

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
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W12

Prepared March 05, 2020 (for the March 11, 2020 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for March 2020**

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 11, 2020. 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 11th.

With respect to the March 11th 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 11, 2020 (see attached)

Waivers

- 5-19-1290-W, Los Angeles County Public Works Department – Construction of three new injection wells, (three Locations along Valley Drive in the City of Hermosa Beach)

Immaterial Amendments

- 9-17-0408-A2, 24 Community Pipeline Safety Initiative (CPSI) Projects (Project Trees and Brush Removal (Within The Coastal Zones Of Humboldt County And The City Of Arcata)
- E-12-012-A3, Santa Barbara Mariculture - native mussel cultivation (0.75 Miles Offshore Coast Of Santa Barbara, Fish & Game Lease # M-653-02)

Negative Determinations and No Effect Letters

Administrative Items for Federal Consistency Matters

- **ND-0001-20, Bureau of Land Management, Action: Concur, 2/24/2020**
Replace one bridge and remove a second bridge across San Vicente Creek on the BLM's Cotoni-Coast Dairies Property near Davenport in Santa Cruz County.
- **ND-0003-20, Department of the Navy, Action: Concur, 2/21/2020**
Replace three existing wind turbines with three taller wind turbines in the same location on the U.S. Navy's San Clemente Island, Los Angeles County
- **ND-0007-20, Department of the Navy, Action: Concur, 2/21/2020**
Three 10x40' docks in a T formation to provide water-side access to construction laydown space, reviewed previously as part of CD-0002-18. Docks would be temporary, in place for up to two years
- **ND-0032-19, Corps of Engineers, San Francisco District, Action: Concur, 2/10/2020**
2020 maintenance dredging of the federal Bar, Entrance, and North Bay Channels in Humboldt Bay, with dredged material disposal at the Humboldt Open Ocean Disposal Site.

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February 26, 2020

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

Based on the project plans and information provided in the 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: 5-19-1290-W **Applicant:** Los Angeles County Public Works Department

Location: Three locations along Valley Drive in the City of Hermosa Beach, Los Angeles County.

Proposed Development

Construct three new injection wells and close three existing wells as part of the West Coast Barrier Project, which operates a series of wells to reduce seawater intrusion into several aquifers underlying part of the Los Angeles region. The project also includes an informational kiosk explaining the Barrier Project.

Background

The West Coast Barrier Project consists of about 150 injection wells and 300 observation wells located between Los Angeles International Airport and Palos Verdes. The Barrier Project is operated by multiple local governments and water districts to reduce seawater intrusion into the underlying 200-Foot Sand, Silverado, and Lower San Pedro aquifers and to protect water supplies.

Project Description

The applicant proposes to construct three new injection wells, each within a few dozen feet of existing wells that are now at the end of their service life. The new wells would be about 275 to 325 feet deep and developed with 12-inch stainless steel casings. The existing wells would be grouted and closed in place. The three locations of both the new and existing wells are within the Valley Drive Greenbelt near Gould Avenue, near 24th Street, and near 28th Street in the City of Hermosa Beach, all located about 1,000 feet from the shoreline. The kiosk would be located near the well site just south of Gould Avenue.

Work will be conducted within the Greenbelt, primarily from existing driveways and paved or mulched areas, and will involve grouting and closing the three existing wells, operating a temporary drill rig at each new well site, installing new well casing and vaults, and replacing any affected paved areas. Drilling will occur during daytime hours only (approximately 8:30 am to 7:00 pm) and will be done behind a sound curtain to reduce offsite noise. The project will require removal of six ornamental trees. The total work area at the three sites would cover just over 4,000 square feet.

Rationale

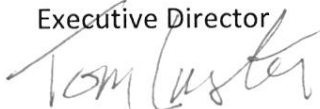
For the following reasons, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with Chapter Three policies of the Coastal Act:

- **Biological Resources:** The work would occur within the Greenbelt primarily on paved or mulched areas. The Greenbelt is landscaped with numerous ornamental plantings, so the removal of six ornamental trees would represent only a *de minimis* loss of the existing vegetative cover in the area. The work areas are more than 1,000 feet from the shoreline and separated from the beach by residential areas, so there is little likelihood of impacts to coastal resources along the shoreline. Work is scheduled to start in late fall and outside bird breeding/nesting seasons.
- **Public Access:** Project work will result in temporary and *de minimis* impacts to public access during times when equipment is operating. The applicant plans to keep existing Greenway pathways open during the project, with only temporary closures when needed for moving equipment or for safety reasons.

This waiver will not become effective until reported to the Commission at its **March 11-13, 2020** meeting in Scotts Valley, County of Santa Cruz, 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



Tom Luster
Senior Environmental Scientist

cc: File

CALIFORNIA COASTAL COMMISSION

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **9-17-0408-A2**

February 27, 2020

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **9-17-0408** granted to **Pacific Gas & Electric Company** for:
Vegetation maintenance, including tree removal and clearing of woody
vegetation in riparian, wetland and upland habitats, along 33 buried natural
gas pipeline segments.

Project Site: 24 individual project sites in unincorporated Humboldt County (20 sites) and
the City of Arcata (4 sites).

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):

Implementation of a 10-year program of on-going vegetation maintenance at
the previously treated project locations.

FINDINGS

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

Background

On July 13, 2017, the Commission approved Coastal Development Permit (CDP) No. 9-
17-0408, authorizing PG&E to perform vegetation maintenance along 24 segments of
existing, buried gas pipeline right-of-way (ROW) in Humboldt County and the City of
Arcata. The work sites were distributed along a 16-mile long length of the coastal zone
between Arcata in the north and College of the Redwoods in the south.

At each of the project segments, all woody vegetation within five feet of the pipeline (a 10-
foot-wide strip) and all trees out to 14 feet (a 28-foot wide strip) were removed in order to

improve emergency access, allow for pipeline inspection and maintenance, and reduce the risk that deep-rooted vegetation would damage the anti-corrosion “wrap” that surrounds the pipeline. The permitted work is a component of PG&E’s statewide Community Pipeline Safety Initiative (CPSI), is necessary to address pipeline safety concerns and improve emergency access in accordance with utility standards and federal law, and is considered a repair and maintenance activity under the Coastal Act. The Commission subsequently approved CDP Amendment No. 9-17-0408-A1 (September 13, 2017) authorizing similar vegetation maintenance at an additional nine sites.

In total, the project resulted in the removal of approximately 300 trees and the clearing of 1.3 acres of woody vegetation within upland, riparian and wetland habitats spread across the 33 individual pipeline ROW segments. Because the project would result in the removal of vegetation and other adverse impacts within coastal wetlands and environmentally sensitive habitat areas (ESHA), and would require the removal of mature native trees, the Commission imposed special conditions requiring compensatory mitigation consisting of the restoration of 4.15 acres of riparian habitat and the planting of 372 native riparian trees, 0.53 acres of wetland habitat and the planting of 385 native conifers. The mitigation is governed by a Habitat Mitigation Plan (HMP) that has been approved by the Executive Director, and following completion of the required elements of the HMP, project impacts will be considered to be fully mitigated.

Project Description

PG&E proposes to implement an on-going program of vegetation maintenance along the previously-treated pipeline segments (listed in Table 1 of CDP No. 9-17-0408). The nature of the proposed work is consistent with that authorized under the original CDP. Woody vegetation that has resprouted or regrown since the previously-authorized removal work would be trimmed back to within six inches of the ground, while vegetation in the herbaceous layer would be left intact. Vegetation maintenance would occur only at the previously authorized sites and within the previously-treated footprints. If PG&E wishes to expand vegetation maintenance activities to new areas, or to extend the period of authorization beyond 10 years, it will apply for a new CDP or amendment.

Analysis

This amendment has been considered "immaterial" for the following reason(s):

- (1) Vegetation removal will occur only within previously-treated areas; no new impacts to wetlands, ESHA or significant vegetation will occur.
- (2) The special conditions of CDP No. 9-17-0408 remain in force, including the following measures which will ensure the protection of coastal resources and consistency with Coastal Act policies:
 - Pre-project biological surveys for sensitive species protection
 - Use of a qualified biological monitor during project activities
 - Establishment of work-area boundaries to avoid encroachment into sensitive habitats
 - Adherence to a Nesting Bird Protection Program
 - Stream and water quality protection BMPs
 - Adherence to a Spill Prevention and Response Plan

- Protection of archaeological resources

(3) Proposed work would not affect public access or coastal recreation areas.

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

cc: Commissioners/File

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February 27, 2020

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **E-12-012-A3**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **E-12-012-A1** granted to **Santa Barbara Mariculture Company** for: installation and operation of a 72 acre shellfish aquaculture facility off the coast of Santa Barbara.

Project Site: 0.75 miles offshore coast of Arroyo Burro County Beach Park in Santa Barbara; State Water Bottom Lease No. M-653-02

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):

Addition of California native mussel (*Mytilus californians*) to the list of shellfish species approved for cultivation at Santa Barbara Mariculture Company's offshore aquaculture facility.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

Notice of Proposed Immaterial Permit Amendment

E-12-012-A3

regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

- All planting, inspection and harvest activities would be carried out consistent with the relevant marine resource protection conditions and requirements of CDP No. E-12-012-A1, Water Quality Certification Number 34218WQ41 and Department of the Army Permit No. SPL-2018-00684-TS.
- The species proposed to be cultivated (*Mytilus californianus*) is endemic and native to the California marine environment and abundant on wave exposed rocky shorelines throughout Santa Barbara County.
- Cultivation of this species would not result in any changes to the cultivation equipment and aquaculture operations approved by the Commission in CDP No. E-12-012-A1.
- Santa Barbara Mariculture Company's 2019 Benthic Survey and Biofouling Monitoring Report demonstrated that its operation has not resulted in alteration of the seafloor habitat within its lease area or other adverse impacts to marine biological resources.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Cassidy Teufel at (805) 585-1825.

cc: Commissioners/File

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February 24, 2020

Ben Blom
Field Manager
Central Coast Field Office
Bureau of Land Management
940 2nd Avenue
Marina, CA 93933

Subject: Negative Determination ND-0001-20 (San Vicente Creek Bridge Replacement and Removal, Davenport, Santa Cruz County)

Dear Mr. Blom:

The Coastal Commission staff has reviewed the above-referenced negative determination. The BLM proposes to implement an infrastructure and habitat improvement project on San Vicente Creek on the Cotoni-Coast Dairies Unit of the California Coastal National Monument (CCNM). The project includes: (1) replacing an aging 29-foot-long timber deck/steel girder bridge carrying San Vicente Road over San Vicente Creek with a 53-foot-long modular steel bridge; (2) removing an aging 40-foot-long timber deck/steel railcar and steel girder bridge located 1.5 miles upstream of the first bridge; (3) removing existing abutments, rip-rap, and manmade structures at both bridge locations; and (4) stream habitat restoration at both bridge locations. In addition, because the proposed replacement bridge is designed to pass high streamflows and not impede fish movement, it will sit at an elevation three to four feet higher than the existing bridge. As a result, the new bridge requires re-grading approximately 225 feet of San Vicente Road to the west of the bridge and 125 feet east of the bridge in order to slightly raise the roadway to match the bridge elevation.

The project conforms to the 2005 CCNM Resource Management Plan and the 2014 Coast Dairies Interim Management Plan. The proposed replacement bridge will enable the BLM to maintain safe access for emergency vehicles, existing rights-holders and permittees, and BLM administrative vehicles. San Vicente Creek provides habitat for federally threatened central California coast steelhead, federally threatened and California endangered coho salmon, and federally threatened California red-legged frog. As a result, the BLM has consulted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service during project development and will complete consultation prior to final approval of the project by the BLM.

The project includes construction best management practices, erosion control measures, water quality protection measures, construction timing restrictions and work windows to protect listed species, revegetation and slope protection of disturbed areas, biological resource protection measures, and biological monitors on-site during construction to

ensure protection of anadromous fisheries and California red-legged frog and their instream and upland habitats. The project will require temporary disturbance to the San Vicente Creek channel and upland vegetation during construction. However, bridge replacement and removal will result in significant improvement to stream channel hydrology and will improve aquatic habitat for the above-listed threatened species by controlling erosion and reducing sedimentation caused by scouring under the existing bridge abutments in the stream channel.

The BLM states that the Cotoni-Coast Dairies Unit is located within the ancestral territory of the Amah Mutsun Tribal Band. A memorandum of understanding executed between the Amah Mutsun Land Trust and the BLM in 2016 describes how the two organizations will work together to protect and steward cultural resources on the Unit. Consistent with the MOU, the BLM performed appropriate cultural resource surveys at the upper and lower bridge sites. The BLM reports that there are no recorded or reported pre-European contact archaeological sites in the project area. The BLM will have a cultural resource monitor on site during project excavation activities to ensure the rapid identification and avoidance of subsurface cultural resources. Should cultural resources be discovered during project construction, all work shall immediately cease at the discovery location and all other work which could damage the resource shall also cease. The BLM's Field Office Archaeologist and Field Office Manager will be immediately notified, assess the situation, and prescribe guidance for the implementation of appropriate protection and conservation measures.

The Commission staff **agrees** with your conclusion that the proposed San Vicente Creek bridge replacement and removal 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 – Central Coast District

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February 21, 2020

Captain T.J. Slentz
Commanding Officer
Naval Base Coronado
Department of the Navy
Box 357033
San Diego, CA 92135-7033

Attn: Deb McKay

Subject: Negative Determination ND-0003-20 (San Clemente Island, replacement of three existing wind turbines with three new turbines, Los Angeles County)

Dear Captain Slentz:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for the removal of three existing wind turbines on San Clemente Island and replacement with three new turbines. The Commission concurred with a 1997 Negative Determination (ND-048-97) for the existing turbines, and the proposed turbines are similar in scope to another Negative Determination (ND-038-10) for 11 turbines on San Nicolas Island with which the Commission also concurred. The existing turbines have reached the end of their service life and presently provide about 10 percent of the island's electricity needs, which requires the Navy to use diesel-fueled generators to provide the remaining 90%. The replacement turbines would produce approximately 1.2 to 2.7 megawatts of electricity, allowing the Navy to reach its goal of 50 to 60 percent Net Zero Energy on the island.

The new turbines would be approximately 253 feet high including blade height, which is approximately 100 feet taller than the existing turbines, and would be constructed in the same general footprint as the existing turbines. A new energy storage system (batteries) would be constructed to maximize the use of generated electricity, and the tie-in to the existing distribution lines would require modification that would not involve ground disturbance. The turbines would be constructed of tubular steel with a concrete foundation. The existing turbines would be removed from San Clemente Island and disposed of at an appropriate onshore facility. Transportation of removed and new turbine components would occur via barge using the existing dock facilities on the island.

The project will not affect public access or significantly degrade the visual resources of the coastal zone. The public does not currently have access to San Clemente Island or

surrounding waters due to public safety restrictions associated with Navy training exercises. The new turbines would be visible to boaters in the area, as are the existing turbines, and will not significantly alter their visual experience. No public comments were received during the public comment period for the project Environmental Assessment.

The proposed project would be constructed on disturbed and routinely mowed areas occupied by the existing turbines and roads. The project will not significantly impact any species with special status, including the San Clemente bell's sparrow, San Clemente loggerhead shrike, and western snowy plover. Biological surveys conducted for the proposed project did not result in observations of these species within the project footprint. Additionally, previous monitoring has not identified any bird strikes occurring as a result of the existing wind turbines.

Conservation measures associated with the proposed project include an employee environmental awareness program, implementation of an erosion control plan with related best management practices during construction, avoidance of vegetation clearing during the nesting season if feasible and avoidance of such clearing within 300 feet of a nest for a protected species. As described in the project's Bird and Bat Conservation Strategy, the Navy will conduct post-construction monitoring for one year (or up to two years for bats) to determine avian and bat mortality rates associated with operation of the wind turbines. At the conclusion of this monitoring, the Navy, in consultation with the USFWS and Commission staff, will determine if additional conservation measures are warranted. If this monitoring documents significant impacts to sensitive species, additional federal consistency review may be necessary pursuant to Section 15 CFR 930.45 of the NOAA implementing regulations..

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." This project is similar to previous consistency and negative determinations with which the Commission concurred. In conclusion, the Commission staff **agrees** that the proposed project would not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact John Weber of the Commission staff at (415) 904-5245 should you have any questions regarding this matter.

Sincerely,

FOL 
John Ainsworth
Executive Director

Cc: CCC - South Coast Office

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February 21, 2020

Deb McKay
Fleet Environmental NEPA & Coastal Coordinator
Navy Region Southwest N40
937 North Harbor Drive Box 81
San Diego, CA 92132

Subject: Negative Determination ND-0007-20 (Naval Weapons Station Seal Beach,
placement of temporary docks for construction laydown access, Orange County)

Dear Deb:

The Coastal Commission staff has reviewed the above-referenced negative determination for the placement and use of temporary docks for construction laydown access associated with the development of the new ammunition pier at Naval Weapons Station Seal Beach. In December 2018, the Commission concurred with the ammunition pier in Consistency Determination CD-0002-18, including the identification of construction laydown space adjacent to the channel connecting Anaheim Bay with Seal Beach National Wildlife Refuge. Since that concurrence, Navy has identified the need for the temporary docks to access the laydown space.

The temporary docks would be in place for up to two years and would consist of three 10-foot wide, 40-foot long docks linked together in a T-formation. Two 24" diameter spuds at each end of the dock and a 35-foot gangway connecting to the laydown space would also be emplaced. The docks, spuds, and gangway would be removed after approximately two years. In response to staff's question regarding the need for navigational aids, given the channel's connection to Huntington Harbour, the Navy indicated that the U.S. Coast Guard would be requiring lighting on the outer edge of the dock.

The proposed docks would not affect marine habitats or species in a manner or level of severity beyond those impacts that were assessed in CD-0002-18. An eelgrass survey completed in November 2019 indicates that eelgrass would not be directly impacted by the proposed docks. The laydown space is an area of disturbed upland habitat, and the proposed gangway would be located outside of the area proposed as dune habitat and the saltmarsh conservation area described in CD-0002-18. Therefore, the project would not affect sensitive upland species or habitats.

ND-0007-20 (Navy)

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In conclusion, the Coastal Commission staff **agrees** that the proposed project would not adversely affect coastal zone resources. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact John Weber of the Commission staff at (415) 904-5245 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ainsworth".Handwritten initials "JWL" in black ink.

John Ainsworth
Executive Director

Cc: CCC - South Coast Office

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February 10, 2020

Tessa E. Beach, Ph.D.
Chief, Environmental Sections
San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: Negative Determination ND-0032-19 (2020 Maintenance Dredging of Federal Navigation Channels at Humboldt Bay, Humboldt County)

Dear Dr. Beach:

The Coastal Commission staff has reviewed the above-referenced negative determination. Under expected project funding, the Corps of Engineers proposes to maintenance dredge approximately 500,000 cubic yards of sediment from the Bar, Entrance, and North Bay federal navigation channels in Humboldt Bay and to dispose dredged sediments at the Humboldt Open Ocean Disposal Site (HOODS). Dredging and disposal will take place between March 15 and October 15, 2020, but most likely during the month of June. Annual maintenance dredging is necessary to remove shoals that annually build up in the Bar and Entrance channels (and to a lesser degree in the interior North Bay channel) during the winter and spring, and to maintain authorized channel depths and navigational safety for commercial, recreational, and Coast Guard vessels entering and exiting Humboldt Bay.

The proposed 2020 maintenance dredging and disposal project at Humboldt Bay is similar to annual projects previously concurred with by the Commission or authorized by the Executive Director dating back to 1985, most recently in consistency determination CD-0005-18 for the 2019 maintenance dredging project. As noted in CD-0005-18, the current sediment testing schedule for Humboldt Bay calls for physical testing of sediments every five years for those channels that have historically contained sediments consisting predominately of sand. The sediments to be dredged in 2020 are covered by the 2016 sediment testing results and are physically and chemically suitable for placement at HOODS. Since 2015 only certain disposal cells within the overall HOODS site may be used for dredged material disposal due to mounding of previously-disposed materials. All disposal at HOODS, including sediments from the proposed 2020 project, must take place only over the northwest and northeast slopes of the existing mound.

CD-0005-18 also included a commitment by the Corps to provide needed information on the significance of shoreline erosion on the North Spit of Humboldt Bay, which could potentially lead to disposal alternatives that will reduce the amount of dredged material disposal outside the Eureka littoral zone. This information will include results from the next Humboldt Shoreline

Monitoring Program update, which includes aerial flyover photography and subsequent photographic analysis of shoreline changes. The next update is anticipated to occur within the next two years. This shoreline monitoring update is expected to determine if excessive shoreline retreat has persisted along the North Spit. With that information, the Corps and the Commission staffs will then determine if modifications to current dredged material disposal operations are necessary in order to address shoreline retreat along the North Spit.

CD-0005-18 included a second commitment by the Corps to develop and implement, in coordination with the National Marine Fisheries Service, California Department of Fish and Wildlife, and Commission staff, a fish survey and monitoring plan (FSMP) to evaluate the potential impact of entrainment of fish species by Corps dredging operations in Humboldt Bay. The Corps states that the primary purpose of the FSMP was to:

... better describe the fish and invertebrate usage of the federal channels in Humboldt Bay and to use this information to assess relative population effects and inform dredging operations best management practices for protection of sensitive and important aquatic species.

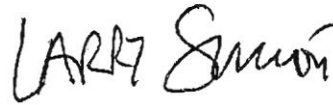
The FSMP was first implemented between April and October 2019 and included 130 individual bottom trawls over 13 trawling events. The *Final Report for the 2019 Humboldt FSMP* reported that no listed fish species were encountered during any of the trawl events, and that the relative abundance of fish and invertebrate species did not show significant difference between locations inside and outside the federal navigation channels. This first year of study data indicates that there are not concentrations of fish species in the channels that could be disproportionately affected by dredging operations. The FSMP is funded through the year 2020 with an option for a third year. The Corps will repeat the trawl operation in 2020 and may also examine the influence of tides and other external factors on species distribution.

In its previous reviews, the Commission or the Executive Director determined that maintenance dredging operations in Humboldt Bay would not adversely affect water quality or marine resources of the coastal zone. Proposed maintenance dredging will take place in navigation channels that have been routinely dredged since the 1880s. Project sediments are not contaminated and when dredged these sands only generate short-term and localized increases in turbidity and less than significant impacts to benthic species in the bay given the relatively small dredging footprint. For the proposed project the Corps will continue to implement all the conservation measures included in the National Marine Fisheries Service's 2016 *Final Biological Opinion and Essential Fish Habitat Consultation* pertaining to Corps Humboldt Bay maintenance dredging projects.

Impacts to commercial and recreational fishing and boating will be temporary in nature and limited to the area immediately adjacent to the dredge vessel. Removing shoaled areas and returning navigation channels to their design depth will improve navigation safety for all vessels entering and exiting Humboldt Bay. Maintenance dredging is unlikely to adversely affect archaeological and cultural resources, but the project includes provisions for suspension of dredging and consultation with the State Historic Preservation Office should previously undiscovered cultural resources be uncovered.

Under the federal consistency regulations (15 CFR §930.35(a)), a negative determination can be submitted for an activity "which is the same or similar to activities for which consistency determinations have been prepared in the past." As discussed above, the Commission has concurred with similar consistency determinations for maintenance dredging at Humboldt Bay. The Commission staff **agrees** that the proposed 2020 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,

A handwritten signature in black ink that reads "Larry Simon". The signature is written in a cursive, slightly slanted style.

(for) JOHN AINSWORTH
Executive Director

cc: CCC – North Coast District
California Department of Fish and Wildlife
National Marine Fisheries Service