

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



Th7

Prepared February 28, 2019 (for the March 07, 2019 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for March 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on March 01, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on March 1th.

With respect to the March 1th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on March 01, 2019 (see attached)

Immaterial Amendment:

- **9-13-0500-A2** Hog Island Oyster Company's Humboldt Bay shellfish hatchery - allow discharges to septic tank system until completion of the Samoa Peninsula Wastewater Project

Negative Determinations and No Effect Letters

Administrative Items for Federal Consistency Matters

- **ND-0001-19, U.S. Coast Guard, Action: Concur, 2/6/2019**
U.S. Coast Guard Station Morro Bay, expansion of building adding 1 story ((806 sq. ft) to existing 2 story building, Morro Bay, San Luis Obispo County
- **ND-0002-19, Corps of Engineers, Sacramento District, Action: Concur, 2/4/2019**
US Army Corps of Engineers, Underground storage tank remediation/closure/removal, Fort Miley Veterans Affairs property and Golden Gate Natural Recreation Area, Richmond District, northwestern San Francisco

- **ND-0003-19, Department of the Navy, Action: Concur, 2/21/2019**
Navy Extension to General CD for repair and maintenance of to Piers and Shoreline Structures in San Diego, Port Hueneme, Pt. Mugu, S Clemente I
- **ND-0044-18, Department of the Navy, Action: Concur, 2/6/2019**
Navy construction of a nearshore shallow water habitat using (reusing) dredged materials and pier pilings to create a sandy nearshore underwater habitat with eelgrass, north of Ballast point, Smuggler's Cove, east side of Point Loma, San Diego

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **9-13-0500-A2**

February 12, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit Amendment No. **9-13-0500-A2** requested by **Hog Island Oyster Company, Inc.**, amending the original permit for installation of shellfish nursery rafts, floating upwelling systems (FLUPSYs), and associated equipment on and adjacent to an existing pier and the construction and operation of an onshore shellfish hatchery, shellfish seed setting facility, office, algae greenhouse, covered work area, and seed washing facility.

Project Site: 1 Bivalve Way, Samoa, Humboldt County (APNs 401-301-14; 401-301-11)

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):

(1) After-the-fact authorization for the installation and use of a 3,000 gallon septic tank for receiving and holding domestic wastewater and dechlorinated shellfish seed wash water from the shellfish hatchery; and (2) continued use of the septic system until completion of the Samoa Peninsula Wastewater Project, at which time use of the septic system would be discontinued and discharges from the shellfish hatchery would be directed into the community wastewater treatment system.

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 10 working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

Although the approved waste treatment system for the shellfish nursery included full onsite treatment (which is the type of system required in the area due to issues associated with improper use of septic holding systems), Hog Island Oyster Company, Inc. (HIOC) instead

Notice of Proposed Immaterial Permit Amendment
9-13-0500-A2

installed a septic holding system with a 3,000 gallon capacity tank. However, HIOC has committed to continue regular pump out of this tank (every two to three months, as needed) until such time as the community wastewater treatment system is constructed and operational. At such time, the use of the septic system would be discontinued and all future waste discharges would be directed to the Samoa Peninsula Wastewater Treatment Plant. This approach is supported by staff of the Humboldt County Department of Health and Human Services and memorialized through new **Special Condition 6**, included below. The continued, interim use of the septic holding tank – carried out consistent with this Special Condition – would help ensure that spills or discharges of domestic waste water at the project site are avoided and the water quality in the project area is protected.

The following Special Condition would be added to the five existing Special Conditions.

6. Wastewater Treatment System. Hog Island Oyster Company shall regularly pump out and maintain the onsite septic system to ensure proper working condition and to prevent uncontrolled discharge or overflow. In addition, within 180 days of the completion of the Samoa Peninsula Wastewater Project and opening of the associated community wastewater treatment plant, HIOC shall connect to the system, direct all wastewater discharges to the plant, and discontinue use of the onsite septic holding system.

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

cc: Commissioners/File

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February 6, 2019

John Barresi, Captain
U.S. Coast Guard
Facilities Design and Construction Center
915 2nd Ave., Room 2664
Seattle WA 98174

Attn: Raven James Smith

Re: **ND-0001-19** U.S. Coast Guard, Expansion of USCG Station Morro Bay, San Luis Obispo Co.

Dear Captain Barresi:

The U.S. Coast Guard has submitted the above-referenced negative determination for a minor expansion to an existing building at USCG Station Morro Bay. The expansion would involve construction of a one-story addition, approximately 806 sq. ft., on the east side and adjacent to the existing two-story, 3000 sq. ft. Station. The addition is intended to enable the Coast Guard to allow female Coast Guard employees to be stationed at Station Morro Bay. The addition is designed to be visually compatible with the existing structure and the character of the surrounding area, and would not adversely affect any public view corridors. Five parking spaces would be displaced by the addition; however the loss of five spaces in this portion of the harbor is not problematic, and we note that the Local Coastal Plan for the area provides emphasis on maintaining the Coast Guard's presence and mission, including with stated policy to "Support and actively encourage the continued permanent presence by the Coast Guard as an essential element of boating safety in the region." The project would not adversely affect public access, water quality, or biological resources, and indirectly, would benefit public safety and recreation.

The Commission staff therefore **agrees** with your determination of no effects on coastal zone resources, and we hereby **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please feel free to contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "mark D Ainsworth".

(for) JOHN AINSWORTH
Executive Director

cc: Central Coast District (Sarah Carvill)

CALIFORNIA COASTAL COMMISSION

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February 4, 2019

Mark Ziminske, Chief
Environmental Resources Branch
U.S. Army Corps of Engineers
Sacramento District
1325 J St.
Sacramento CA 95814-2922

Attn: Keleigh Dietsch

Re: **ND-0002-19** U.S. Army Corps of Engineers, Negative Determination, Fort Miley Restoration/Remediation of Underground Storage Tanks, Fort Miley, San Francisco

Dear Mr. Ziminske:

The Corps of Engineers has submitted the above-referenced negative determination for “regulatory closure” of nine underground storage tanks (USTs) at Formerly Used Defense Sites (FUDS) at Fort Miley, on Veterans Affairs (VA) and Golden Gate National Recreation Area (GGNRA) lands, in northwest San Francisco. Eight of the nine sites are on GGNRA property, and the ninth is on VA property. Seven USTs would be closed-in-place that are adjacent to gun emplacements or structures that are being preserved for historical significance by the National Park Service (NPS). The other 2 USTs have no potential to disturb historic structures, and these will be removed. Your negative determination includes a biological analysis, and the Corps concludes the activities would cause no adverse effects on coastal resources. The Commission staff **agrees** with your conclusions, and we hereby **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please feel free to contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'mark D / A', written over a white background.

(for) JOHN AINSWORTH
Executive Director

cc: North Central District
GGNRA/NPS (Tony Di Stefano)

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February 21, 2019

C. L. Stathos
Dept. of the Navy
Commander Navy Region Southwest
ATTN: Deb McKay
937 North Harbor Dr.
San Diego, CA 92132-0058

Re: **ND-0003-19** Navy Negative Determination, Extension of General Consistency Determination for Periodic Replacement of Navy Piers and Shoreline Structures, San Diego, Ventura County, and San Clemente Island

Dear Mr. Stathos:

The Commission staff has reviewed the above-referenced negative determination for an extension of the Navy's previously-concurred-with *General Consistency Determination (GCD) for Periodic Replacement of Navy Piers and Shoreline Structures (CD-070-98)*. The Commission concurred with this consistency determination in August 1998, which extended an earlier five-year general consistency determination, CD-012-93. The Commission staff has, periodically, concurred with subsequent five-year administrative extensions in 2003, 2009, and 2014 (ND-091-03, ND-006-09, and ND-0001-14).

The activities previously covered by the proposed extension fall within three categories:

- a. Repair, maintenance, partial replacement, modification and extension of piers, pier appurtenances (e.g., decking, pilings, load-out cradles, moorings, dolphins, fender systems), pier utilities (e.g., lighting, water, sewer), floating docks, and wharves. Pilings will consist of concrete or other benign materials. Fender piling replacement will be one-to-one, and/or will include the installation of less than 100 new pilings, but may require jetting. Jetting facilitates pile removal by loosening sediment around pile stubs by using a high-pressure water stream. Some projects may require scraping of marine growth in order to perform repairs. Noise impacts from pile driving activities will be mitigated by placing marine observers in appropriate locations. If marine mammals or green sea turtles are sighted in the action area, pile driving will cease until the animal voluntarily leaves. Silt curtains will be used to minimize turbidity. This category excludes projects that result in any of the following:

- (1) Repair and replacement of greater than 50% of the pier, or extension of greater than 100 new piles.
 - (2) A significant change in use of the pier.
 - (3) Result in a substantial (greater than 10% increase in the original size) change in size or location of the structure.
- b. Repair, maintenance, replacement, and removal of ramps and shore protection structures, including seawalls, bulkheads, and revetments. This category would also include the repair, maintenance, partial replacement and removal of wave attenuation systems. Some projects may require scraping of marine growth in order to perform repairs. This category excludes projects that result in any of the following:
- (1) An alteration in the foundation of the structure.
 - (2) Repair and replacement of greater than 50% of the structure, or extension of greater than 100 new piles.
 - (3) Result in a substantial (greater than 10% increase in the original size) change in size or location of the structure.
 - (4) The significant seaward expansion of the structure.
- c. Removal of in-water structures including piers, pilings, moorings, load-out cradles, dolphins, and fender systems that are no longer required by the Navy.

Additional conditions applicable to this General Consistency Determination include:

- (1) Shore construction and dredging is excluded.
- (2) Any work in sensitive habitat areas, including but not limited to wetlands, eelgrass beds, and designated least tern foraging and nesting areas during the tern nesting season, is excluded.
- (3) The Navy will notify the Federal Consistency Manager at least 45 days before the award of any contract conducted pursuant to this General Consistency Determination.
- (4) Projects located in public access areas are excluded.
- (5) This General Consistency Determination is valid for five years only.

In addition, in the 2009-submitted general determination with (ND-006-09), the Navy requested, and the Commission staff concurred with, the addition of Naval Base Ventura (Port Hueneme and Point Mugu Naval bases) and San Clemente Island to the areas in which these types of activities would be authorized.

In the current submittal, the Navy has requested the addition of seven types (and modified locations) of activities to those authorized in the general determination. These are:

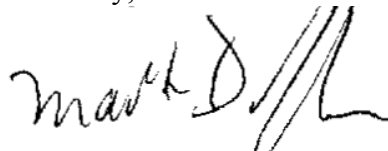
- (1) maintenance of the sand berm on the ocean side of the Naval Amphibious Base;
- (2) in-water survey and study activities, including biological surveys for sensitive habitats, invasive species (e.g. Caulerpa), and fish counts, and sediment coring/sampling;
- (3) installation of navigation/mooring devices, such as buoys, beacons or signs, to facilitate vessel mooring;
- (4) removal and/or demolition of derelict boats from Navy base shorelines;
- (5) maintenance of port security barriers;
- (6) adding Navy bases at San Nicolas Island, Seal Beach, and San Pedro to the bases covered under the determination; and
- (7) temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) for testing and research purposes.

As noted on the previous page, these activities would be limited to areas where they would not affect sensitive habitats such as eelgrass or kelp beds, or public access and recreation.

In our previous concurrences we agreed with the Navy that the activities covered under the general determination would not affect public access or recreation, marine resources, water quality, environmentally sensitive habitat, or natural shoreline processes. Access would not be affected because activities covered would occur on Navy facilities closed to the general public due to military security requirements, and/or the Navy would not conduct activities where they could affect public access and recreation. Sensitive habitat would not be affected because activities would “not include work in sensitive habitat areas, including but not limited to wetlands, eelgrass beds, and designated least tern foraging and nesting areas during the tern nesting season (April 1 through September 15).” No new shoreline structures would be authorized. The four additional categories summarized above would not result in any coastal effects not considered in our previous authorizations.

In conclusion, the Commission staff **agrees** that the proposed five-year extension of the General Consistency Determination for periodic replacement of Navy piers and shoreline structures in San Diego, Ventura County, and San Clemente Island, would not adversely affect coastal resources. In addition, under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." We agree with the Navy that the proposed extension is similar to previous Commission and Commission staff concurrences with the above-described consistency and negative determinations submitted by the Navy (ND-0001-14, ND-006-09, ND-091-03, CD-070-98, and CD-012-93) for these activities. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

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

(for) JOHN AINSWORTH
Executive Director

cc: CCC San Diego, Long Beach, and Ventura District Offices
U.S. Army Corps of Engineers, San Diego and Ventura Field Offices
U.S. Army Corps of Engineers, Los Angeles District

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February 6, 2019

James M. Alger
Department of the Navy
Naval Base Point Loma
140 Sylvester Road
San Diego, CA 92106-3521

Subject: Negative Determination ND-0044-18 (Smuggler's Cove, Naval Base Point Loma,
San Diego County)

Dear Mr. Alger:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to beneficially reuse 8,000 cubic yards of cut-up concrete pier piles and crushed concrete rubble from the demolished Navy Fuel Pier (CD-011-13) to construct an underwater groin that would connect with existing rock revetments at the northwest and southeast corners of Smuggler's Cove within Naval Base Point Loma. The core of the groin would be constructed of the concrete rubble and the outer face would be covered by the concrete pile sections. The Navy would then place approximately 25,000 cu.yds. of clean sand from a U.S. Coast Guard maintenance dredging project at Ballast Point (ND-0040-18) behind the groin to create intertidal and subtidal habitat. The sand will create a small recreational beach for authorized Navy personnel and also serve as a buttress to an existing seawall that connects to the rock revetments. The beach will gradually slope to intertidal and subtidal elevations out to the crest of the concrete groin. The 0.4-acre subtidal flat from 0 ft to -5 feet mean lower low water will be planted with eelgrass and incorporated into the Navy's San Diego Bay eelgrass mitigation bank.

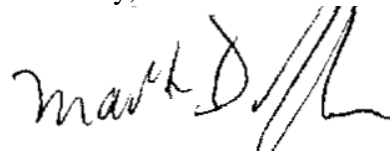
The Navy states that Smuggler's Cove and its beach lost sand during the 1982-1983 El Niño event and have continued to lose sand due to routine dredging to maintain required navigable depths for adjacent Navy and Coast Guard moorings. The existing intertidal and subtidal habitat in the cove is primarily unvegetated sandy bottom; however, approximately 2,245 sq.ft. (0.05 acres) of eelgrass is currently present at the transition crest between the sloping sand flat of the cove and the steeper slope that drops into the adjacent navigation area. The Navy states that its project and the above-referenced Coast Guard dredging project (ND-0040-18) would eliminate this eelgrass due to dredging and the placement of concrete and sand. This loss will be mitigated consistent with the California Eelgrass Mitigation Policy (CEMP) using banked credits at the established Navy Eelgrass Mitigation Site (NEMS) 5 on North Island. The restored eelgrass beds at the project site would be incorporated into the Navy's mitigation bank as NEMS 7 with an anticipated yield of 0.4 acres. Pre- and post-dredging eelgrass surveys will be conducted

consistent with the CEMP to accurately calculate the actual lost acreage. The restored eelgrass beds will be monitored by the Navy pursuant to the CEMP, and a post-project monitoring plan that focuses on invasive species recruitment, hydrology, and physical stability of the groin and sand backfill will be developed by the Navy and submitted to the Commission upon completion of project construction.

The project will result in only temporary effects on water quality and marine resources during placement of concrete and sand. Effects from sand and concrete placement include localized and minor increases in turbidity and sedimentation within the water column. Standard construction best management practices, including a spill prevention and cleanup plan, will be implemented to protect bay water quality. The project area will be observed for presence of marine mammals and green sea turtles prior to commencement of in-water construction, and construction will be suspended until mammals and turtles have exited the project area.

In conclusion, the Commission staff **agrees** that the proposed project will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR §930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth". The signature is fluid and cursive, with a large initial "M" and "A".

(for) JOHN AINSWORTH
Executive Director

cc: Deborah McKay, Navy Region Southwest
CCC – San Diego Coast District