CALIFORNIA COASTAL COMMISSION
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Prepared January 8, 2021 (for the January 14, 2021 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for January 2021**

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 January 14, 2021. 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 January 14, 2021.

With respect to the January 14th 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 January 14, 2021 (see attached)

Waivers

- 5-20-0523-W, Collection of six soil borings for geotechnical investigation for the future Bay Bridge Pump Station and Force Main Replacement project, Orange County Sanitation District (Upper Newport Bay, Orange County).

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0035-20, Channel Islands National Marine Sanctuary proposed temporary deployment of oceanographic buoys, offshore Anacapa, San Miguel, Santa Rosa, and Santa Cruz Islands, Action: Concur, 12/3/2020.

- ND-0037-20, NOAA proposed restoration breach of Pescadero Creek Lagoon sandbar, San Mateo County, Action: Concur, 12/3/2020.

- ND-0034-20, NOAA proposed hydrographic survey along the Coast of California from February to March 2021, Action: Concur, 12/16/2020.

- ND-0036-20, USMC proposed rebuilding of existing marina within the Del Mar Boat Basin on Marine Corps Base Camp Pendleton, San Diego County, Action: Concur, 1/5/2021.

- ND-0030-20, U.S. Navy proposed to home base 20 Stingray Unmanned Air System (CBUAS) at Naval Base Ventura County (NBVC) Point Mugu, Ventura County, Action: Concur, 1/7/2021.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
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December 31, 2020

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: 5-20-0523-W

Applicant: Orange County Sanitation District (OCSD)

Location: Upper Newport Bay, south of the Coast Hwy. bridge (APNs: 440-132-60; 050-451-01 [parking lot])

Proposed Development: OCSD proposes to collect six soil borings total (five in channel and one on shoreline), spaced 100 feet apart along south side of bridge for geotechnical investigation for the future Bay Bridge Pump Station and Force Main Replacement project. Each boring is 8-in in diameter and drilled to a maximum depth of 100 feet below the mudline, extracting a cylinder with 1.35 cubic yards (0.36 square feet) of material per boring. OCSD plans to extract a total of 8.1 cubic yards of material from a total footprint of approximately 2.16 square feet. Borings will be collected from a small 30-ft long and 12-ft wide barge and will be backfilled with a bentonite slurry. OCSD also proposes to collect five vibracore samples (for dredge material testing). The vibracore sampler collects samples that are 3-in in diameter and 20-ft in length, within a footprint of 0.05 square feet. Collectively, the five samples will impact 0.25 square feet and extract a total of 0.19 cubic yards. The overall impact (by area and volume) to bottom sediments from boring and vibracore samples will be 2.41 square feet and 8.29 cubic yards.

Eelgrass has been mapped in the vicinity of this project, however, OCSD will avoid direct impacts to eelgrass habitat.

Project Background & Description: OCSD is conducting this geotechnical investigation as the second event preceding the future Bay Bridge pump station and Force Main replacement project. A de minimis waiver was granted in April of 2018 for boring and vibracore sampling on the north side of the Newport bay bridge. The purposes of both investigations was and is to provide subsurface data and geotechnical recommendations for input to design as well as the geotechnical baseline report for the future force mains replacement. This project is anticipated to take place over a two-

week period during winter 2020 pending approval of all applicable permits, however, the boring and vibracore sampling may each only take 2-3 days.

Rationale: For the following reasons, 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 in the Coastal Act.

- Sensitive Habitats & Species: Samples will be extracted from soft sediments on the channel bottom in the vicinity of known eelgrass beds (surveyed in 2016, 2018, and 2020). The channel is primarily sandy/muddy bottom, and the entire bay is well suited (and used) for safe anchorage and mooring for many boat types from yachts to sport fishers. Based on survey results and mapping, OCSD has sited the proposed sample locations to avoid known eelgrass habitat. In addition, if new eelgrass has established within a proposed sampling footprint at the time of sampling, OCSD will move the sampling location to avoid any eelgrass habitat. Vibracore and boring samples will produce minimal turbidity. Furthermore, winter sampling is also scheduled to take place during dormancy/limited growth period for eelgrass. The geotechnical investigation would also avoid any patches of eelgrass if discovered outside of the survey area. Thus, proposed activities are not expected to result in impacts to eelgrass or other channel habitat.

- Visual Resources: Project vehicles and equipment, including the barge and drill used for the boring/vibracore samples would only be in place temporarily and would thus avoid any significant impacts to visual resources.

- Public Access & Recreation: During this event, there will be no restriction to public access within the bay or along the shore. During the project, only a small area of a bayside parking lot would be used for staging/storing materials, and there will be ample parking remaining for the public. Applicant is coordinating with the Newport Bay Harbormaster and will notify three nearby businesses of the project and its timeframe as well as the City of Newport Beach staff.

This waiver will not become effective until reported to the Commission at its **January 13-14, 2021** 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,
(for) John Ainsworth
Executive Director

Amanda Cousart

Amanda Cousart
Environmental Scientist

cc: South Coast District Office

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

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December 3, 2020

Sean Hastings
Resources Protection Coordinator
Channel Islands National Marine Sanctuary
UCSB Building 514, MC 6155
Santa Barbara, CA 93106

Subject: Negative Determination ND-0035-20 (Temporary deployment of oceanographic buoys, Channel Islands National Marine Sanctuary)

Dear Mr. Hastings:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Channel Islands National Marine Sanctuary proposes to deploy six small oceanographic information collection buoys in the Sanctuary. One buoy each will be placed offshore of Anacapa, San Miguel, and Santa Rosa Islands and three buoys offshore of Santa Cruz Island. The proposed KELP buoy system is designed to collect and transmit data for periods of up to one year, including salinity, water temperature, conductivity, pH, dissolved oxygen, wave heights, humidity, air temperature, and air pressure. Oceanographic data are monitored remotely as each buoy transmits collected data to the internet from the onboard satellite communications system.

At each deployment location, a vessel will lower an anchor and a tether line to the ocean floor and the buoy is attached to the tether via a snap hook. Each buoy is marked as a research buoy and equipped with a beacon strobe visible for approximately three miles. Sanctuary staff will ensure that anchor locations will avoid sensitive benthic habitat and areas of rocky substrate. Each buoy, tether, and anchor will be completely recovered and removed from the ocean and seafloor at the end of the one-year deployment. The Sanctuary holds an existing Scientific Collection Permit (SCP) from the California Department of Fish and Wildlife. The Department has agreed to add the KELP buoy project as an amendment to the SCP to allow deployment of the KELP buoys in state Marine Protected Areas located within the Sanctuary.

The Sanctuary staff determined that the temporary deployment and recovery of the KELP buoys in the nearshore waters of the Sanctuary will not affect the aesthetics, marine habitat and resources, or vessel traffic within the Sanctuary. The Commission staff agrees that the proposed temporary oceanographic data collection program will not adversely affect coastal resources. We therefore **concur** with your negative determination made

pursuant to 15 CFR Section 930.55 of the NOAA implementing regulations. Please contact Larry Simon at Larry.Simon@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

LARRY Simon

(for) JOHN AINSWORTH
Executive Director

cc: CCC – South Central Coast District
CA Department of Fish and Wildlife

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

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December 3, 2020

Joe Pecharich
Fish Biologist/Habitat Specialist
NOAA Restoration Center
777 Sonoma Ave., Suite 325
Santa Rosa, CA 95404-6515

Subject: Negative Determination ND-0037-20 (Breaching of Pescadero Creek Lagoon Sandbar breaching, San Mateo County)

Dear Mr. Pecharich:

The Coastal Commission staff has reviewed the above-referenced negative determination. The NOAA Restoration Center proposes to possibly breach the Pescadero Creek Lagoon sandbar up to three times between December 2020 and January 2021. This proposed action is the same as previous successful manual breaching (using an excavator and hand tools) conducted at this location over the last decade and concurred with by the Executive Director in NOAA-RC negative determinations ND-0018-17, ND-0029-15, ND-0046-14, ND-0221-13, and ND-037-12. The objective of these controlled breaches of the sandbar was to reduce the likelihood of fish kills (primarily listed steelhead) associated with natural breaches at high inundation levels and poor water quality conditions in the lagoon. NOAA-RC states that the 2017, 2018, and 2019 seasons were not subject to large-scale fish kill events, or other adverse effects to coastal resources, following periodic managed sandbar breaches.

NOAA-RC states in the subject negative determination that it may not be necessary to breach the lagoon sandbar this winter to protect steelhead in the lagoon. This is due to the improved water quality on the Butano Creek side of the lagoon resulting from implementation of the upstream Butano Creek sediment removal and reconnection project in 2019. This project alleviated sediment blockages in the lagoon/marsh portion of Butano Creek to allow for improved fish passage, and filled marsh channels known to be chronic contributors to poor water quality that drive rapid anoxia and contribute to fish kill events in the lagoon. However, NOAA-RC is seeking approval for possible sandbar breaching this winter in case that action is found necessary by the National Marine Fisheries Service, California Department of Fish and Wildlife, and NOAA-RC to prevent a large-scale fish kill event. NOAA-RC also states in its negative determination that this is likely the last request for controlled manual breaching actions as the aforementioned agencies will be meeting in Spring 2021 to discuss future management of the lagoon system (without the need for manual breaching of the sandbar) now that the larger Butano Creek project is completed.

ND-0037-20 (NOAA-RC)

In conclusion, the Commission staff agrees that the proposed manual breaching of the Pescadero Lagoon sandbar in December 2020 and January 2021, if determined necessary by NOAA-RC and its partner agencies, will not adversely affect coastal resources. The project is similar to successful breaching activities at this location previously concurred with by the Executive Director, and is designed to reduce the potential for adverse water quality impacts and fish kills in Pescadero Lagoon. 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 Larry.Simon@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

LARRY SIMON

(for) JOHN AINSWORTH
Executive Director

cc: CCC – North Central Coast District

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

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December 16, 2020

Surafel Abebe
NOAA Office of Coast Survey
1315 East-West Highway, N/CS31
Silver Spring, MD 20910

Subject: Negative Determination ND-0034-20 (Proposed Hydrographic Survey along the Coast of California from February to March 2021)

Dear Mr. Abebe,

The Coastal Commission staff has reviewed the above-referenced negative determination. NOAA proposes to survey a 2,240-square-nautical-mile area located in waters off the coast of California between February and March 2021. 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 (kHz). In addition, the water column will be profiled using an instrument that measures conductivity, temperature, and depth. 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 Coastal 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 (described in Appendix B: Best Management Practices) 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 northern California offshore waters (ND-0016-18), off the Ports of Los Angeles and Long Beach (ND-0022-18), and within the Channel Islands National Marine Sanctuary (ND-0023-18). 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." 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 NOAA surveys. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

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

Sincerely,

DocuSigned by:
Larry Simon
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(for) JOHN AINSWORTH
Executive Director

cc: CCC – North Coast, North Central Coast, Central Coast, South Central Coast, and South Coast Districts

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, *GOVERNOR*

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January 5, 2021

K. H. Thomas
Head, Environmental Planning Branch
Marine Corps Installations West-Marine Corp Base
Box 555008
Camp Pendleton, CA 92055

Attn: Matthew Lorne

Subject: Negative Determination ND-0036-20 (Del Mar Marina Rebuild Project, Camp Pendleton, San Diego County)

Dear Mr. Thomas,

The Coastal Commission staff has reviewed the above-referenced negative determination for the rebuild of the existing marina within the Del Mar Boat Basin on Marine Corps Base Camp Pendleton. The March-July 2022 project will consist of repairing the existing marina docks by replacing deteriorating wood decking, failing concrete piles, and provide extension modifications to docks B & C. These modifications will provide replacement mooring slips for the vessels that will be displaced as a result of the installation of a new handicap accessible ramp.

The Coastal Commission concurred with two previous projects at the Del Mar Boat Basin: a dock expansion and building of an ADA compliant boat ramp (ND-0011-18 and ND-0020-18, respectively). These projects replaced, repaired, or modified one to five pilings. The proposed project removes existing piles with a barge and/or crane based on an 'L-pile analysis' that showed existing piles no longer have the required embedment depth and structural capacity to provide sufficient lateral resistance for environmental loads such as wave, current, and wind loads with vessels at berth. In total it will replace twenty old pilings and install four new pilings, to modify the existing docks (B &C) that will be expanded by two berths to accommodate small boats displaced due to the new ADA ramp.

Existing docks will be removed in sections and disassembled for disposal. New docks will be floated in pieces and assembled on site. Existing piles will be pulled by barge and/or crane. When feasible, piling removal will occur with a vibratory hammer rather than direct pull or clamshell method. This involves hitting or vibrating the pile first to break the bond between the sediment and pile to minimize the likelihood of the pile breaking and to reduce the amount of sediment sloughed. Piles will be removed slowly to allow sediment to slough off at or near the mudline, and if feasible, encircled with a silt curtain that extends from the surface of the water from substrate to prevent further movement of sediment. Twenty-four new piles will be set using a vibratory hammer when possible. If the use of an impact hammer is required (i.e.: substrate type and seismic stability), the

pile would be driven as deep as possible with the vibratory hammer to reduce any noise impacts. To the maximum extent practicable, piling work would occur at low tide to minimize impacts to adjacent eelgrass beds.

Because of the increased scope of this rebuild, we strongly support the project's recommendations to incorporate Best Management Practices (BMPs) that would minimize water quality effects and impacts to nearby eelgrass beds (EFH designated habitat surveyed in July 2020) during construction. These BMPs include measures for any barge-based operations to mitigate the accidental release of mechanical equipment-related hazardous materials (fuel, lubrication oils, etc.), limit the use of vessels with deep drafts to reduce scouring of the benthic substrate which can physically harm eelgrass habitat and/or resuspend sediment, perform activities during the outgoing tide to assist in removing resuspended sediment from the work site and away from eelgrass habitat, and use of sediment screens to reduce the impact of resuspended material. MCB CamPen also proposes to conduct a pre-construction and post project survey to determine if any eelgrass was impacted. Any impacts will be mitigated consistent with the California Eelgrass Mitigation Policy.

Additionally, while marine mammals are rarely sighted within the Del Mar Boat Basin, the Marine Corps will monitor and take appropriate corrective action in the unlikely event a marine mammal is present during pile driving. Per the construction plan's conservation measures, the project will incorporate "ramp-up/soft-start" procedures to reduce potential acoustic impacts to fish and marine mammals. The area will be monitored for 30 minutes prior to the start of construction in order to ensure that it is clear of marine mammals. Additionally, pile driving and underwater sound-generating installation activities shall be suspended when any marine mammal is observed within 500-m of the installation site. If the 500-m zone is not entirely visible (due to dark, fog, etc.), activities shall not continue. If a mammal is sighted, construction activities will be halted until the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without redetection. If any listed/protected species is seen in the area, all work will cease until the area has been confirmed cleared or environmental security has been contacted and can make a determination on how to proceed.

In conclusion, the Commission staff **agrees** that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Amanda Cousart at Amanda.Cousart@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

DocuSigned by:
Amanda Cousart
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(for) JOHN AINSWORTH
Executive Director

cc: CCC - San Diego District

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January 7, 2021

Captain J.E. Chism
Commanding Officer
Department of the Navy
Naval Base Venture County, Point Mugu
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Attn: Deb McKay

Re: ND-0030-20, U. S. Navy, Negative Determination, MQ-25A Stingray Homebasing, Point Mugu, Naval Base Ventura County

Dear Captain Chism:

The Coastal Commission staff has reviewed the above-referenced negative determination for the home basing of MQ-25A Stingray Carrier-based Unmanned Air System (CBUAS), at Naval Base Ventura County (NBVC) Point Mugu. The Navy proposes to home base 20 Stingray CBUAS (which are roughly the size of an F/A-18), and the project would include a number of improvements to support the home basing. The project would be located southwest of the main runway at NBVC, and within existing developed areas of the base. The supporting facilities and infrastructure would include constructing a hangar, training facilities, and supporting infrastructure; performing air vehicle (AV) maintenance; providing training facilities for operation and maintenance crews; conducting annual training and functional check flight operations; and stationing approximately 730 personnel, plus their family members, at NVBC.

Support facilities would include: a 50 foot-high, approximately 90,000 square foot (sf) hangar; an adjacent paved aircraft apron, approximately 710,000 sf; two approximately 43,000 sf taxiways; a 1,000 sf radio communications facility, including two, 95-foot tall antenna towers; a 16,000 sf antenna platform; an approximately 2,000 sf addition to an existing aircraft battery shop; a 26,000 sf training maintenance facility; various existing building renovations; a personnel parking break shelter, and access roads.

The Navy estimates Stingray CBUAS flight operations would result in an average of approximately four additional operations per operating day (two take-offs and two landings), would equate to a 2.4% increase in existing airfield operations.

NBVC is off limits to public access due to military security needs, and the project would not affect public access. The project would not affect public views, given its location with the already developed footprint of base. The project would not be located within or adversely affect environmentally sensitive habitat or marine resources. Aircraft and construction noise would not affect marine mammals or other sensitive species.

Construction would occur outside the least Bell's vireo nesting season. Habitat types that would potentially be affected by the proposed project are disturbed scrub and non-native grasslands, but ample acreage of similar habitats would remain outside of the project footprint. The Navy also notes that NBVC Point Mugu continues to restore habitat on base for a variety of sensitive species, including least Bell's vireo. Therefore it is likely that additional and higher quality habitat would be available in the future for vireos to supplement any loss of this marginal habitat lost from development.

The project includes a stormwater management system, involving pervious pavement for parking and walkways and subsurface detention chambers to prevent ponding. The project includes additional features to protect water quality, including grated bridges over existing drainage ditches, installation of biofiltration swales and subsurface detention chambers, management of hazardous materials, hazardous wastes, oil and grease, household trash, and implementation of Best Management Practices through a construction National Pollutant Discharge Elimination System permit; a construction Stormwater Pollution Prevention Plan; and Erosion Control Plans.

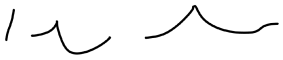
Impacts to wetlands would be avoided to the maximum extent feasible, such as through the elevation of the bridges over existing drainage ditches, and through their design, which includes the use of porous metal grates. The new access road to the hangar from 7th Street would be designed to avoid the adjacent drainage ditch. Commission staff previously authorized one of these taxiways across the drainage ditch (albeit at a smaller width) in its concurrence with ND-0007-18. In that review, the Commission staff's concurrence noted the small size (less than 0.5 acre) of wetlands effects, that any effects would involve wetlands with no hydrological connection to Mugu Lagoon, and that any such effects would be coordinated with the Commission staff for any appropriate future federal consistency review. The Navy agrees to these same provisions and coordination with respect to the subject negative determination.

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 Navy states that the proposed activity is similar to the following previously concurred-with negative determinations for air operations facility expansions at NBVC Point Mugu: (1) West Coast Home Basing of the MQ-4C Triton Unmanned Aircraft System (ND-015-13); and (2) the license, construction, and operation and a new U.S. Coast Guard (USCG) facility (ND-0007-18). The Navy also notes that the proposed project would share common infrastructure with those projects, helping to minimize adverse effects.

The Commission staff therefore **agrees** with the Navy's conclusion that the proposed project would be similar to the above-referenced Navy and Coast Guard negative determinations (ND-015-13 and ND-0007-18), and would avoid adverse effects on coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR §930.35 of the CZMA federal consistency regulations.

Please contact John Weber at john.weber@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,



(for)

John Ainsworth
Executive Director

cc: South Central Coast District
U.S. Army Corps of Engineers, Los Angeles District