the Commission is including **Special Condition 6**, which requires that project personnel receive training to recognize and monitor for fishing gear, and that marine observers and vessel operators monitor for and avoid fishing gear vessel transit and marine operations.

Recreational fishing activities will be precluded from portions of the project area during project activities, which are anticipated to last approximately seven weeks. During this period, an area of varying size around the active work sites and within the anchor spreads of project vessels would be unavailable for commercial and recreational fishing. The areas of temporary closure would be very small relative to the total area available for recreational fishing along the Santa Monica Bay coastline. The proposed work periods would partially overlap with the recreational lobster season, but the sandy bottom areas in which the project would take place are not areas that would be targeted by lobster fishermen.

EIR mitigation measure BMP-6 would commit LADWP to (a) submitting a Local Notice to Mariners to the U.S. Coast Guard and (b) posting notices in local harbor master's offices prior to in-water project activities. The Commission is incorporating this requirement into this CDP as a part of **Special Condition 3**. This condition will ensure that advance notice of project-related restrictions and closures will be available to local fishermen with sufficient lead-time to allow those affected to plan their fishing activities for alternate times and locations.

With these measures and **Special Conditions 3 and 6**, the Commission finds that commercial and recreational fishing will be protected in accordance with Coastal Act Section 30234.5.

## **E. CULTURAL RESOURCES**

Coastal Act Section 30244 states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Historic and cultural resources are places or objects that possess historical, cultural, archaeological or paleontological significance and include sites, structures, or objects significantly associated with, or representative of earlier people, cultures and human activities and events. Project-related activities have the potential to disturb or damage Native American artifacts or shipwrecks of potential cultural resources value.

In the offshore environment, the disturbance of surface and subsurface sediments during the proposed cable and vault removal has the potential to disturb, disrupt or degrade prehistoric sites and watercraft and historic shipwrecks found on or within ocean sediments. Searches of shipwreck databases conducted by LADWP indicate that there are five known shipwrecks within three miles of the project site, none of which would be directly affected by project activities. Based on searches of relevant databases and the results of outreach to local Native American tribes, the project EIR also concluded that there were no known archaeological resources or human remains within the project footprint.

Thus, the available evidence suggests that project construction is unlikely to adversely affect cultural resources in the project area. However, it is possible that previously unknown archaeological deposits or cultural resources could be affected. To minimize the potential for adverse impacts to marine cultural resources, LADWP proposes to implement several best management practices. Under BMP-3, if a previously unknown archaeological resource is found during project activities, all activities in the immediate area will be suspended, and LADWP will undertake a full review by a project archaeologist, to be followed by the preparation of a mitigation plan and/or the recording and reporting of the discovery pursuant to state law and CEQA Guidelines. BMP-4 outlines procedures to be followed in the event that human remains are discovered during construction, and includes the suspension of project construction in the area of the discovery until the site has been investigated by the County Coroner, the Native American Heritage Commission has been notified, and, if necessary, a plan for the disposition of the remains has been implemented in consultation with Native American representatives. These measures are being incorporated into this CDP under **Special Condition 3** (see **Appendix B**).

The Commission finds that with these measures and **Special Condition 3**, the project will not adversely impact cultural resources and is thus consistent with Section 30244 of the Coastal Act.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The LADWP, acting as the CEQA lead agency, certified an Environmental Impact Report for the proposed project on August 2, 2016 and published an Addendum to the EIR for the proposed project in August 2018.

In CDP 9-16-0384, the proposed development was conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing marine resources, dredge and fill of coastal waters, water quality, oil spills, commercial and recreational fishing, public access and recreation, air quality, and cultural resources were incorporated to minimize all adverse impacts. The Commission found that as conditioned, there were no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission found that the proposed project as fully conditioned was consistent with the provisions of CEQA. Based on information presented in the FEIR Addendum, and the special conditions included in this CDP to protect marine mammals, benthic habitat, fisheries, commercial fishing, water quality, and cultural resources, CDP 9-16-0384-A1 will not have any significant environmental effects under the Coastal Act and CEQA, and the amendment is consistent with CEQA.

## **Appendix A: Substantive File Documents**

### ***Coastal Development Permit Application Materials:***

Application and Application File for Coastal Development Permit No. 9-16-0384-A1.

Application File for Coastal Development Permit No. 9-16-0384.

### ***CEQA Documents for Project:***

Los Angeles Department of Water and Power (2018). *Sylmar Ground Return System Replacement Project Environmental Impact Report Addendum* (State Clearinghouse No. 2010091044), August 2018.

Los Angeles Department of Water and Power (2016). *Sylmar Ground Return System Replacement Project Final Environmental Impact Report* (State Clearinghouse No. 2010091044), July 2016.

Los Angeles Department of Water and Power (2016). *Sylmar Ground Return System Replacement Project Draft Environmental Impact Report* (State Clearinghouse No. 2010091044), March 2016.

### ***Other Reports and Resources:***

Burns & McDonnell Engineering Company, Inc. (2016). *Assessment of the Existing Sylmar Ground Return System Marine Electrode in Santa Monica Bay*. Prepared for POWER Engineers, Inc., Project No. 82701, January 8, 2016.

City of Los Angeles (2003). *Marine Monitoring in Santa Monica Bay: Biennial Assessment Report for the Period July 2001 through December 2002*. City of Los Angeles Environmental Monitoring Division.

Fugro Consultants, Inc. (2012). *Geophysical Survey Report – LADWP CAT2010, Sylmar Electrode Studies and Design Upgrade Subsea Cable Installation, Santa Monica Basin, California*. Prepared for Burns & McDonnell Engineering Co., June 11, 2012.

Schiff, K. (2000). Sediment chemistry on the mainland shelf of the Southern California Bight. *Marine Pollution Bulletin* 40: 267-276.

Weston Solutions, Inc. (2012). *Assessment of Marine Resources in the Vicinity of the Sylmar Ground Return System Undersea Electrode: Draft Report*. Prep. for Burns & McDonnell Engineering Company, June 2012.

**Appendix B: Final EIR Best Management Practices  
Incorporated into CDP# 9-16-0384 in Special Condition 3**

Note that BMP-5 is not pertinent to the cable and vault removal activities that are the subject of CDP 9-16-0384-A1.

**BMP-2: Pre-Construction Survey**

A pre-construction survey utilizing a remotely operated vehicle (ROV) would be conducted to ensure that Project facilities (buried cables and electrode array) would be located within soft-bottom conditions, which is necessary for facilities installation but would also ensure avoidance of rocky reef and kelp habitat.

**BMP-3: Archaeological Resources**

Should previously unknown archaeological resources be found during project construction activities, all activities shall cease in the immediate area of the discovered resource. A project archaeologist shall be retained to first determine whether the resource discovered is a unique archaeological resource pursuant to Section 21083.2(g) of the California Public Resources Code (PRC) or a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines. If the archaeological resource is determined to be a unique archaeological resource or a historical resource, the archaeologist shall recommend disposition of the site and formulate a mitigation plan in consultation with LADWP and CSLC that satisfies the requirements of Section 21083.2 of the PRC and/or Section 15064.5 of the CEQA Guidelines. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the CSLC. If the archaeologist determines that the archaeological resource is not a unique archaeological resource or historical resource, the site will be recorded and the site form submitted to the California Historical Resource Information System (CHRIS) at the South Central Coastal Information Center (SCCIC). The archaeologist shall prepare a report of the results of any study prepared following accepted professional practice and guidelines of the California Office of Historic Preservation. Copies of the report shall be submitted to the CHRIS at the SCCIC.

**BMP-4: Human Remains**

In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further disturbance of the site or any nearby area reasonably suspected to overlie other remains shall occur until the Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the Coroner determines that the remains are or are believed to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 48 hours. In accordance with PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete an inspection of the site within 48 hours of being

granted access. The designated Native American representative shall then determine, in consultation with LADWP, the disposition of the human remains.

**BMP-5: Marine Location Markings**

The position of the electrode array will be marked using surface buoys, and the United States Coast Guard (USCG) and other responsible entities will be notified of the position and as-built characteristics of the electrode array and underwater cables.

**BMP-6: Issuance of Notices**

Advance notice of construction activities shall be provided to local recreational and commercial boaters and fisherman through the USCG Notice to Mariners regarding the restrictions in the use of the Project area with sufficient lead-time for affected persons to plan for alternate times and places to perform offshore activities. In addition, LADWP shall post notices in the harbor master's offices at least 15 days in advance of in-water construction activities.

**BMP-7: Hazardous Materials**

As required by the Clean Air Act, Section 401 of the Clean Water Act, the Toxic Substance Control Act, and the Hazardous Materials Transportation Act, all vehicles, vessels, and equipment must be in proper working condition to avoid fugitive emissions or accidental release of motor oil, fuel, antifreeze, hydraulic fluid, grease, or other hazardous materials. To reduce potential for accidental spills and discharges that could impact water and sediment quality during construction, the following are recommended:

- Discharge of hazardous materials during construction activities into the Project area shall be prohibited.
- A comprehensive spill prevention control and countermeasure plan shall be developed that documents management practices that will be enacted to limit the potential for accidental spills.
- An environmental protection plan shall be developed that addresses issues related to storage and handling of fuel, waste disposal, equipment and vessel operation, and field policies.
- All debris and trash shall be disposed of in appropriate trash containers on land or on construction barges by the end of each construction day.

**Appendix C: Standard and Special Conditions of Coastal Development Permit 9-16-0384 Following Adoption of CDP Amendment 9-16-0384-A1**

**Standard Conditions:**

1. **Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**Special Conditions:**

1. **Permit Time Limit.** The permit shall expire on December 5, 2036, which is the date on which the current California State Lands Commission Lease No. PRC 4480.9 expires. If this lease is extended or a new lease is issued by the California State Lands Commission, the Permittee may apply to the Commission for a permit amendment to extend the term of this permit.
2. **Other Permits and Approvals.** PRIOR TO THE START OF CONSTRUCTION, the Permittee shall provide to the Executive Director copies of all other local, state, and federal permits required to perform project-related work. These permits and approvals include:
  - (a) Regional Water Quality Control Board – Los Angeles Region: Final approved 401 Water Quality Certification.

Any changes to the approved project required by this agency shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally required.

- 3. Environmental Impact Report (EIR) Best Management Practices.** This permit incorporates those best management practices identified in the July 2016 Final Environmental Impact Report (State Clearinghouse No. 2010091044) concerning marine habitats, biological resources, water quality, navigation, and cultural resources that are attached to this report as Appendix B, except that BMP-5 (Marine Location Markings) is not applicable to the removal of the original SGRS cables and vaults.

PRIOR TO THE COMMENCEMENT OF OFFSHORE CONSTRUCTION, the Permittee shall submit the following items to the Executive Director for his review and approval:

- (a) A report summarizing the results of the pre-construction survey required under BMP-2;
  - (b) Copies of the USCG Notice to Mariners and the project notices to be posted in local harbor masters' offices, as required under BMP-6.
- 4. As-Built Documentation.** Within 45 days of completing the installation of the marine cables and electrode array, the Permittee shall submit to the Executive Director the following:
- (a) As-built plans, drawn to scale, of the installed marine electrode array and cable sets, depicting bathymetry, seafloor substrates and features, seabed profile, and depth of cable burial below the seafloor. The As-built plans shall be overlaid on National Oceanic and Atmosphere Administration ("NOAA") navigation charts. The cable locations shall be obtained by an acoustic navigation system linked to a surface differential global positioning system. The transponder for the acoustical navigational system shall be mounted on the equipment used for cable burial. The cable shall be considered installed the day after the last day of post-lay inspection burial operations.
  - (b) A cable installation report containing, at minimum, the following: (i) a summary of pre-lay, cable-laying, and burial methods used; (ii) a description of methods and equipment used to control cable slack during installation; and (iii) results from a post-lay burial survey indicating the depth of burial achieved along the cable route.
- 5. Anchoring Plan.** PRIOR TO THE COMMENCEMENT OF OFFSHORE ACTIVITIES, the Permittee shall prepare and submit an Anchoring Plan, including a version that is specific for activities associated with the removal of the original SGRS cables and vaults, to the Executive Director for review and approval that describes how the Permittee will avoid placing anchors on sensitive ocean floor habitats and pipelines. The Plan shall include at least the following information:
- (a) A list of all vessels that will anchor during the Project and the number and size of anchors to be set;



- (b) Detailed maps showing proposed anchoring sites that are located at least 40 feet (12 meters) from rocky habitat identified during the project EIR and supporting studies;
- (c) A description of the navigation equipment that would be used to ensure anchors are accurately set; and
- (d) Anchor handling procedures that would be followed to prevent or minimize anchor dragging, such as placing and removing all anchors vertically.

**6. Marine Wildlife Monitoring and Contingency Plan (MWMCP).** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall prepare a MWMCP for review and approval by the Executive Director. The Permittee shall implement the MWMCP during all marine operations (e.g., cable and electrode vault installation and removal of the original SGRS cables and vaults). The MWMCP shall include the following elements, and shall be implemented consistent with vessel and worker safety needs:

- (a) Prior to the start of offshore activities the Permittee shall provide awareness training to all Project-related personnel and vessel crew, including viewing of an applicable wildlife and fisheries training video, on the most common types of marine wildlife likely to be encountered in the Project area and the types of activities that have the most potential for affecting the animals.
- (b) A minimum of two qualified marine mammal observers shall be located on the crane barge, cable laying vessel, cable and vault removal vessel, or other nearby project vessel to conduct observations, with two observers on duty during all marine construction activities. The MWMCP shall identify any scenarios that require an additional observer on the barge or other Project vessel and, in these cases, make recommendations as to where they should be placed to ensure complete coverage of the surrounding marine environment.
- (c) Shipboard observers shall submit a daily sighting report to the Executive Director no later than noon the following day that shall be of sufficient detail to determine whether observable effects to marine mammals are occurring.
- (d) The observers shall have the appropriate safety and monitoring equipment adequate to conduct their activities.
- (e) The observers shall have the authority to temporarily halt any project activity that could result in harm to a marine mammal, sea turtle or other special status species, and to suspend those activities until the animals have left the area.
- (f) For monitoring purposes, the observers shall establish a 1,640 foot (500 meter) radius avoidance zone around the construction work zone and project vessels for the protection of large marine mammals (i.e., whales) and a 500-foot (152-meter) radius avoidance zone around the derrick barge and other Project vessels for the protection of smaller marine mammals (i.e., dolphins, sea lions, seals, etc.) or sea turtles. The observers shall closely monitor any animal entering within these radii, and notify the project manager or construction supervisor of the possible need for suspension or redirection of construction activities. If a marine mammal or sea turtle is identified within 100 meters of the construction work zone and/or project vessels, construction

activity shall be temporarily halted until the sea turtle or marine mammal moves safely beyond this distance.

- (g) In the event that a whale becomes entangled in any cables or lines (e.g., vessel mooring lines), the observer shall immediately notify NMFS and the Executive Director, so appropriate response measures can be implemented. Similarly, if any take involving harassment or harm to a marine mammal or sea turtle occurs, the observer shall immediately notify the Executive Director, NMFS and any other required regulatory agency.
- (h) Propeller noise and other noises associated with construction activities shall be reduced or minimized to the extent feasible.
- (i) In addition to on-site monitoring, the MWMCP shall describe measures to be taken during the transit of project vessels and equipment to the project site in order to minimize the risk of collisions with marine mammals and/or sea turtles. Such measures shall include, but are not limited to, restrictions on vessel speed.
- (j) Marine observers and vessel operators shall monitor for and take steps to avoid observed fishing gear during vessel transit and project operations.
- (k) The captain of the derrick barge and the Permittee's project management team shall be responsible for ensuring that the MWMCP is implemented.
- (l) A final report summarizing the results of monitoring activities shall be submitted to the Executive Director and other appropriate agencies no more than 90 days following completion of offshore activities. The report shall include: (a) an evaluation of the effectiveness of monitoring protocols and (b) reporting of (i) marine mammal, sea turtle, and other wildlife sightings (species and numbers); (ii) any wildlife behavioral changes; and (iii) any project delays or cessation of operations due to the presence in the project area of marine wildlife species subject to protection.

**7. Limitations on Night Operations:** Project activities shall be limited to daylight hours to the maximum extent feasible. Night work shall be allowed only when necessary to ensure conformance to the timing restrictions contained in State Lands Commission Lease No. PRC 4480.9. Night-lighting required for Project activities shall be shielded and directed to the immediate work area to minimize light spillage into surrounding areas. Night lighting of any project vessels remaining on site shall be limited to that necessary to maintain navigational safety and to serve the nighttime site monitors who will be present on board the derrick barge.

**8. Cable Burial Depth.** The marine cable sets shall be buried within the seafloor sediments, to a target depth of five feet. Where a 5-foot burial depth cannot be achieved, the Permittee shall bury the cables to the maximum depth feasible.

**9. Electrode Array and Cable Surveys.**

- A. The Permittee shall survey the electrode vault array at least once annually to verify that (1) the Kevlar mesh continues to cover the openings to the electrode vaults, as

designed, and (2) no fishing gear, lines, or other marine debris that could pose an entanglement risk to marine wildlife or fishing activity has become snagged on the structures. The Permittee shall make needed repairs to the mesh coverings as needed. If the survey shows that debris has become snagged on any electrode structures, it shall be removed as soon as possible, and within 30 days of the date of the survey.

- B. The Permittee shall survey those portions of the marine cable route from the point where the cables emerge from the subsurface conduits (approximately 1200 feet offshore) to the location of the marine electrode array (approximately 2 miles offshore) to verify that the cables have remained buried consistent with the as-built plans and cable burial report required by Special Condition 4, subject to the following:
- (1) The cable surveys shall be performed after any event that has the potential to affect the cable. For the purposes of this condition, “event” is defined as: an incident or activity (such as a fishing gear snag), the circumstances of which indicate the likelihood that a previously buried cable has become unburied; an extraordinary event, such as a severe earthquake in the vicinity of the cables that could cause deformation of the sea floor or underwater landslides; or any other significant event that could cause excessive ocean floor scouring (e.g., large tsunami).
  - (2) The survey shall be conducted using an ROV equipped with video and still cameras.
  - (3) The applicant shall notify the Executive Director in writing within 10 days of the reporting or other identification of a qualifying event, and shall schedule a survey at the soonest available opportunity, subject to vessel availability, weather conditions, and related operational conditions affecting the survey.
  - (4) Within 30 days of survey completion, The Permittee shall submit to the Executive Director a report describing the results of the survey. If the survey shows that a segment(s) of a cable is no longer buried consistent with the as-built plans and cable burial report required by Special Condition 4, the applicants shall, within 30 days of survey completion, submit to the Executive Director for approval a plan to re-bury those cable segments.

**10. Electrode and Cable Removal.** WITHIN 90 DAYS OF EITHER TAKING THE ELECTRODE AND CABLES OUT OF SERVICE or after the expiration or earlier termination of the Permittee’s California State Lands Commission lease, the Permittee shall apply for an amendment to this permit to remove the electrode array and cables from the territorial waters of the State of California. Upon approval by the Commission of the permit amendment, the applicant shall implement the cable removal project authorized by the amendment in accordance with the time schedule specified therein.

**11. Changes to Nautical Charts:** WITHIN 30 DAYS OF COMPLETING IN-WATER CONSTRUCTION, the Permittee shall provide written verification to the Executive Director that the Permittee has submitted project-related information to the National

Oceanic and Atmospheric Administration (NOAA) to be included on area nautical charts. Information submitted shall include as-built drawings, blueprints, or other engineering documents which depict the completed development; geographic coordinates of the location, using a Differential Geographic Positioning System (DGPS) unit or comparable navigational equipment; and the Permittee's point of contact and telephone number.

- 12. Spill Prevention and Response Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit a project-specific Spill Prevention and Response Plan to the Executive Director for review and approval, including a Plan specific to the activities involved in the removal of the original SGRS cables and vaults. The Plan shall identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan shall also include preventative measures the Permittee will implement to avoid spills and clearly identify responsibilities of onshore and offshore contractors and the Permittee personnel and shall list and identify the location of oil spill response equipment (including booms), appropriate protocols and response times for deployment. Petroleum-fueled equipment on the main deck of all vessels shall have drip pans or other means of collecting dripped petroleum, which shall be collected and treated with onboard equipment. Response drills shall be in accordance with Federal and State requirements. Contracts with off-site spill response companies shall be in-place and shall provide additional containment and clean-up resources as needed.
- 13. Critical Operations and Curtailment Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit a Final Critical Operations and Curtailment Plan (COCP) to the Executive Director for approval, including a separate COCP for the removal of the original SGRS cables and vaults. The COCP shall define the limiting conditions of sea state, wind, or any other weather conditions that exceed the safe operation of offshore vessels, equipment, or divers in the water; that hinder potential spill cleanup; or in any way pose a threat to personnel or the safety of the environment. The COCP shall provide for a minimum ongoing 5-day advance favorable weather forecast during offshore operations. The plan shall also identify the onsite person with authority to determine critical conditions and suspend work operations when needed.
- 14. Marine Discharge.** There shall be no marine discharge of sewage or bilge/ballast water from vessels either installing or repairing the marine electrodes and cables, or involved in the removal of the original SGRS cables and vaults. A zero-discharge policy shall be adopted for all project vessels.