

**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



# Th10

**Prepared September 05, 2019 (for the September 12, 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 September 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 September 12, 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 September 12th.

With respect to the September 12th 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 September 12, 2019 (see attached)**

---

## **Waivers**

- 9-18-0946-W, Community Olympia Oyster Restoration (End Of Boathouse Lane/Nearest Cross Streets: Smugglers Cove & Spinnaker Bay Dr. Long Beach)

## **Negative Determinations and No Effect Letters**

Administrative Items for Federal Consistency Matters

- **ND-0022-19, Corps of Engineers, Los Angeles District, Action: Concur, 8/16/2019**  
Maintenance dredging of 300,000 cubic yards of sediment from the South San Diego Harbor Federal Channel, and disposal of sediments at the Coronado Nearshore Placement Site and LA-5 ocean disposal site, San Diego County
- **ND-0023-19, National Oceanic and Atmospheric Administration, Action: Concur, 8/16/2019**

Hydrographic survey of priority offshore areas along the southern California coast between Cape San Martin and Point Arguello.

- **ND-0024-19, National Oceanic and Atmospheric Administration, Action: Concur, 8/16/2019**

Hydrographic survey of a 120 square nautical mile area in the vicinity of Santa Cruz Island, Southern California

- **ND-0025-19, U.S. Army Corps of Engineers, Action: Concur, 9/04/2019**

Maintenance repairs to Humboldt Bay entrance channel jetties during summer 2020 and 2021, Humboldt County.

- **NE-0002-19, North County Transit District, Attn: Scott Shroyer, Action: Concur, 9/5/2019**

Rehabilitation of Railroad Bridge 208.6 at San Onofre Creek, Camp Pendleton, San Diego County

- **NE-0003-19, Corps of Engineers, San Francisco District, Action: Concur, 8/9/2019**

S F Dept. of Parks and Rec. Dredging (in Bay) and disposal at SF-8 and San Rafael Rock Quarry, of 23,000 cu. yds. of material from S F Marina West Basin, San Francisco

- **NE-0004-19, Federal Highway Administration, Action: Concur, 8/27/2019**

Caltrans "Firestone" Emergency Hwy 1 Repairs, 4 locations, Mendocino Co.

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
45 FREMONT STREET  
SUITE 2000  
PH (415) 904-5200 FAX (415) 904-5400  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 30, 2019

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 9-18-0946-W

**Applicant:** Orange County Coastkeeper; California State University Long Beach; and California State University Fullerton

**Location:** Jack Dunster Marine Reserve in Alamitos Bay, Long Beach

**Proposed Development:** Expansion of existing native oyster (*Ostrea lurida*) research project (authorized through CDP Waiver No. E-11-006-W) through hand placement of up to 9.4 cubic yards of oyster shell adjacent to existing oyster shell. The proposed shell would extend across approximately 900 square feet of mudflats as a five inch thick band with a width of approximately seven feet and a length of approximately 130 feet. The band of shell would have two or more channels or gaps to facilitate the flow of tidal waters and would be installed an average of seven feet shoreward from the upper edge of an existing eelgrass bed. Once installed, the shell would be monitored and augmented if, during the first two years, it more than 30% of the shell is lost due to burial or sinking. The purpose of the research is to help evaluate methods of creating native oyster beds and the effects of such beds on adjacent habitats. The project would also be used as an opportunity for public engagement and to increase public awareness of native oysters.

**Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:

- The applicants will carry out quantitative biannual monitoring of the percent shell coverage, level of native and non-native oyster settlement, and biodiversity of the shell installation areas and qualitative monitoring of adjacent areas. Annual reports will be submitted to the Executive Director within 60 days of completion of each year's final monitoring and data processing activities. The final monitoring report will include a comprehensive evaluation of the project and its performance.

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
45 FREMONT STREET  
SUITE 2000  
PH (415) 904-5200 FAX (415) 904-5400  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 30, 2019

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 9-18-0946-W

**Applicant:** Orange County Coastkeeper; California State University Long Beach; and California State University Fullerton

**Location:** Jack Dunster Marine Reserve in Alamitos Bay, Long Beach

**Proposed Development:** Expansion of existing native oyster (*Ostrea lurida*) research project (authorized through CDP Waiver No. E-11-006-W) through hand placement of up to 9.4 cubic yards of oyster shell adjacent to existing oyster shell. The proposed shell would extend across approximately 900 square feet of mudflats as a five inch thick band with a width of approximately seven feet and a length of approximately 130 feet. The band of shell would have two or more channels or gaps to facilitate the flow of tidal waters and would be installed an average of seven feet shoreward from the upper edge of an existing eelgrass bed. Once installed, the shell would be monitored and augmented if, during the first two years, it more than 30% of the shell is lost due to burial or sinking. The purpose of the research is to help evaluate methods of creating native oyster beds and the effects of such beds on adjacent habitats. The project would also be used as an opportunity for public engagement and to increase public awareness of native oysters.

**Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:

- The applicants will carry out quantitative biannual monitoring of the percent shell coverage, level of native and non-native oyster settlement, and biodiversity of the shell installation areas and qualitative monitoring of adjacent areas. Annual reports will be submitted to the Executive Director within 60 days of completion of each year's final monitoring and data processing activities. The final monitoring report will include a comprehensive evaluation of the project and its performance.

## Coastal Development Permit De Minimis Waiver

9-18-0946-W

- The applicants will carry out all shell installation activities at low tide by hand and will temporarily place small crates on the mudflats to provide access in order to limit effects on water quality and the disturbance of soft sediments in the project area.
- The proposed shell installation site does not support eelgrass and is entirely located within an intertidal mudflat area that is above the typical growth range and elevation of eelgrass in the project area.
- Eelgrass beds adjacent to the oyster reef site will be monitored as part of the applicants' two year post-project monitoring effort and annual survey reports will be submitted to the Executive Director no more than 60 days after the completion of survey and data processing activities. Although adjacent beds are not expected to be affected by the reef, if the Executive Director determines that eelgrass beds adjacent to the oyster reef site have been adversely impacted by the new oyster reef, the applicant will, within 90 days of the Executive Director's determination submit an eelgrass restoration plan to replace the impacted eelgrass at a minimum 1.2:1 ratio (mitigation:impact) on-site and in accordance with the *Southern California Eelgrass Mitigation Policy* Revision 11. The Executive Director shall review the plan for adequacy and determine if a coastal development permit is required to implement the plan. If a permit is required, the applicants will submit a coastal development permit application within 90 days of the Executive Director's determination.
- The new shell installation site will be placed at tidal heights shown to support higher densities of native rather than non-native oysters.
- Prior to installation of the new shell, the site and adjacent areas will be surveyed and all living non-native oysters that are discovered will be removed and properly disposed of.
- Installation of the reef has been authorized by the City of Long Beach (through a right-of-entry permit for the Jack Dunster Marine Reserve), the U.S. Army Corps of Engineers (through a provisional permit), and the Los Angeles Regional Water Quality Control Board (Section 401 Water Quality Certification).
- If the outcomes of this study are contrary to the intent of the project, the applicants would apply for, obtain additional permits, and carry out any other activities necessary to remove the augmented habitat. Un-intended outcomes that might necessitate removal of the habitat include: (a) a decrease in native oyster density in the shell installation area (indicating that native oysters are adversely affected by the habitat augmentation); (b) a decrease in water quality downstream of the shell installation area; and/or (c) an increase in the ratio of non-native to native oysters in the shell installation area (indicating that the non-natives are benefitting by the augmentation more than natives are benefitting).

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

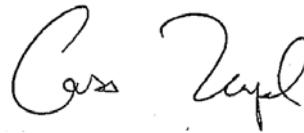
## Coastal Development Permit De Minimis Waiver

9-18-0946-W

This waiver will not become effective until reported to the Commission at its September 12th meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

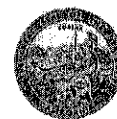
A handwritten signature in black ink, appearing to read "Cassidy Teufel". The signature is fluid and cursive, with the first name "Cassidy" and last name "Teufel" clearly distinguishable.

Cassidy Teufel  
Senior Environmental Scientist

cc: File

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 16, 2019

Eduardo T. De Mesa  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
ATTN: Natalie Martinez-Takeshita  
915 Wilshire Blvd., Suite 930  
Los Angeles, CA 90017-3489

Subject: Negative Determination ND-0022-19 (South San Diego Harbor Maintenance Dredging,  
San Diego County)

Dear Mr. De Mesa:

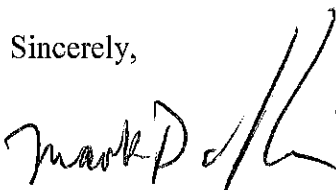
The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes maintenance dredging of up to 300,000 cubic yards (cu.yds.) of sediment from a 5,700-foot-long section of the South San Diego Harbor Federal Channel to re-establish the authorized channel depth of -35 feet mean lower low water (MLLW). Approximately 225,000 cu.yds. of fine-grained sediment will be disposed at the LA-5 Ocean Dredge Material Disposal Site and 75,000 cu.yds. of sandy sediment will be placed in the Coronado Nearshore Placement Site to nourish the adjacent Silver Strand State Beach. The project is scheduled to take place between November 2019 and March 2020, subject to availability of funding and dredging equipment. The Corps last conducted maintenance dredging of this section of the Federal Channel in 1976 and the proposed project is necessary to remove shoaling in the channel and to maintain safe navigation for ocean-going cargo vessels and recreational boats transiting the channel.

The sediment sampling and analysis plan (SAP) and SAP results were reviewed and approved by the Southern California Dredged Material Management Team (SC-DMMT, which includes Coastal Commission staff and representatives from the U.S. Environmental Protection Agency and the Regional Water Quality Control Boards) in February 2019. Based on the SAP test results, the SC-DMMT determined that the proposed dredged materials were physically and chemically suitable for discharge at LA-5 or the Coronado nearshore site, depending on the grain size classification at each dredge unit. Water quality monitoring of salinity, pH, temperature, dissolved oxygen, turbidity, and light transmissivity will occur during dredging operations. If necessary, those operations will be modified and silt curtains installed to minimize water quality impacts.

Previous eelgrass mapping documented the presence of eelgrass outside of but adjacent to the project footprint near the National City Marine Terminal. As a result, the Corps will conduct pre- and post-construction eelgrass surveys and will implement eelgrass mitigation measures consistent with the California Eelgrass Mitigation Policy should the project result in adverse impacts to and/or loss of eelgrass beds. The endangered California least tern will not be affected by the project given that dredging and disposal will occur outside the nesting season. The endangered green sea turtle is present year round in San Diego Bay. The Corps states that during the fall and winter season the turtles are less active within the bay and less likely to be transiting the project dredge area. However, while the Corps has concluded that the project would not likely adversely affect the green sea turtle, coordination pursuant to Section 7 of the Endangered Species Act has been initiated with the National Marine Fisheries Service. The Corps will inform the Commission if additional protection measures (beyond those currently incorporated in the project) are required by the Service.

In conclusion, the Commission staff **agrees** that the proposed maintenance dredging 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,

  
(for) JOHN AINSWORTH  
Executive Director

cc: CCC – San Diego Coast District



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904- 5200  
FAX (415) 904-5400  
TDD (415) 597-5885  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 16, 2019

Paul Turner  
NOAA Office of Coast Survey  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910

Subject: Negative Determination ND-0023-19 (Hydrographic Survey of Southern California)

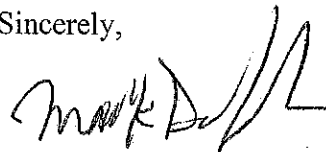
Dear Mr. Turner:

The Coastal Commission staff has reviewed the above-referenced negative determination. NOAA proposes to survey in September and October 2019 priority areas along the southern coast of California between Cape San Martin and Point Arguello. From the NOAA research ship *Fairweather*, mid-to-high frequency, multibeam echo sounders will map the ocean floor at frequencies ranging from 70 to 400 kilohertz. In addition, the water column will be profiled using a conductivity, temperature, and depth instrument. No bottom samples will be collected and no benchmarks, tide gauges, or GPS tide buoys will be installed. Potential environmental effects from the proposed survey were evaluated on a programmatic scale in NOAA's 2013 *Programmatic Environmental Assessment (PEA) for Coast Survey Operations*. The *PEA* supported a finding of no significant impact for NOAA survey operations and the proposed southern California survey is within the scope of impacts considered in the *PEA*. At these frequencies, which few marine mammals can hear, and given the rapid attenuation rate of high-frequency sound and the downward-facing direction of the sound, the *PEA* concludes that damage to marine mammals is unlikely. In addition, the Survey will include mitigation measures into its survey activities to reduce or avoid impacts wherever practicable. NOAA subsequently determined that the proposed survey will be conducted in a manner consistent with the Chapter 3 policies of the California Coastal Act.

We recently concurred with negative determinations for similar NOAA surveys in southern California offshore waters (ND-0023-18), northern California offshore waters (ND-0016-18), and off the Ports of Los Angeles and Long Beach (ND-0022-18). Under the federal consistency regulations (15 CFR 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission staff **agrees** with the NOAA's determination that the proposed project will not significantly affect coastal resources and that it is the same as or similar to the above-referenced previously reviewed projects. We therefore **concur** with your negative determination for the project 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", with a stylized flourish at the end.

(for)

JOHN AINSWORTH  
Executive Director

cc: CCC – Central Coast and South Central Coast Districts

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



August 16, 2019

Meredith Payne  
Hydrographic Surveys Division Operations Branch  
NOAA  
1315 East-West Highway, N/CS31  
Silver Spring, MD 20910

Subject: Negative Determination ND-0024-19 (Hydrographic Survey in the vicinity of Santa Cruz Island, Channel Islands National Marine Sanctuary, Southern California)

Dear Ms. Payne:

The Coastal Commission staff has reviewed the above-referenced negative determination. NOAA proposes to survey in October 2019 a 120-square-nautical-mile area located in waters in the vicinity of Santa Cruz Island. From the NOAA ship *Fairweather* and its four launches, mid-to-high frequency, multibeam echo sounders and side scan sonars will map the ocean floor at frequencies ranging from 70 to 400 kilohertz. In addition, the water column will be profiled using a conductivity, temperature, and depth instrument. No bottom samples will be collected and no benchmarks, tide gauges, or GPS tide buoys will be installed. Potential environmental effects from the proposed survey were evaluated on a programmatic scale in NOAA's 2013 *Programmatic Environmental Assessment (PEA) for Coast Survey Operations*. The *PEA* supported a finding of no significant impact for NOAA survey operations and the proposed southern California survey is within the scope of impacts considered in the *PEA*. At these frequencies, which few marine mammals can hear, and given the rapid attenuation rate of high-frequency sound and the downward-facing direction of the sound, the *PEA* concludes that damage to marine mammals is unlikely. In addition, the Survey will include mitigation measures into its survey activities to reduce or avoid impacts wherever practicable. NOAA subsequently determined that the proposed survey will be conducted in a manner consistent with the Chapter 3 policies of the California Coastal Act.

We recently concurred with negative determinations for similar NOAA surveys in southern California offshore waters (ND-0016-18), northern California offshore waters (ND-0016-18), and off the Ports of Los Angeles and Long Beach (ND-0022-18). Under the federal consistency regulations (15 CFR 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission staff **agrees** with the NOAA's determination that the proposed project will not significantly affect coastal resources and that it is the same as or similar to the above-referenced previously reviewed projects. We therefore **concur** with your negative determination for the project 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 Pelt".

(for)

JOHN AINSWORTH  
Executive Director

cc: CCC – South Central and South Coast Districts

**CALIFORNIA COASTAL COMMISSION**

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



September 4, 2019

Tessa Beach, Chief  
Environmental Sections  
U.S. Army Corps of Engineers  
450 Golden Gate Ave.  
San Francisco, CA 94102

Attn: Mark Wiechmann

Re: **ND-0025-19** U.S. Army Corps of Engineers, Humboldt Bay Entrance Channel Jetty Repairs,  
Humboldt Co.

Dear Dr. Beach:

The U.S. Army Corps of Engineers has submitted the above-referenced negative determination for repairs to deteriorated portions of the north and south jetties at the Humboldt Bay Entrance Channel. The repairs are necessary to maintain navigability into and out of the bay, and the harsh wave climate has damaged the jetties. The repairs would be limited to jetty areas not covered with 42-ton dolosse.

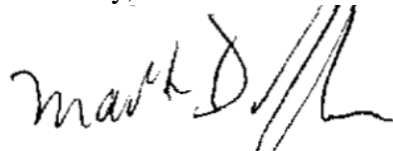
The repairs include replacing large armor stones/boulders (up to 10 ft. across for the largest boulders, weighing up to 25 tons per boulder), which would be trucked in from inland quarries, to staging areas near the jetties. The repair work involves mobilizing and demobilizing equipment, including two large cranes, rearranging existing jetty slope stones as needed, rebuilding areas where rocks or concrete are missing or where structural integrity has been compromised, and restoring the concrete cap walkway and parapet wall on top of the jetties.

Construction on the north jetty is scheduled to occur between March and October 2020, with construction on the south jetty to occur during the same period in 2021. If needed (due to truck impassibility along the existing roads to the south jetty), a barge crossing from Fields Landing Boar Yard will be used to transport stones to the south jetty staging area.

The project will benefit navigation and coastal boating uses. The staging areas are graded and devoid of vegetation. The staging areas will be fenced; however the public parking areas adjacent to the staging areas will remain open to the public, with signs as appropriate to direct the public around the fenced areas. Fencing will be removed upon completion. Water quality will be protected using Best Management Practices during concrete pouring and stone placement. Scenic views will not be adversely affected. Cultural resources will not be affected, and the Corps is consulting with the Wiyot Tribe.

Under the federal consistency regulations, a negative determination can be submitted for an activity “which is the same as or similar to activities for which consistency determinations have been prepared in the past.” The Commission and staff have concurred with a number of previous Army Corps consistency and negative determinations for repairs to the north and south jetties (CD-007-91, CD-015-86, CD-068-84, CD-037-84, CD-034-83, and CD-022-83). The Commission staff **agrees** with the Corps that this project is similar to the previously-authorized Humboldt Bay Jetty repairs and would 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 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 Delaplaine", with a stylized flourish at the end.

(for)

JOHN AINSWORTH  
Executive Director

cc: Arcata District

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



September 5, 2019

Scott Shroyer  
North County Transit District  
810 Mission Avenue  
Oceanside, CA 92054

Subject: No-Effects Determination NE-0002-19 (Railroad Bridge 208.6 Rehabilitation, San Onofre Creek, San Diego County)

Dear Mr. Shroyer:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. The North County Transit District proposes to rehabilitate, repair, and replace numerous elements of railroad bridge 208.6 across San Onofre Creek. In March 2014 the Commission's Executive Director concurred with negative determination NE-0003-14 to replace timber trestle Spans 1 and 2 with a concrete embankment at the north approach to Bridge 208.6. That project was not constructed. NCTD now proposes a more comprehensive bridge rehabilitation project that includes the replacement of Spans 1 and 2 along with the following new elements: painting Spans 3 through 7; above-grade repairs to Pier 3; replacing Span 4; and replacing bearings and adding web stiffeners on Spans 5 through 7. Project construction is scheduled to commence in November 2019 and last no more than eleven months.

Construction activities will occur within the existing railroad right-of-way, with access and some construction staging occurring on Marine Corps Base Camp Pendleton on an existing dirt access road and Beach Club Drive. Both of these access routes are restricted and not open to the general public, but may see occasional lane closures lasting several hours during the movement of construction equipment to the bridge work sites. Public beach access routes to San Onofre State Beach will not be affected by proposed construction activities. NCTD will require that the contractor maintain public access to and from San Onofre State Beach under the existing railroad bridge throughout the construction time period.

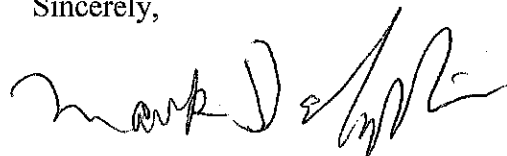
While vegetation clearing will occur outside of the breeding season of the coastal California gnatcatcher, other project elements will be constructed during the breeding season. Therefore, to reduce the potential for adverse impacts to this species, NCTD will comply with the applicable conservation measures outlined in the U.S. Fish and Wildlife Service's 2005 *Final Programmatic Biological Opinion for the Rail Corridor from the Orange County Border South to Southern Oceanside for Operations and Maintenance, and Six Double-Track Projects in San Diego County* [Final PBO]. As previously described in NE-0003-14, permanent impacts to 871 square-feet of coastal sage scrub habitat will occur from the placement of the concrete embankment at the north approach to the bridge. This impact will be mitigated through offsite

preservation of 871 square-feet of coastal sage scrub habitat at the Stacco-Timeout mitigation site east of Oceanside. This mitigation program is consistent with the provisions of the *Final PBO* and previous Commission concurrences with NCTD and SANDAG railroad projects which included unavoidable permanent impacts to coastal sage scrub habitat. The proposed project elements will not create temporary or permanent impacts to wetlands or other coastal waters as all construction will occur outside of San Onofre Creek and its riparian corridor. NCTD will require the construction contractor to prepare and implement a storm water pollution prevention plan in order to minimize and avoid direct and indirect impacts to water quality in and adjacent to the project area.

The *Cultural Resources Technical Memorandum (February 2014)* prepared for the project determined that the project would result in no adverse effects to cultural or historic resources listed or eligible for listing on the National or California Registers of Historical Places. NCTD will implement the *Memorandum* recommendations that: (1) an archaeological monitor be present on site during vegetation clearing in any of the previously undisturbed areas within the project area of potential effect; and (2) if unanticipated cultural resources are encountered during project construction, work should be halted until a qualified archaeologist can evaluate the nature and significance of the resource.

In conclusion, the Commission staff **agrees** with NCTD's no-effects determination that the proposed rehabilitation of railroad Bridge 208.6 will not adversely affect coastal resources. We therefore **concur** with your no-effects determination for the project. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

(for)   
JOHN AINSWORTH  
Executive Director

cc: CCC – San Diego Coast District  
Allegra Engleson, HDR Inc.



**CALIFORNIA COASTAL COMMISSION**

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



August 9, 2019

Christine Boudreau  
Boudreau Associates LLC  
327 Jersey Street  
San Francisco, CA 94114

Re: **NE-0003-19**, No Effects Determination, San Francisco Recreation and Parks Dept.,  
disposal at SF-8 of material dredged from San Francisco Bay

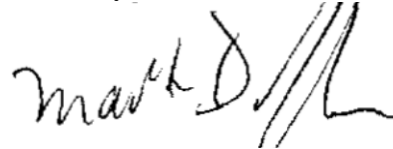
Dear Ms. Boudreau:

The City of San Francisco, Recreation and Parks Department has submitted a “no effects” determination for SF-8 disposal of approximately 22,300 cubic yards of material being dredged from the San Francisco Marina West Basin Entrance Channel. SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco. The material has been tested and is suitable for aquatic and beach disposal. The Commission is not reviewing the dredging itself, nor the disposal of any remaining sediments; those aspects of the project come under the CZMA purview of the San Francisco Bay Conservation and Development Commission (BCDC).

The suitability of the material for aquatic and littoral disposal was reviewed by BCDC and the other agencies comprising the interagency Dredge Materials Management Office (DMMO), which was set up to review San Francisco Bay dredging activities. The DMMO recommended beneficial reuse, and disposal at SF-8 has historically been considered beneficial reuse by the DMMO, and by the Commission as consistent with the Coastal Act, because sand disposed at SF-8 nourishes the littoral system at Ocean Beach in San Francisco. The Commission staff has concurred with numerous disposals of clean sandy material at SF-8 in its review of previous San Francisco Bay dredging/disposal cases, including NE-0007-17, NE-0015-16, NE-0008-15, NE-005-14, NE-027-11, NE-044-10, NE-45-09, NE-025-08, and NE-024-07, ND-020-06, NE-075-05, NE-070-05, ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-43-01, ND-009-01, ND-105-00, ND-018-00, and ND-010-98, NE-97-96, ND-99-95, and ND-82-94.

In conclusion, the Commission staff agrees that the proposed disposal would not adversely affect coastal zone resources. Accordingly, and consistent with the above-described past reviews, we **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

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

(for) JOHN AINSWORTH  
Executive Director

cc (electronic copies only):

North Central Coast Office (Jeannine Manna)  
EPA (Brian Ross, Allan Ota)  
U.S. Army Corps of Engineers, S.F. District (James Mazza)  
BCDC (Brenda Goeden, Pascale Soumoy)  
RWQCB, S.F. Bay Region (Elizabeth Christian)

**CALIFORNIA COASTAL COMMISSION**

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



August 27, 2019

Dana York  
Senior Environmental Planner  
Caltrans, District 1  
PO Box 3700  
Eureka, CA 95502-3700

Attn: Cassie Nichols

Re: **NE-0004-19**, Caltrans After-the-Fact No Effects Determination for Emergency Repairs,  
Highway 1, Mendocino County, Post Miles 10.1, 6.96, 11.51 and 8.84

Dear Mr. York:

The Coastal Commission staff has received your request dated August 27, 2019, requesting concurrence under the Coastal Commission's federal consistency authority with respect to the above-referenced emergency repairs in four locations on Highway 1 in Mendocino County. The project would ordinarily be within Mendocino County's coastal development permitting jurisdiction; however Caltrans has asserted that it is exempt from having to receive a coastal development permit based on the provisions of AB 2963 ("Firestone" legislation), which is memorialized in Coastal Act Section 30600(e)(2). The Coastal Commission retains federal consistency authority, because the project may either or both involve federal funding, and/or require a federal (Army Corps) individual or nationwide permit. Nevertheless, we believe it is appropriate to waive federal consistency jurisdiction for this repair project, based on the information in your after-the-fact submittal. We therefore **concur** with Caltrans' "No Effects" determination for this project. Please feel free to contact me at (415) 904-5289 if you have any questions.

Sincerely,

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

MARK DELAPLAINE  
Manager, Energy, Ocean Resources,  
and Federal Consistency Division

Attachment: Caltrans submittal

cc: Arcata District (Bob Merrill)  
Caltrans Liaison (Peter Allen)  
Army Corps, San Francisco District, Eureka Field Office  
Mendocino County

**DEPARTMENT OF TRANSPORTATION**

NORTH REGION ENVIRONMENTAL

DISTRICT 1, PO BOX 3700

EUREKA, CA 95502-3700

PHONE (707) 441-4570

FAX (707) 441-5775

TTY 711

*Making Conservation  
a California Way of Life.*

August 27, 2019

Mr. Mark Delaplaine, Federal Consistency Supervisor  
California Coastal Commission  
45 Fremont Street, Suits 1900 & 2000  
San Francisco, CA 94105-2219

**After-the- Fact No Effects Determination for Caltrans emergency project in Mendocino County Route 1**

Dear Mr. Delaplaine:

This letter pertains to work completed on the California Department of Transportation (Caltrans) emergency project (01-0J580) on Route 1 in Mendocino County. In communications with the Mendocino County Planning Department, it was determined that this project is exempt from Coastal Development Permit (CDP) requirements pursuant to Coastal Act Section 30600(e)(2). This determination had no effect on any federal consistency requirements which may apply. Given the conversation between Caltrans and the California Coastal Commission, it was determined this project would not require a Federal Consistency Certification. Instead, a No Effects Determination would be prepared and documented for this project.

***Project Information***

Due to storm events which began January 17, 2019, areas along Route 1 in Mendocino County were subjected to increased rainfall with resulting land movement. A significant slip-out and associated pavement displacement occurred in the southbound lane on Route 1 at post mile 10.1. The displacement in the roadway and damaged embankment represented an unacceptable hazard to the traveling public. As the magnitude of the damage was beyond the ability of Caltrans Maintenance to make necessary repairs to the roadway, a state-funded emergency force account project was created on February 6, 2019. Immediate repairs were necessary to keep the route safe for the traveling public.

Three additional emergency damage locations were identified: two slip-outs (Post Miles 6.96 and 11.51) and one failure (Post Mile 8.94). The displacement in the roadway and damaged embankments represented an unacceptable hazard to the traveling public. With continued winter weather, there was a potential for greater acceleration of roadway deformation. This project was needed to prevent or mitigate the loss or impairment of life, health, property, and essential public services. Governor Gavin Newsom issued a Proclamation of State Emergency due to a series of winter storm events throughout California, including Mendocino County and these locations.

***Environmental Studies***

Air, biological, cultural, visual, and hazardous materials reviews were completed by qualified specialists resulting in no impacts to these resources. It was determined this project did not have significant impacts to the environment. This project qualifies for a Statutory Exemption for CEQA and a Categorical Exclusion for NEPA. Due to the emergency nature of the project, the SC/CE is being prepared after-the-fact.

If you have any questions or concerns, please contact Cassie Nichols, Associate Environmental Planner, at (707) 441-4570 or [Cassie.Nichols@dot.ca.gov](mailto:Cassie.Nichols@dot.ca.gov). Thank you for your assistance.

Sincerely,



Dana York, Senior Environmental Planner  
Branch Chief, Environmental Services Branch E2

Attachments:      Project location map  
                         Before and after photographs



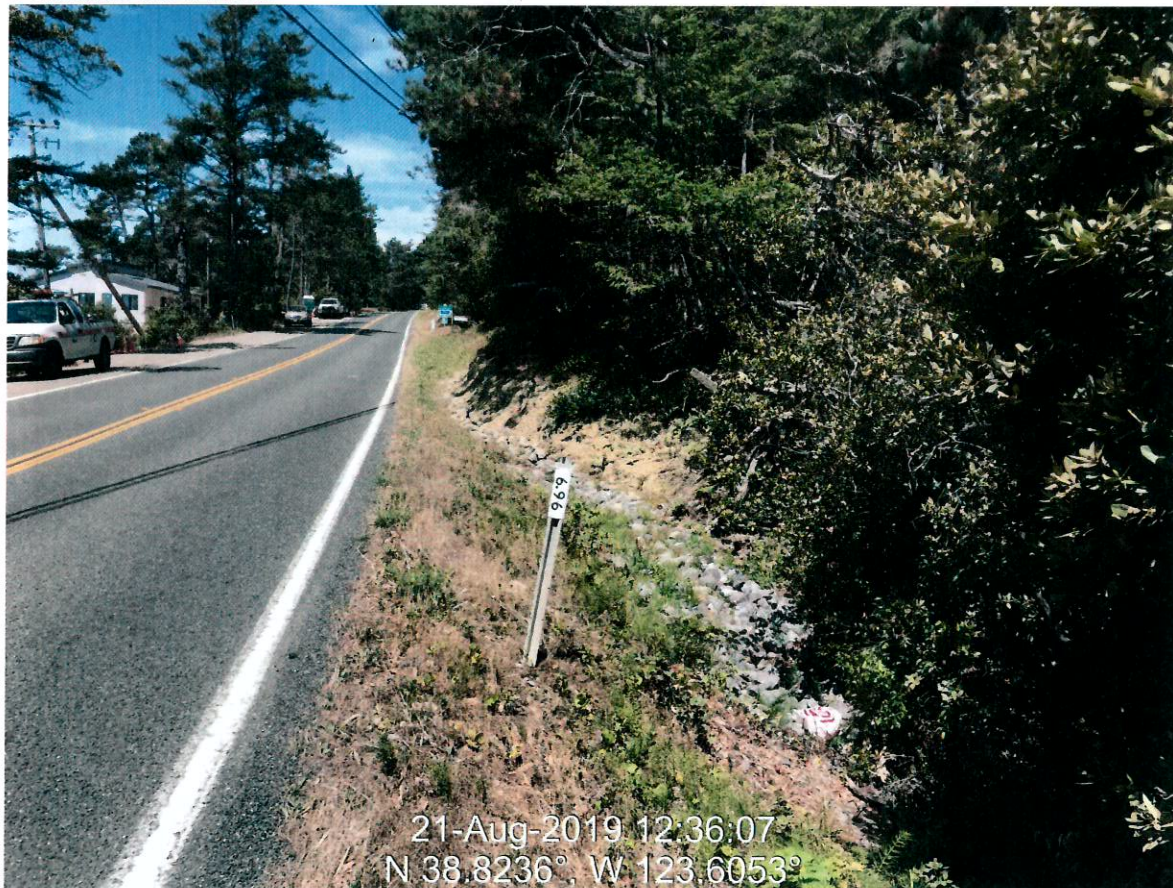




Postmile 6.96 before



Postmile 6.96 after





Postmile 8.94 before



Postmile 8.94 after

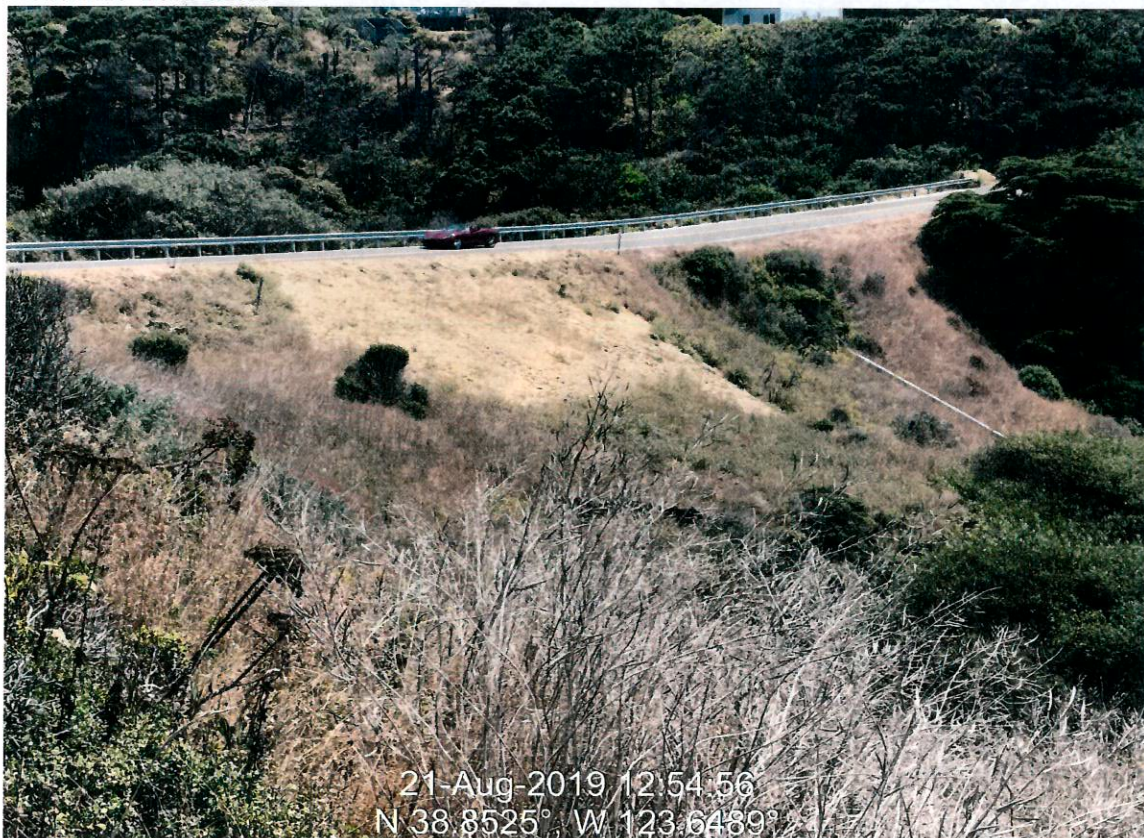




Postmile 10.1 before



Postmile 10.1 after



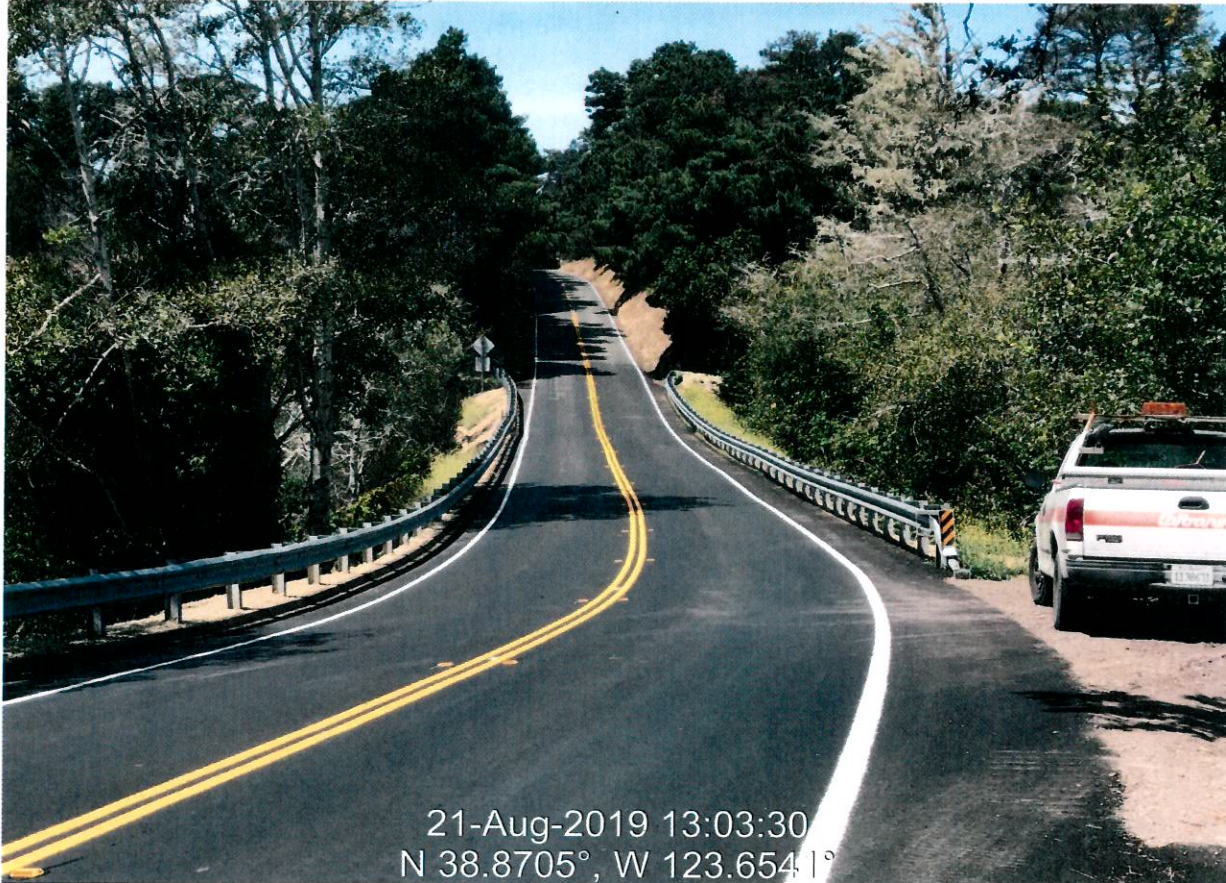
*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*



Postmile 11.51 before



Postmile 11.51 after



21-Aug-2019 13:03:30  
N 38.8705°, W 123.6541°

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*



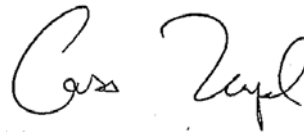
## Coastal Development Permit De Minimis Waiver

9-18-0946-W

This waiver will not become effective until reported to the Commission at its September 12th meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

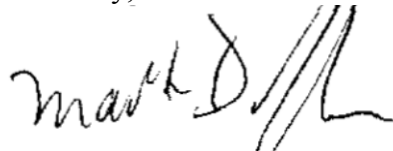
A handwritten signature in black ink, appearing to read "Cassidy Teufel". The signature is fluid and cursive, with the first name "Cassidy" and last name "Teufel" clearly distinguishable.

Cassidy Teufel  
Senior Environmental Scientist

cc: File

Under the federal consistency regulations, a negative determination can be submitted for an activity “which is the same as or similar to activities for which consistency determinations have been prepared in the past.” The Commission and staff have concurred with a number of previous Army Corps consistency and negative determinations for repairs to the north and south jetties (CD-007-91, CD-015-86, CD-068-84, CD-037-84, CD-034-83, and CD-022-83). The Commission staff **agrees** with the Corps that this project is similar to the previously-authorized Humboldt Bay Jetty repairs and would 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 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", with a stylized flourish at the end.

(for)

JOHN AINSWORTH  
Executive Director

cc: Arcata District

**CALIFORNIA COASTAL COMMISSION**

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



August 9, 2019

Christine Boudreau  
Boudreau Associates LLC  
327 Jersey Street  
San Francisco, CA 94114

Re: **NE-0003-19**, No Effects Determination, San Francisco Recreation and Parks Dept.,  
disposal at SF-8 of material dredged from San Francisco Bay

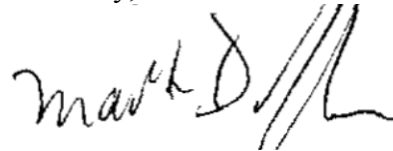
Dear Ms. Boudreau:

The City of San Francisco, Recreation and Parks Department has submitted a “no effects” determination for SF-8 disposal of approximately 22,300 cubic yards of material being dredged from the San Francisco Marina West Basin Entrance Channel. SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco. The material has been tested and is suitable for aquatic and beach disposal. The Commission is not reviewing the dredging itself, nor the disposal of any remaining sediments; those aspects of the project come under the CZMA purview of the San Francisco Bay Conservation and Development Commission (BCDC).

The suitability of the material for aquatic and littoral disposal was reviewed by BCDC and the other agencies comprising the interagency Dredge Materials Management Office (DMMO), which was set up to review San Francisco Bay dredging activities. The DMMO recommended beneficial reuse, and disposal at SF-8 has historically been considered beneficial reuse by the DMMO, and by the Commission as consistent with the Coastal Act, because sand disposed at SF-8 nourishes the littoral system at Ocean Beach in San Francisco. The Commission staff has concurred with numerous disposals of clean sandy material at SF-8 in its review of previous San Francisco Bay dredging/disposal cases, including NE-0007-17, NE-0015-16, NE-0008-15, NE-005-14, NE-027-11, NE-044-10, NE-45-09, NE-025-08, and NE-024-07, ND-020-06, NE-075-05, NE-070-05, ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-43-01, ND-009-01, ND-105-00, ND-018-00, and ND-010-98, NE-97-96, ND-99-95, and ND-82-94.

In conclusion, the Commission staff agrees that the proposed disposal would not adversely affect coastal zone resources. Accordingly, and consistent with the above-described past reviews, we **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

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

(for) JOHN AINSWORTH  
Executive Director

cc (electronic copies only):

North Central Coast Office (Jeannine Manna)  
EPA (Brian Ross, Allan Ota)  
U.S. Army Corps of Engineers, S.F. District (James Mazza)  
BCDC (Brenda Goeden, Pascale Soumoy)  
RWQCB, S.F. Bay Region (Elizabeth Christian)

**CALIFORNIA COASTAL COMMISSION**

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



August 27, 2019

Dana York  
Senior Environmental Planner  
Caltrans, District 1  
PO Box 3700  
Eureka, CA 95502-3700

Attn: Cassie Nichols

Re: **NE-0004-19**, Caltrans After-the-Fact No Effects Determination for Emergency Repairs,  
Highway 1, Mendocino County, Post Miles 10.1, 6.96, 11.51 and 8.84

Dear Mr. York:

The Coastal Commission staff has received your request dated August 27, 2019, requesting concurrence under the Coastal Commission's federal consistency authority with respect to the above-referenced emergency repairs in four locations on Highway 1 in Mendocino County. The project would ordinarily be within Mendocino County's coastal development permitting jurisdiction; however Caltrans has asserted that it is exempt from having to receive a coastal development permit based on the provisions of AB 2963 ("Firestone" legislation), which is memorialized in Coastal Act Section 30600(e)(2). The Coastal Commission retains federal consistency authority, because the project may either or both involve federal funding, and/or require a federal (Army Corps) individual or nationwide permit. Nevertheless, we believe it is appropriate to waive federal consistency jurisdiction for this repair project, based on the information in your after-the-fact submittal. We therefore **concur** with Caltrans' "No Effects" determination for this project. Please feel free to contact me at (415) 904-5289 if you have any questions.

Sincerely,

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

MARK DELAPLAINE  
Manager, Energy, Ocean Resources,  
and Federal Consistency Division

Attachment: Caltrans submittal

cc: Arcata District (Bob Merrill)  
Caltrans Liaison (Peter Allen)  
Army Corps, San Francisco District, Eureka Field Office  
Mendocino County