Prepared July 2, 2020 (for the July 10, 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 July 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 July 10, 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 July 10th.

With respect to the July 10th 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 July 10, 2020 (see attached)

Immaterial Amendment

- 9-15-0531-A5, Conversion of Building 6 from office space to a mix of office space, a Care-on-Site medical examination room, and an indoor firearm training range (PG&E, Humboldt Bay Power Plant, Eureka County).

Negative Determinations and No Effect Letters
Administrative Items for Federal Consistency Matters

- ND-0012-20, Department of the Navy, Action: Concur, 6/30/2020
  Construct beach boardwalk at Beach Lab Property, Naval Support Activity Monterey, Monterey County.
• **ND-0015-20, National Park Service, Action: Concur, 6/26/2020**
  Prisoners Harbor campground development, Santa Cruz Island, Channel Islands National Park, Santa Barbara County.

• **ND-0017-20, U.S. Fish and Wildlife Service, Action: Concur, 6/30/2020**
  Gunpowder Point Sweetwater Marsh trails improvements, San Diego Bay National Wildlife Refuge Complex, San Diego County.

• **ND-0020-20, Bureau of Land Management, Action: Concur, 6/30/2020**
  Ma-le'l Dunes South access road paving, Ma-le'l Dunes Cooperative Management Area, Humboldt County.

• **ND-0021-20, Federal Aviation Administration, Action: Concur, 6/30/2020**
  Remedial soil and groundwater investigation at remote transmitter/receiver site, Santa Barbara County.
NOTICE OF PROPOSED IMmaterial PERMIT AMENDMENT

Coastal Development Permit Amendment No. 9-15-0531-A5

June 12, 2020

To: All Interested Parties

From: John Ainsworth, Acting Executive Director

Subject: Permit No. 9-15-0531-A5 granted to Pacific Gas & Electric Company for: Implementation of the Final Site Restoration Plan for the Humboldt Bay Power Plant (HBPP)

Project Site: 1000 King Salmon Ave., Eureka, CA 95503 (APN: 305-131-35)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

PG&E proposes to modify CDP 9-15-0531 to permit the conversion of Building 6 from office space to a mix of office space, a Care-On-Site medical examination room, and an indoor firearm training range. Proposed construction activities for Building 6 (located within Area 2e – ISFSI Support) are mostly internal to the building but also include infill of doors and windows in the range location and relocation of entrance doors. Construction of the firearm training range will also include installation of sound-proofing elements to reduce exterior sound pressure. These elements include installation of 3-inch thick acoustic insulation in the ceiling cavity, use of acoustic ballistic tiles, and construction of a steel stud wall on the interior to allow for installation of acoustic insulation within the wall cavities and acoustic ballistic tiles on interior walls.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) the Executive Director has determined that this amendment is considered "immaterial" for the following reason(s):

Biological and Marine Resources: Building 6 is located within the Humboldt Bay Power Plant (HBPP) Core area in a highly developed portion of the site. CDP 9-15-0531 approved re-use of Building 6 as part of the Final Site Restoration Plan. The proposed amendment would change the use of the building to include use as a firearm training facility. This area has supported industrial uses for many years and does not support environmentally sensitive habitat. Furthermore, construction activities will be mostly
internal to the building and will be conducted amidst other decommissioning activities. Nevertheless, PG&E has proposed to conduct pre-construction biological and nesting surveys in accordance with Special Condition #2 to ensure the protection of any sensitive species or habitats. If any sensitive species or habitats are identified at the site, PG&E will conduct biological monitoring during any project-related activities at the site to ensure protection of biological resources. In addition, the measures outlined in the Stormwater Management Plan (SMP) required by Special Condition #1 extend to all construction activities and thus will be implemented as needed during construction activities. The purpose of these measures is to avoid or minimize impacts to coastal waters, wetlands, and biological resources from stormwater runoff.

In addition, PG&E has agreed to incorporate sound-proofing materials when constructing the firearm training facility to minimize the potential for adverse noise-related effects on current and future wildlife and habitat in the vicinity. PG&E conducted a sound monitoring study analyzing ambient sound levels at the site and potential sound levels associated with a firearm range. The study indicated that anticipated noise levels from the range would be within the existing ambient sound range for the site. The study also included recommendations for incorporating sound mitigation materials and strategies to further reduce sound levels associated with the range. These measures include: (1) installation of 3-inch thick acoustic insulation in the ceiling cavity, (2) use of acoustic ballistic tiles, and (3) adding a 3 and 5/8-inch steel stud wall spaced one inch from the external block wall in the interior of the shooting range and installation of 3-inch thick acoustic insulation in the wall cavity and installation of acoustic ballistic tiles on the interior finish of the walls. PG&E has agreed to implement these measures to further reduce the potential for noise-related impacts from the firearm range. With these measures incorporated, the Executive Director has determined that impacts to biological and marine resources will be minor and the project will maintain the quality of coastal waters, streams and wetlands, and, for the reasons stated above, will be consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

Public Access: The PG&E HBPP site is not open to public access. However, there are public trails on the northern portion of the site near the edge of the Bay, and the Bay supports recreational boaters and other watercraft. The measures listed above, including implementation of sound mitigation materials will reduce sound levels outside of the building to within ambient sound levels. To further ensure that nearby public access and recreation is not adversely affected by noise coming from the proposed firing range, PG&E has agreed to implement the following measures.

Public concerns are received by PG&E from multiple pathways. Regardless of the means of communication, when a concern or complaint regarding noise from the Building 6 indoor weapons training facility is received by facility representatives, the following actions will be initiated:

1. Document the complaint.
2. Contact the complaining party to fully understand the issue.
3. Contact the Coastal Commission to discuss the complaint and possible resolution.
4. Respond to complaining party.
5. If multiple complaints are received, after reviewing complaints and consulting with Coastal Commission, consider whether a more rigorous investigation is warranted.
6. If needed, after consulting with Coastal Commission, obtain a subsequent permit amendment to incorporate additional sound proofing, curtailment of facility operation hours, and/or other action(s) necessary to ensure impacts to public access and recreation are avoided.

With these measures in place, the Executive Director has determined that the project will protect public access and recreational opportunities and for the reasons stated above, will be consistent with Section 30201 of the Coastal Act.

Immaterial Permit Amendment

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director has determined this amendment is IMMATERIAL.

Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

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 immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three (3) Commissioners object to the executive director’s designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in section 13166(c). Otherwise, the immaterial 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 immaterial amendment application shall be referred to the Commission for action as set forth in section 13166(c).

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection via email to EORFC@coastal.ca.gov or in writing to the address above.
If you have any questions about this notice, please contact Kate Huckelbridge at the number above.

Cc: File
June 30, 2020

Victoria Tabor
Installation Environmental Program Director
Naval Support Activity Monterey
271 Stone Road
Monterey, CA 93943-5189

Subject: Negative Determination ND-0012-20 (Construction of Beach Boardwalk at Beach Lab, Naval Support Activity Monterey, Monterey County)

Dear Ms. Tabor:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to construct an elevated boardwalk at its Beach Lab area of Naval Support Activity (NSA) Monterey. The Beach Lab property covers approximately 55 acres and encompasses Navy-owned coastal dunes adjacent to the Pacific Ocean. The proposed project is similar to the Navy’s consistency determination CD-020-90, which provided for construction of a boardwalk along the western edge of the Beach Lab to protect coastal dunes while enhancing public access to the beach from the Monterey Bay coastal trail, which runs parallel to and outside of the inland boundary of the Beach Lab. In addition, the Navy’s negative determination ND-007-92 provided for coastal dune habitat restoration within the Beach Lab property.

The Navy states that the purpose of the proposed boardwalk is twofold: to enhance public access to the beach and to protect sensitive dune habitat. Currently, significant erosion and trampling of dune vegetation is occurring at this location from foot traffic and social trails leading from the coastal trail parking lot on Del Monte Avenue to the shoreline. A boardwalk would provide a hardened path to alleviate erosion and limit disturbance to environmentally sensitive coastal dune habitat. In addition, the project would implement resource conservation goals contained in the Navy’s Integrated Natural Resource Management Plan for NSA Monterey.

The project consists of construction of a 600-foot-long and five-foot-wide boardwalk linking the coastal trail parking lot to a gravel road within the Beach Lab leading to the shoreline. Eight small interpretive signs illustrating the coastal dune ecosystem and the history of the Beach Lab property will be installed along the length of the boardwalk. The boardwalk would be elevated at least eight inches above grade to minimize disturbance to the dunes and allow for natural sand movement. To prevent people from leaving the boardwalk, guardrails comprised of wooden posts standing four feet above ground level and
connected by six cables and a wooden top rail will be installed on both sides of the
boardwalk. The Navy reports that keeping people off the surrounding dunes is essential to
protect two federally-listed plant species (Monterey spineflower and Monterey gilia) and to
prevent the exacerbation of dune erosion, introduction of invasive species, and trampling
of native vegetation. All construction will be monitored by the NSA’s Natural Resources
Program Manager, known locations of listed plants are mapped and will be avoided,
construction best management practices will be implemented (including erosion control
and spill prevention plans), and construction will only occur between July and February to
avoid periods of flowering and seed development.

The Beach Lab property is currently open to the public for day-use only and is accessed
via the existing boardwalk, marked walkways from adjacent neighborhoods and parking
areas, and the beach. The proposed boardwalk would facilitate more public access by
linking to an existing parking area along Del Monte Avenue and would be open to the
public from one hour before sunrise to one hour after sunset. The Navy reports that the
project is designed to avoid five known historic archaeological features located in the
Beach Lab area, and therefore would not adversely affect these resources. The Navy is
seeking concurrence from the State Historic Preservation Office on this determination. In
addition, the Navy will ensure that all project construction personnel will be trained on the
potential for inadvertent discovery of subsurface archaeological deposits and on the
requirement to immediately halt construction upon any such discovery. The NSA’s Cultural
Resource Program Manager will visit the site at least daily to spot-check construction
activity and to ensure that personnel remain cognizant of the potential for inadvertent
archaeological discoveries.

In response to a question from Commission staff regarding the status of the abandoned
Waste Water Treatment Plant (WWTP) located in the northeast corner of the Beach Lab
property, the Navy stated that: (1) one acre of the plant is leased to Monterey One Water
for a sewage pump station and emergency overflow tanks; and (2) the Naval Postgraduate
School uses the remaining area for storage and staging of oceanographic research
equipment, and has filled one unused tank with fresh water for testing small unmanned
underwater vehicles. The Navy further stated that it has no plans to remove the
abandoned WWTP, modify existing facilities beyond their current footprint, or transfer the
Beach Lab property out of federal ownership or to another federal entity. The Navy also
stated that it will share with the Commission in a timely manner any future development
plans for the property and will undertake the necessary federal consistency review as
required by the Coastal Zone Management Act.

Nevertheless, the re-purposed WWTP remains an industrial development located within
environmentally sensitive coastal dune habitat. The facility generates spillover effects on
coastal resources, including adverse impacts on public views from offsite locations, and on
dune habitat and resources from noise, lights, industrial activities, and the absence of a
setback from adjacent dune habitat beyond the facility footprint. So while it is beyond the
scope of this negative determination, the Commission staff strongly encourages the Navy
to analyze the potential removal of this facility from its current location and restoring the
site to coastal dune habitat.
Under the federal consistency regulations (15 CFR Section 930.35(a)), 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." As noted above, the Commission concurred with CD-020-90 for construction of a boardwalk on the Beach Lab property, and the Executive Director concurred with ND-007-92 for coastal dune habitat restoration in the same area. We agree that the proposed boardwalk project is similar to the previously concurred-with boardwalk and would not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

LARRY SIMON

For

JOHN AINSWORTH
Executive Director

cc: CCC – Central Coast District
June 26, 2020

Ethan R. McKinley
Superintendent
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001

Subject: Negative Determination ND-0015-20 (Prisoners Harbor Campground Development, Santa Cruz Island, Channel Islands National Park, Santa Barbara County)

Dear Superintendent McKinley:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to develop a small primitive campground at Prisoners Harbor on Santa Cruz Island, located within Channel Islands National Park (CINP). The purpose of this project is to enhance recreational opportunities and access on Santa Cruz Island by expanding the limited camping opportunities for overnight visitors. In 2015, the Commission’s Executive Director concurred with Negative Determination ND-0005-14 for the CINP General Management Plan (GMP) which called for increased opportunities for public access in the park, including the development of campsites. In concurring with ND-0005-14, the Executive Director requested that the NPS coordinate with Commission staff on the need for federal consistency review of specific future development projects as part of the GMP. The NPS agreed to undertake such coordination.

The proposed campground would be located 0.20 miles from Prisoners Pier with access provided by an existing road. The campground would consist of six sites to allow for a total of 24 campers at one time. Sites will be constructed as 8’ x 20’ pads framed by 6” x 6’ timbers and filled with decomposed granite. Each campsite would contain a picnic table and wildlife-proof food storage box.

The campground would be constructed on a previously disturbed site located outside of any wetland or environmentally sensitive habitat; and the site is not visible from the ocean. Vegetation removal would consist of mostly non-native grasses and be limited to footpaths and campsites within the campground. The NPS is working with the California State...
Historic Preservation Officer, the Santa Ynez Band of Chumash Mission Indians, and the Barbareño/Ventureño Band of Mission Indians to ensure that the project does not create any adverse effects to cultural resources.

The Commission staff agrees with your conclusion that the proposed improvements would enhance public access and does 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 Alexis Barrera at Alexis.Barrera@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

(for) JOHN AINSWORTH
Executive Director

cc: CCC – South Central District
June 30, 2020

Andrew Yuen  
Project Leader  
San Diego National Wildlife Refuge Complex  
U.S. Fish and Wildlife Service  
1080 Gunpowder Point Drive  
Chula Vista, California 9190

Subject: Negative Determination ND-0017-20 (Gunpowder Point Sweetwater Trails Improvements, San Diego Bay National Wildlife Refuge Complex, San Diego County)

Dear Mr. Yuen:

The Coastal Commission staff has reviewed the above-referenced negative determination. The San Diego National Wildlife Refuge Complex proposes to implement improvements to the existing trail system located at Gunpowder Point, within the Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge ("Refuge"). The proposed improvements include: (1) minor regrading of the trail system to improve accessibility for visitors consistent with current accessibility standards; (2) replacing an interpretive panel along the main trail; and (3) replacing a pair of failing culvert pipes located under a portion of the trail. The purpose of the project is to improve accessibility, public safety, and visitor experience at Gunpowder Point.

All proposed improvements will occur in previously disturbed areas and would not result in any adverse effects to natural or cultural resources. Construction activity will be confined to existing trail alignments. Improvements will include minor regrading of the trail to achieve an acceptable cross slope and running slope, and applying decomposed granite to the surface to improve trail tread conditions. The project also proposes to replace a pair of failing culverts which will help to prevent erosional impacts to the trail and adjacent areas.

Conservation measures will be implemented during construction to protect the quality of marine resources located adjacent to Gunpowder Point. Best management practices include implementation of a spill prevention and response plan and erosion and sediment control measures. Although the disturbed habitat does not support nesting or foraging of the endangered light-footed Ridgway's rail, rails have been observed wandering through the project area. To minimize potential disturbance to rails, construction will be limited to the non-nesting season, workers will be educated on rail awareness, and all work will stop if a rail is observed around the project area. Should cultural resources be discovered during construction, work will be halted, the Service's Regional Archaeologist will be notified, and additional consultation will be initiated to ensure compliance with the National Historic Preservation Act and other applicable Federal regulations and policies. Although the project is located within the site boundaries of the historic Hercules Powder Company, the State Office of Historic Preservation determined that the project would not affect the historic property.
The Commission staff agrees with your conclusion that the proposed improvements would not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Alexis Barrera at Alexis.Barrera@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

Larry Smith
for John Ainsworth
Executive Director

cc: CCC – San Diego Coast District
June 30, 2020

Molly Brown  
Field Manager  
Arcata Field Office  
Bureau of Land Management  
1695 Heindon Road  
Arcata, CA 95521

Subject: Negative Determination ND-0020-20 (Ma-le'i Dunes South Access Road Paving, Ma-le'i Dunes Cooperative Management Area, Manila, Humboldt County)

Dear Ms. Brown:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to pave an access road and parking lot at the Ma-le'i Dunes South Trailhead in the Ma-le'i Dunes Cooperative Management Area located in Manila, California. The purpose of this project is to improve public safety and access to the Ma-le'i Dunes South Trailhead. The project is consistent with the BLM's Arcata Resource Management Plan Amendment for the Samoa Peninsula Management Area. The project is also consistent with public access and recreation proposals included in the BLM's Ma-le'i Dunes Cooperative Management Area Public Access Plan, reviewed in consistency determination CD-069-06 and concurred by the Commission in 2006.

The proposed project includes re-paving the existing 1,200-foot-long access road and parking lot at Ma-le'i Dunes South to allow for safe vehicle access and reduce the frequency of road maintenance. Currently, the trailhead is difficult to reach due to potholes and a deteriorating roadway. The proposed project would apply a more durable and maintenance-free four-inch layer of asphalt along the access road and over the parking lot. The access road would be closed for construction for up to three days during the May through September dry season.

Paving would occur only within the footprint of the existing road and parking area. No environmentally sensitive habitats or special-status species occur within or adjacent to the paving areas and no adverse effects to these resources are expected. Past cultural resource investigations have not identified any cultural resources in the immediate project area. BLM has notified representatives from tribes that include the Wiyot people about the proposed project. BLM will follow the standard regulations for cultural resource discovery to ensure that the project does not create any adverse effects to cultural resources. Should cultural resources be discovered during construction, work will be halted immediately, the BLM Authorized Representative and Archaeologist will be notified, and additional
consultation will be initiated to ensure compliance with the National Historic Preservation Act and other applicable Federal regulations and policies. Paving will require the closure of the access road for up to three days. To minimize potential disruption to accessing trails at Ma-le’l Dunes South, closures are planned for less busy weekdays and will be announced to the public one week prior to the start of construction using temporary signage. In addition, there is a nearby overflow parking area available to visitors while the parking lot is inaccessible.

The Commission staff agrees with your conclusion that the proposed roadway and parking area improvements at Ma-le’l Dunes South would improve public access and would not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Alexis Barrera at Alexis.Barrera@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

[Signature]

JOHN AINSWORTH
Executive Director

cc: CCC – North Coast District
June 30, 2020

Nam P. Nguyen, P.E.
Environmental Engineer
Federal Aviation Administration
777 S. Aviation Blvd, Suite 150
El Segundo, CA 90245

Subject: Negative Determination ND-0021-20 (Federal Aviation Administration Remedial Investigation, Santa Barbara, Santa Barbara County)

Dear Mr. Nguyen:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Federal Aviation Administration (FAA) proposes to conduct a consequent investigation to a 2013 remedial action that removed fuel-contaminated soil and groundwater from a Remote Transmitter/Receiver (RTR) site in Santa Barbara. The purpose of this project is to determine the extent of any remaining fuel contamination in the soil and groundwater at the RTR site.

In 2011, a diesel fuel spill was discovered on the RTR site between an aboveground storage tank and generator. Subsequent site assessments in 2011 and 2012 of soil and groundwater samples identified the extent of the fuel spill. In 2013 the FAA excavated and removed the fuel-contaminated soil and groundwater from the site. The current proposed investigation would test for any remnant contamination following the 2013 remedial action. The investigation would advance ten soil borings and install four four-inch diameter groundwater monitoring wells approximately 10 to 20 feet below ground surface using a geotechnical drill rig. Work is tentatively planned for Fall 2020 and would span the course of one week. After the sampling is complete, the installed wells would be removed.

The investigation would occur within an existing developed area and would not adversely affect natural or cultural resources. To avoid impacts to the nearby wetland, all work would be done within the confines of the RTR site on gravel and paved lots and in accordance with the applicable regulatory authorities, including the Santa Barbara County Fire Department and Santa Barbara County Environmental Health Services. Onsite workers would receive awareness training on how to avoid impacts to the nearby wetland. A work plan, including best management practices to prevent and reduce water quality impacts, will be reviewed and approved by the Central Coast Regional Water Quality Control Board. The noise level from the geotechnical drill is expected to be similar to the noise...
level from the adjacent main street and Santa Barbara Airport. Should cultural resources be discovered during any disturbance to subsurface material, the ground disturbing activity shall be halted and consultation shall be initiated to ensure compliance with the National Historic Preservation Act and other applicable Federal regulations and policies.

The Commission staff agrees with your conclusion that the proposed investigation would not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Alexis Barrera at Alexis.Barrera@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

[Signature]

JOHN AINSWORTH
Executive Director

cc: CCC – South Central Coast District