

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
455 MARKET ST, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



F11

Prepared February 5, 2021 (for the February 12, 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 February 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 February 12, 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 February 12, 2021.

With respect to the February 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on February 12, 2021 (see attached)**Waivers**

- 9-21-0026-W, Removal of: the exterior metal siding of a warehouse, which the Navy will later refurbish; two underground tanks formerly used for storage of wastewater, and then backfill with clean soil; two portable restroom trailers; and two wooden structures formerly used as a shuttle stop and a laundry facility, and also fill an obsolete, 30-inch drainage conduit, Southern California Edison Co. ("Mesa" site at 14300 Mesa Road, San Clemente, San Diego County).
- 9-21-0031-W, Removal of remaining oil and gas production equipment and infrastructure from Rincon Island and conversion into interim caretaker status, California State Lands Commission (Rincon Island, Ventura County).

Immaterial Extensions

- 9-18-0593-E1, Extension of authorization to install and operate a submarine fiber optic cable extending from Hermosa Beach, through state and federal waters, and landing in New Zealand and Australia, RTI Infrastructure, Inc. (Hermosa Beach, Los Angeles County and extending seaward through state and federal waters).

Immaterial Amendments

- 9-14-1735-A6 / A-3-MRA-14-0050-A6, One-year extension of temporary test slant test well project, California-American Water (CEMEX Lapis Plant, Lappis Road, City of Marina, Monterey County).

Administrative Items for Federal Consistency Matters, No-Effects Determinations

- NE-0003-20, North County Transit District, emergency railroad embankment repair involving placement of 400 cu. yds. of rock riprap and sluiced sand for approximately 150 linear feet at Milepost 243 on the edge of San Dieguito Lagoon to prevent erosion of railroad tracks, City of Del Mar, San Diego County, Action: Concur, 2/1/202

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0039-20, U.S. Army Corps of Engineers, disposal of sand dredged from the San Francisco Main Ship Channel onto Ocean Beach between Sloat Avenue and Fort Funston, City of San Francisco, San Francisco County, Action: Concur, 2/2/2021
- ND-0040-20, National Park Service, replacement of the existing dock on Anacapa Island; Channel Islands National Park, Ventura County, Action: Concur, 2/1/2021
- ND-0042-20, U.S. Navy, construction of land-based laser target site and associated 500-square foot building, and conducting land-to-land directed energy systems testing activities as part of the existing Directed Energy Systems Integration Laboratory, Naval Base Ventura County Point Mugu, Ventura County, Action: Concur, 2/4/2021
- ND-0003-21, Navy, maintenance dredging of approach corridors for Piers 1-3, Piers 7-8, and Pier 13; the mouth of Chollas Creek; and Pier 10 at Naval Base San Diego, City of San Diego, San Diego County, Action: Concur, 2/1/2021

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE (415) 904-5200
FAX (415) 904-5400



January 25, 2021

Coastal Development Permit De Minimus 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: 9-21-0026-W

Applicant: Southern California Edison

Location: 14300 Mesa Road, San Clemente, San Diego County

Proposed Development:

Southern California Edison (SCE) proposes to remove: the exterior metal siding of a warehouse, which the Navy will later refurbish; two underground tanks formerly used for storage of wastewater, and then backfill with clean soil; two portable restroom trailers; and two wooden structures formerly used as a shuttle stop and a laundry facility. SCE also proposed to fill an obsolete, 30-inch drainage conduit. All work would be conducted at the Mesa site at 14300 Mesa Road, San Clemente, San Diego County.

Background:

In June 2013, SCE decided to permanently retire and decommission the San Onofre Nuclear Generating Station (SONGS). SONGS and many of its support structures and facilities are on property that SCE leases from the U.S. Navy, including the 118-acre Mesa site east of Interstate 5. The MESA site is almost entirely developed with buildings formerly used to support SONGS operations. The proposed project is substantively similar to work that was the subject of a previous Commission-granted Coastal Development Permit waiver in 2014 (CDP 9-14-0554-W), which involved removal of many of the structures that SCE had operated on the MESA site. Work under that CDP waiver has been completed, and the Navy, as landowner, has asked SCE to remove a few additional structures on the Mesa site.

Project Description:

The proposed includes removing: the exterior metal siding of a warehouse, which the Navy will later refurbish; two underground tanks formerly used for storage of wastewater, and then backfilling with clean soil; two portable restroom trailers; two wooden structures formerly used as a shuttle stop and laundry facility; and filling an obsolete, 30-inch drainage conduit. The drainage conduit will be filled with slurry from its headwall. A three-foot long culvert at the conduit's discharge point will be removed with a hand-operated jackhammer, allowing its face to be filled with existing soil and riprap, matching adjacent conditions at the discharge point.

SCE will use heavy equipment (cranes and bulldozers) and standard demolition techniques to remove the structures. The underground storage tanks will be removed pursuant to state regulatory requirements. SCE has already removed fuel, paint, and other similar hazardous materials from the Mesa site. Removed materials will be recycled or disposed of at a waste landfill, depending on their condition. In total, SCE estimates that the project would result in the removal of 2,300 square feet of building area. The project is proposed to begin in February 2021 and last for up to eight weeks.

Waiver Rationale:

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

1. Water quality: Project activities will consist of standard demolition methods and will occur on an already paved and developed area that is subject to existing stormwater treatment measures and the facility's NPDES permit, Stormwater Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan (SPCC), and Spill Contingency Plan.
2. Biological resources: With the exception of the work associated with plugging the conduit, no project activities will take place within 250 feet of the nearest undeveloped part of the property. Prior to project activities, a qualified biologist will conduct a pre-construction survey to identify the presence of any special status species and evaluate and adjust the 250-foot buffer as needed based on species presence and behavior. Additionally, a qualified biologist will conduct a nesting bird survey; if an active nest is located, the project biologist will develop site-specific measures to avoid nest impacts based on the identified species and activity.

The conduit is located in an area of the Mesa that is relatively undeveloped. For this portion of the proposed project, a qualified biologist will be on-site to monitor during work activities for species presence and behavior, and will adjust work activities to minimize potential impacts to identified species.

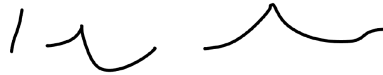
3. Visual resources: Due to local topography, the project site is not visible from Interstate-5 or Old Highway 101.

4. Public access: Work will take place within the Mesa site in an area not subject to public access. Trucks transporting material for recycling or to a landfill can be accommodated on Interstate 5.

This waiver will not become effective until reported to the Commission at its February 10-12, 2021 virtual 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) or more Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "John Weber". The signature is stylized with a prominent peak and a long tail.

John Weber
Senior Environmental Scientist

CALIFORNIA COASTAL COMMISSION

455 MARKET ST, SUITE 200
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400
TDD (415) 597-5885



Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 9-21-0031-W

Applicant: California State Lands Commission

Location: Rincon Island in Ventura County.

Proposed Development: All fifty of Rincon Island's (artificial island created for oil production) oil, gas and water production wells have been successfully and permanently plugged and abandoned. While the final disposition and potential future re-use of the island will be evaluated over the coming year(s), the California State Lands Commission (CSLC) is proposing to remove the remaining oil and gas production equipment and infrastructure from Rincon Island and bring it and its associated causeway into an interim caretaker status. While in caretaker status, CSLC intends for the island and causeway to present no risk to the environment or public. To achieve this, CSLC proposes the following activities: demolition and removal of the artificial oil production island's six storage tanks and associated equipment; flushing and removal of oil and gas transport pipelines from the island and causeway; demolition and removal of a support wall in the island's well bay; backfill and burial of well bay and well cellars; preparation of the island surface for stormwater containment and controlled discharge; demolition and removal of two small storage and support structures; removal of electrical systems; removal and replacement of approximately 300 feet of fencing and associated supports on the island's access causeway; and installation of security, safety and remote monitoring upgrades, including automated navigational aids.

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

- The project site is an existing industrial facility that has been used for oil and gas production for the past several decades, including well plugging and abandonment activities for the past two years. The proposed activities would not significantly increase human presence and the use of equipment and machinery beyond past levels.

Coastal Development Permit De Minimis Waiver

9-21-0031-W

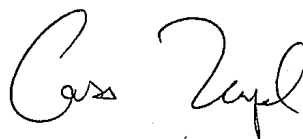
- Project-related activities will be accomplished during regular daytime construction hours and will not require the use of lighting that would have the potential to create a biological disturbance due to the introduction of light or glare. Site security will make use of existing lighting, which is shielded and pointed downwards to minimize its spread into non-target areas.
- Work activities will be performed above the water surface from the island interior or causeway decking using assorted electric and pneumatic hand tools and resulting in low noise levels similar to existing operations. Work activities will be limited to daytime hours.
- The project has been designed to ensure that no material is released into the nearshore or marine environment. Best management practices will be implemented to avoid, minimize and mitigate any spill or pollution risks. The oil production pipeline that crosses the causeway is not currently in use and will be capped and flushed prior to its removal.
- No special-status species have been identified within the project site.
- Project activities are anticipated to last no more than four months and would not include the use of public parking spaces or obstruction of existing coastal access points.

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

This waiver will not become effective until reported to the Commission at its February 10-12th meeting. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required. In addition, the site of the proposed development must be appropriately noticed, pursuant to 13054(b) of the California Code of Regulations, and this Notice of Pending Permit shall remain posted at the site until the waiver has been validated at the Commission hearing.

Sincerely,

John Ainsworth
Executive Director



Cassidy Teufel
Senior Environmental Scientist

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



January 21, 2021

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that RTI Infrastructure has applied for a one-year extension of Coastal Development Permit (CDP) 9-18-0593 granted by the California Coastal Commission on February 8, 2019, which is currently set to expire on February 8, 2021.

The permit granted approval for the installation and operation of a submarine fiber optic cable extending from Hermosa Beach, through state and federal waters, and landing in New Zealand and Australia. The cable would be connected to terrestrial infrastructure at a landing site previously approved by the Commission (CDP 9-16-0160). The project would also include construction of an ocean ground bed and use of existing manholes and duct structure underlying the street network to connect to the cable landing station at 25th Street east of Hermosa Avenue.

The project is located in state and federal waters offshore of Hermosa Beach to the edge of the continental shelf; and at an existing landing at 25th Street east of Hermosa Avenue in the City of Hermosa Beach, Los Angeles County, connecting to an existing conduit underlying the existing street network.

Pursuant to Section 13169 of the Commission's Regulations (14 Cal. Code Regs), the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission's Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the Commission at the above address or phone number.

Sincerely,

John Weber
Senior Environmental Scientist

Notice of Proposed Immaterial Permit Amendment
9-14-1735-A6

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
455 MARKET STREET
SUITE 300
PH (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



January 27, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**

Coastal Development Permit Amendment No. **9-14-1735-A6**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **9-14-1735-A6** granted to **California-American Water, Richard C Svindland, P.E.** for: Construct and operate temporary slant test well and associated monitoring wells to develop data necessary to assess the feasibility of the project site as a potential long-term water source for a desalination facility.

Project Site: CEMEX, Inc. Lapis Plant, Lappis Road, Marina, CA 93933 (APN(s): 2203011001, 2203011011)

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):

Background and Project Description: In November 2014, the Commission approved CDPs for Cal-Am to construct, operate, and decommission a test slant well and associated monitoring wells and other infrastructure in the City of Marina near the shoreline of Monterey Bay.¹ The project purpose was to conduct a pump test program to obtain data describing the geologic, hydrogeologic, and water quality characteristics in aquifers underlying the project area to see if the site would be suitable for wells that could be used by a long-term desalination facility as part of Cal-Am's proposed Monterey Peninsula Water Supply Project ("MPWSP"). In February 2015, Cal-Am completed installation and started the pump test, which ran until June 2015 when monitoring detected that groundwater levels were approaching a permit threshold that required Cal-Am to shut down the test and obtain a permit amendment. In November 2015, the Commission approved an amendment to modify the groundwater monitoring requirements and Cal-Am restarted its pump test.² On April 15,

¹ The project is partially within the Commission's retained jurisdiction and partially within the jurisdiction of the City of Marina's certified Local Coastal Program. The Commission accepted an appeal of the City CDP decision and approved the portions of Cal-Am's project within both jurisdictions.

² See Commission's Final Adopted Findings for 9-14-1735-A1 and A-3-MRA-14-0050-A1, November 2015.

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A6

2016, the Commission approved a further amendment to allow Cal-Am to modify its discharge pipe and to require additional monitoring of the pipe area. On December 13, 2017, the Commission approved an immaterial amendment to the permit providing an additional year for the test well to remain in place. Cal-Am ended its full-time pump tests on February 28, 2018. On November 9, 2018, the Commission approved an immaterial amendment to the permit allowing the test well to remain in place an additional year, until February 28, 2019. On February 14, 2020, the Commission again approved an immaterial amendment allowing another one-year extension until February 28, 2021.

Requested Amendment: On January 13, 2021 Cal-Am submitted an application to the Commission requesting the CDPs be further amended to allow the test well to remain in place for an additional year. **Special Condition 6** of the current CDPs as amended requires that, no later than February 28, 2021, Cal-Am complete its pump test, cut off, cap, and bury the slant well head, and remove all other associated temporary facilities. Cal-Am is now requesting that deadline be extended to February 28, 2022. As part of its request, Cal-Am states that it will not operate the well other than to provide limited periodic maintenance pumping (i.e., up to a few hours each week) during this one-year extension, just as it has done since ending its full-time pump tests in February 2018.

The previous one-year extensions were meant to allow the test well facilities to remain in place while Cal-Am first completed its CEQA and NEPA review processes with the California Public Utilities Commission (“CPUC”) and the Monterey Bay National Marine Sanctuary (“MBNMS”), followed by Cal-Am’s submittal of its coastal development permit applications for the proposed MPWSP and eventual review by the Commission. The CEQA and NEPA reviews were completed in 2018, and the Commission scheduled a September 2020 hearing on Cal-Am’s CDP application (and its appeal of the City of Marina’s denial of a CDP). Cal-Am withdrew its application shortly before that hearing, but later in 2020 submitted a new application, which remains incomplete. Cal-Am is proposing this additional one-year extension to allow the well to remain in place during the Commission’s expected upcoming review of Cal-Am’s requests for CDPs that could authorize the use of the test well facilities as part of Cal-Am’s proposal to construct additional wells and infrastructure nearby that would serve a desalination facility to be located further inland.³ If the additional wells and infrastructure are not approved by the Commission, Cal-Am would still be required to remove the test well and its associated infrastructure, but not until February 28, 2022. Should these permit review processes take longer than currently anticipated, Cal-Am may also request a subsequent extension of these CDPs.

Cal-Am has requested the change shown below in strikethrough and bold underline text to the currently-amended **Special Condition 6** of the CDP:

“Monitoring and Removal of Temporary Structures, Well Head Burial & Well Closure/Destruction. The Permittee shall monitor beach erosion at least once per week over the duration of the project to ensure the slant well and monitoring wells remain covered. If the wellheads, linings, casings, or other project components become exposed due to erosion, shifting sand or other factors, the Permittee shall

³ On November 14, 2019, the Commission found that substantial issue existed regarding an appeal of the City’s denial of Cal-Am’s CDP application and additionally continued the hearing for the consolidated permit review being conducted by the Commission.

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A6

immediately take action to reduce any danger to the public or to marine life. When components of the discharge pipeline below the connection to the outfall are exposed, the Permittee shall conduct monitoring, including photographic documentation of the exposed components, at least once per day until the components are naturally reburied, after which erosion monitoring shall be done no less than once per week. When components are exposed, the Permittee shall also post notices at the nearest upcoast and downcoast vertical public access points informing the public of the exposed components. The Permittee shall provide monitoring records, photographs, and proof of the above public notices to the Executive Director upon request.

Prior to conducting any repairs or reinstallation of exposed equipment that require construction methods other than the hand methods described in Amendment 2 of this permit, the Permittee shall apply for and obtain a permit amendment unless the Executive Director determines no such amendment is necessary.

*The Permittee shall complete its regular test slant well pumping operations by February 28, 2018. Thereafter, the Permittee may conduct limited periodic maintenance pumping necessary to maintain the test slant well. No later than February 28, 2022, the Permittee shall cut off, cap, and bury the slant well head at least 40 feet below the ground surface, and shall completely remove all other temporary facilities approved by this coastal development permit. To ensure timely removal, the Permittee shall post the bond or other surety device as required by **Special Condition 17** to ensure future removal measures would be appropriately supported and timed to prevent any future resurfacing of the well casing or other project components.*

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations. Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed [above? Will the correct address be in the header? If not, then say "below" and put in a place to insert the address below] 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 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.

Notice of Proposed Immaterial Permit Amendment

9-14-1735-A6

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):

The proposed amendment has been deemed "immaterial" for the following reasons:

- Public Access: The proposed amendment would delay for up to one year any required decommissioning activities. The project would remain subject to the CDP's other special conditions, including the terms of **Special Condition 6** above that require monitoring and notification to avoid potential adverse effects to public access to the shoreline.
- Biological and Marine Resources: Although the proposed amendment would delay decommissioning activities, the project would remain subject to the CDP's other special conditions, including those that require biological monitoring and that provide for the approved biologist(s) to halt any work activities that may affect special-status species or habitat near the project location. It would also eliminate the potential that Cal-Am's decommissioning work, if started now to comply with the currently required removal by February 28, 2021, could extend into the breeding/nesting season of the federally threatened western snowy plover (*Charadrius nivosus nivosus*), which starts on March 1 of each year. This proposed amendment will not result in new development in currently undisturbed areas of the site.

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at tom.luster@coastal.ca.gov.

Original on File signed by:

Tom Luster
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



February 1, 2021

Stephen Fordham
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

Subject: No-Effects Determination NE-0003-20 (Emergency Railroad Embankment Erosion Repair at Milepost 243, San Dieguito Lagoon, City of Del Mar, San Diego County)

Dear Mr. Fordham:

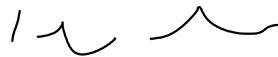
The Coastal Commission staff has reviewed the above-referenced No-Effects Determination, submitted by BRG on December 22, 2020 on behalf of the North County Transit District (NCTD). Between November 6 and November 13, 2020, NCTD undertook emergency repairs to approximately 150 feet of the western side of the railroad embankment at Milepost 243, immediately north of the San Dieguito Lagoon railroad bridge. According to NCTD, tidal influence and ocean wave action has concentrated tidal flows and wave action directly at the NCTD railroad embankment, due to the development of a sand bar which has engulfed all but two Camino Del Mar vehicle bridge spans immediately to the west. This section of the embankment is particularly susceptible to wave-induced erosion due to its location directly east of the mouth of the San Dieguito River, and had been the site of previous emergency stabilization in 2017 (NE-0001-17); the Commission concurred with that project in June 2017. NCTD informed Commission staff on November 5 that emergency repairs to the railroad embankment were necessary in advance of king tides forecasted for November and December, described the anticipated scope of work, noted that the emergency repairs would commence in early November, and committed to submitting an after-the-fact consistency certification or no-effects determination after completion of the project.

NCTD stated in its December 22, 2000, No-Effects Determination that the emergency work undertaken between November 6 and 13 stabilized and protected the eroded portion of the railroad embankment against further tidal scour and erosion. The project placed approximately 400 cubic yards of ¼ ton riprap (lined with filter fabric) on top of rock placed in the 2017 project, and sluiced sand was placed across the riprap slope for approximately 150 linear feet along the western railroad embankment. A turbidity curtain was installed and maintained along the lagoon shoreline to protect water quality during construction. No sensitive vegetation was present in the work area. Construction activities occurred from track-mounted equipment, with project staging occurring at an upland, already developed area south of the San Dieguito River, immediately adjacent to the rail line.

The emergency work was completed by November 13. Before and after site photographs submitted with the No-Effects Determination and in a post-construction report documented that the embankment was repaired to pre-erosion conditions. Work was conducted in accordance with the U.S. Army Corps of Engineers Regional General Permit No. 63 (Repair and Protection Activities in Emergency Situations), and a final work report was submitted to the Corps and the San Diego Regional Water Quality Control Board.

The Commission staff **concurs** with NCTD's No-Effects Determination that the November 2020 emergency repairs to the eroded western side of the railroad embankment north of the San Dieguito River railroad bridge did not adversely affect coastal resources. Please contact John Weber at (415) 904-5245 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, representing the name John Ainsworth.

(for)

JOHN AINSWORTH
Executive Director

cc: CCC – San Diego Coast District
Erich Lathers, BRG Consulting, Inc.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



February 2, 2021

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

Attn: Eric Jolliffe

Subject: Negative Determination ND-0039-20 (Ocean Beach Storm Damage Reduction Beach Nourishment Project, between Sloat Avenue and Fort Funston, City of San Francisco, San Francisco County)

Dear Ms. Beach:

The Coastal Commission staff has reviewed the above-referenced Negative Determination, submitted by the U.S. Army Corps of Engineers (Corps) on December 8, 2020. The Corps proposed to change the method of disposal of clean, sandy material dredged from the San Francisco Main Ship Channel (MSC) maintenance dredging project scheduled for 2021, such that sand would be placed on Ocean Beach, between Sloat Avenue and Fort Funston.

In April 2017, Commission staff concurred with the Corps' negative determination for annual maintenance dredging of the MSC covering the years 2017 through 2024 (ND-011-17). That negative determination included annual dredging of the MSC and disposal at the SF-17 and SF-8 disposal sites. In particular, SF-17, which is located in nearshore waters offshore this section of Ocean Beach, has been used since 2005 for placement of sand from MSC to incorporate this material into the nearshore sediment system at Ocean Beach, and thus to address ongoing erosion issues. The Corps' previous negative determination (ND-011-17) did not include the onshore placement of suitable material from MSC, as is proposed in the December 8, 2020 submittal and accompanying project draft environmental assessment.

The Corps states that the project purpose is to "reduce storm damage along the stretch of Ocean Beach between Sloat Boulevard and the Fort Funston Cliffs, where wave action threatens infrastructure and public safety...using dredged material from MSC dredged during O&M operations." Bluff erosion has resulted in a steep, ocean-side embankment along this stretch of beach, and the Corps estimates that the proposed project would have an expected lifespan of up to five years as wave and storm action continues to result in significant erosive forces. Sand would be placed on the 3,000-foot long section of Ocean

Beach between Sloat Boulevard and Fort Funston through a pipe extending from a hopper dredge approximately a half mile offshore. Sand pumped through this pipe would be used to initially establish a toe berm at low tide, approximately 100 feet seaward of the bluff edge, enabling bulldozers to then spread sand to form the desired final 1:4 (vertical: horizontal) slope and reaching an elevation of 30' MLLW, approximately matching the height of the existing bluff. The placement of dredged material on the beach is expected to take from 18 to 20 days based on an estimated 265,000 yd³ total volume of dredged material needed for the project. Project operations would occur in 2021 between July 15th and September 30th. Any additional material from the MSC in the 2021 dredging cycle in excess of what is needed for the Ocean Beach nourishment project would be placed at the SF-17 disposal site, consistent with the previously concurred-with project.

The Corps describes the proposed project as a single event, acknowledging that this project would occur within the larger context of a broader Ocean Beach–focused beach management program that the San Francisco Public Utilities Commission (PUC) is developing. According to the Corps, coordination with the PUC is occurring on this project; the PUC may consider efforts such as the proposed project as part of its longer-term beach program. Additionally, this project may help to reduce the need for current PUC activities that occur to address erosion in the project area, such as the trucking of sand from the northern portion of Ocean Beach southward.

Sediment testing conducted in 2018 indicated that material to be dredged from MSC predominantly consists of sand (greater than 90%) and is chemically clean, and thus is suitable for onshore placement from a sand composition standpoint. However, the Corps recognizes that there is also an interest in better understanding if such material contains invertebrates that are compatible with those invertebrate species presently found at Ocean Beach. In response to Commission staff requests regarding this issue, the Corps has committed to involving Commission staff in development of a monitoring effort to address this issue. This monitoring will also help to better understand the movement of placed sand on Ocean Beach.

Surfgrass and eelgrass are not present in the project area, as this is a high-energy nearshore zone continuously agitated by ocean waves. Chinook salmon (*Oncorhynchus tshawytscha*) may occur offshore Ocean Beach during their migration (November through May, generally), and coho salmon (*Oncorhynchus kisutch*) may migrate through San Francisco Bay in fall months, but neither species are anticipated to be present during the timeframe of the proposed project. Other fish species, such as sharks, skates, rockfish, and groundfish species found in the project area are not anticipated to be significantly affected by the proposed project. Turbidity from disposal operations is anticipated to be confined to the beach area and very limited due to the sandy nature of the sediment involved and thus would not be anticipated to result in water quality-related impacts to fish species.

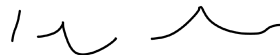
No nesting habitat for Western snowy plover (*Charadrius alexandrinus nivosus*) is found within the proposed project area. Snowy plovers and other shorebirds use Ocean Beach

for foraging habitat, and such habitat within the project area would be temporarily affected by the proposed project. However, the duration of such effects would be limited temporally and geographically; ample foraging habitat would remain to the north and south of the proposed project during the relatively short timeframe of construction. Similarly, ample foraging habitat offshore of Ocean Beach for species that feed in offshore environments, such as the California least tern (*Sterna antillarum browni*), would remain during the time of the proposed project.

Construction staging for the proposed project would occur at an existing parking lot at the foot of Sloat Boulevard. According to the Corps, only the southern portion of the existing parking lot would be required for construction staging, and thus public parking and the existing public restroom would remain available. During the project, 1,000-foot portions of the beach in the direct area of sand placement would be closed to public access for public safety purposes; beach-goers would thus have to use the bluff-top to traverse such closed areas. Fencing and contractor staff would be employed to manage public access during construction. Thus, the effect on public access to the beach during the project would be temporary, and the majority of the beach would remain open to the public even during construction.

In conclusion, the Commission staff **agrees** with the Corps' determination that the proposed project will not significantly affect coastal resources. We therefore **concur** with your negative determination for the project made pursuant to 15 CFR 930.35 of the CZMA implementing regulations. Please contact John Weber at (415) 904-5245 should you have any questions regarding this matter.

Sincerely,



(for)

JOHN AINSWORTH
Executive Director

cc: CCC – North Central Coast District

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
FAX (415) 904-5400



February 1, 2021

Ethan R. McKinley
Superintendent
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001-4354

Attn: Sterling Holdorf

Subject: Negative Determination ND-0040-20 (Anacapa Island Dock Replacement)

Dear Mr. McKinley,

The Coastal Commission staff has reviewed the above-referenced negative determination for the replacement of the existing dock on Anacapa Island. The Fall 2021 proposed project will consist of the replacement of the Anacapa Island dock and related improvements to provide safe at-sea transfer during on- and off-boarding boating operations and address structural deficiencies, while responding to and preparing for climate change-related concerns such as sea level rise. The dock is located on Anacapa Island, which is part of Channel Islands National Park and occurs within a state marine protected area and the Channel Islands National Marine Sanctuary.

The dock is the only public access point that vessel service provides to the island, and the current configuration requires visitors to transfer from vessels to the landing dock via ladder (and vice versa). On July 10, 2013, a volunteer lost his life during a dock to vessel transfer. Since then, many corrective operational strategies have been implemented; however, the dock replacement will address remaining structural deficiencies that pose safety risks. The current dock is 35-foot long (272 ft²) and sits upon a rock ledge that is exposed to wind, swells, and a nearly 10-foot tidal variation. Presently, eleven 12-in² wooden, mostly deteriorated piles support the dock, and structural connections are severely corroded or have failed.

The proposed dock will be constructed from shore using existing cranes and temporary scaffolding. It would be 514 ft², raised an additional 2-feet above the water line, incorporate a mechanical lift and two ladders, and would be supported by nine new steel pilings. The proposed dock increases overwater shading by 242 ft². The nine proposed piles will be installed on pre-cast 2-ft² reinforced concrete footings on the seabed, representing an increased pile related fill of 36-ft². Divers using hand-operated tools will conduct initial steps in installing the piles by chipping out an approximately 2-foot by 2-foot by 1-foot area of rock at the base of each pile to create a seat for the pile. Once the depression in the rock has been created the pre-cast piles will be lowered into the water and adhered the footings to the rock using a high-specific-gravity epoxy grout. The small amount and high density of the epoxy grout used would minimize or eliminate any grout dispersion. This is

necessary to ensure that the fender piles can withstand vessel impact. There is no pile driving or drilling proposed for this project. Four to five boulders currently sitting in the footprint of the new piles will be moved by diver a minimum distance necessary to provide proper access for the new piles.

Marine and terrestrial habitat impacts from this project are expected to be minimal. Construction related vessel traffic is not projected to exceed baseline vessel traffic at this site as the site is going to be temporarily closed to the public, and hence construction vessels are not additive. Marine habitat in the project area is rocky intertidal and subtidal, which is designated by the National Marine Fisheries Service as critical habitat for Black Abalone. However, there is no history of black abalone at this site, and no animals were found during a pre-construction dive survey. An informal consultation between the applicant and NMFS did not raise any significant historic or present concerns about impacts to the species. Additional shading from the increased dock size is not likely to impact the kelp canopy that currently grows under the pier: although there is a larger shade area, the raised dock increases the amount of sunlight under the structure, resulting in minimal net impacts. Any encrusting organisms that are present on the current piles are expected to repopulate quickly. Finally, there are no significant long-term impacts associated with noise to fish species and/or marine mammals as this construction will not include use of pile-driving equipment. However, there will be impacts to a very small area of rocky intertidal habitat as this project will be chipping rock and adhering new concrete footings to the bottom. Additional discussion between staff and the NPS led to an agreement to conduct cove clean-ups at nearby Frenchy's and/or Cathedral Coves to mitigate these impacts by improving nearby beach and rocky intertidal habitat through the removal of debris. The NPS will provide a report summarizing these clean-ups to Commission staff.

Other construction BMPs such as a spill management plan, immediate disposal of debris, covering scaffolding with plywood to ensure no debris enters the water, and a pre and post construction survey for black abalone and any habitat impacts will be applied to minimize temporary construction related impacts. Additionally, through discussion with Commission staff, the NPS has agreed to conduct formal Environmental Awareness Training for crewmembers who will act as biological observers. If any marine mammal is spotted within 500 meters construction will be temporarily halted to ensure the mammal has relocated from the project area.

Public Access would be restricted for the duration of this project (anticipated to be 3-6 months) as the dock is the only access point to the island. Anacapa Island is the second most visited of the Channel Islands. During the proposed construction timeframe, approximately 1,485-3,804 visitors (2019 numbers) could be expected to visit the island. However, as this project will result in safer conditions for all visitors to the islands, this temporary restriction is necessary to improve long-term recreational opportunities. Recreational water activities (such as kayaking and eco-tours) around the island and project area will not be impacted. Visually, the dock will maintain the same style of features except for replacement of degrading materials, which may be considered an improvement in visual quality.

ND-0040-20 (NPS)

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 – South Central Coast District

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



February 3, 2021

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

ATTN: Deb McKay

Re: Negative Determination ND-0042-20 (Directed Energy Systems Integration Laboratory
Land Based Laser Target Sites at Naval Base Ventura County Point Mugu)

Dear Captain Chism:

The Coastal Commission staff has received the above-referenced negative determination submitted by the United States Department of the Navy (Navy) for construction of a land-based laser target site and the conduct of land-to-land directed energy systems testing activities from the newly constructed Directed Energy Systems Integration Laboratory at Naval Base Ventura County Point Mugu (reviewed and concurred with by the Commission through ND-0012-19). The purpose of the proposed project is to support current and future directed energy weapon testing programs in order to accelerate the Navy's efforts to deliver laser systems to the field. The target site is needed to further the Navy's directed energy test program with land-based target sites in an operationally relevant maritime environment. The Navy has stated that the proposed project furthers its statutory responsibility to provide combat-ready forces and to support the Department of Defense's directed energy test program requirements for operationally realistic directed energy engagements in both marine and land environments.

As part of the project, the Navy proposes to construct a new 400 to 500 square foot one story (15 to 18 feet high) building to house electro-optical instrumentation so it can study and verify laser system operations prior to live testing. The building would also be outfitted with an Instrument Control Room protected from laser energy for operators who would control/monitor equipment during lasing and accomplish data capture. Building construction may include earthwork activities to raise the base elevation by one to three feet. In addition, the Navy would install up to five new manually operated drop arms

ND-0042-20 (Navy)

(temporary safety barricades) across the following roads to limit access to the area between the DESIL and the target sites during laser operations: South L Avenue at the 18th Street intersection, Beach Road at South M Avenue, Beach Road on the western side of G Avenue intersection, 20th Street west of G Avenue, and the entrance to Surfer Beach. All of these roads are located fully within Naval Base Ventura County Point Mugu (NBVCPM) and are not available for public use. Finally, the Navy also proposes to install two land-based mobile target sites located at the existing Nike Missile Zeus Pad and Alpha Pad. The mobile target sites would consist of container express (CONEX) boxes (or similar), trailers, instrumentation equipment, target boards, and other temporary support equipment such as portable generators and/or chillers.

Proposed operations would involve scheduled testing activities that direct laser energy at the three land-based targets from fixed laser sources located at the Directed Energy Systems Integration Laboratory. The Navy estimates conducting laser testing up to 116 days per year, including some events at night. Typical test event duration would be several hours or more in a 24-hour period. Multiple lasers could be operated within an event. Typical event duration time would include the initial set-up, road closure, testing, an all-safe determination, then road opening.

The project would be located in an industrial area of NBVCPM, where the Navy controls access, and therefore will not affect public access or recreation. The Navy will implement standard construction Best Management Practices and spill prevention and clean-up plans to minimize any adverse effects from accidental releases of fuels, oils, debris or other construction materials. No in-water construction activity is proposed and direct impacts associated with disturbance of the shoreline would not occur. Construction would have no impact on the marine environment and during construction, best management practices (BMPs) would be implemented to minimize impacts to marine water quality. There is no proposed in-water construction activity. Direct impacts associated with disturbance of the shoreline would not occur and construction would have no impact on the marine environment. During construction, best management practices (BMPs) would be implemented to minimize impacts to marine water quality. BMPs could include the installation of fiber rolls, sediment traps, jute netting, check dams, and other measures. The construction contractor would coordinate with the NBVC Point Mugu Natural Resources Office staff, the Construction Manager, and the Engineering Technician to ensure the proper BMPs are installed and maintained. For example, fiber rolls slow down the flow of water, capture sediment and organic matter, and diffuse water flow across the land surface.

The project would occur outside of all areas of wetlands and sensitive plant and wildlife habitat. However, due to the presence of federally listed bird species on NBVCPM (Ridgway's rail, Western snowy plover and California least tern), the Navy submitted a Biological Assessment to the U.S. Fish and Wildlife Service in October 2020 and is proceeding with consultation under Section 7 of the federal Endangered Species Act.

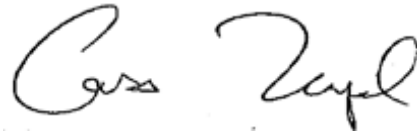
Under the federal consistency regulations [15 CFR Section 930.35(a)], a negative determination can be submitted for an activity "...which is the same or is similar to activities for which consistency determinations have been prepared in the past." The proposed

ND-0042-20 (Navy)

project is similar to previously concurred with consistency and negative determinations for Navy construction and operations activities on Naval Base Ventura County Point Mugu and San Nicolas Island (ND-0012-19 for Directed Energy Systems Integration Laboratory (DESIL); ND-0007-18 for the U.S. Coast Guard Air Station Relocation; CD-0001-16 for the NBVC Point Mugu Shoreline Protection Repairs; CD-002-01 for Point Mugu Sea Range Testing and Training; ND-017-09 for Navy Laser Testing and Training Program, Point Mugu Sea Range; ND-0207-13 for Point Mugu Sea Range Countermeasures Testing and Training; and ND-0213-13 for Directed Energy Test Facilities at San Nicolas Island).

In conclusion, the Coastal Commission staff **agrees** that the proposed construction and use of Directed Energy Systems Integration Laboratory land-based laser target sites at Naval Base Ventura County Point Mugu are similar to the above-referenced determinations and will 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 Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov or (415) 904-5245 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cass Teufel". The signature is written in a cursive, flowing style.

(for)

JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



February 1, 2021

Mr. J.R. Habeck
Department of the Navy
Naval Base San Diego
3455 Senn Road
San Diego, CA 92136-5084

ATTN: Deb McKay

Re: Negative Determination ND-0003-21 (Maintenance dredging of the approach corridors for Piers 1-3, Piers 7-8, and Pier 13; the mouth of Chollas Creek, and Pier 10 at Naval Base San Diego)

Dear Mr. Habeck:

The Coastal Commission staff has received the above-referenced negative determination submitted by the United States Department of the Navy (Navy) for maintenance dredging of the approach corridors for Piers 1-3, Piers 7-8, and Pier 13; the mouth of Chollas Creek, and Pier 10 at Naval Base San Diego (NBSD). The Navy proposes to conduct dredging that will remove approximately 62,000 cubic yards (cy) of sediment to return these areas to previously-dredged operational depths and maintain safe and adequate navigation and berthing areas for Navy assets at NBSD. As the material proposed for dredging is not suitable for beneficial reuse, dredged sediment will be disposed of at the EPA-approved offshore dredge disposal site LA-5, located 5.4 miles southwest of Point Loma, and at an approved upland landfill.

The Navy's sediment analysis was approved by the Army Corps of Engineers (ACOE) and the Environmental Protection Agency. The analysis showed that of the 62,000 cy of proposed dredged sediment, 61,470 cy were deemed suitable for ocean disposal at LA-5 and 467 cy of sediment will be disposed at an approved upland landfill.

The project is located in an industrial area of NBSD, where the Navy controls access, and therefore will not affect public access or boater recreation. The Navy will implement standard construction Best Management Practices and spill prevention and clean-up plans to minimize any adverse effects from accidental releases of fuels, oils, debris or other construction materials. Water quality impacts from dredging would be localized and

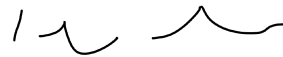
temporary, and dredging operations will be adjusted as necessary to minimize turbidity impacts on water quality and marine resources. If turbidity is observed beyond the immediate vicinity of the project area, dredging activities will be adjusted to allow turbidity to dissipate. The project area will be monitored for the presence of marine mammals and sea turtles prior to the commencement of, and during, all dredging activities. If necessary, dredging operations will be modified to avoid affecting those species. The project will generate temporary and localized noise and turbidity within the dredging footprints and proposed disposal location but will cause no long-term adverse effects to marine resources.

The project will occur outside California Least Tern foraging areas and will not affect that species. Water depths associated with this project do not generally support the growth of eelgrass, but the Navy will nonetheless conduct eelgrass surveys at the mouth of Chollas Creek and mitigate any project-related impacts to eelgrass according to the provisions of the California Eelgrass Mitigation Policy.

Under the federal consistency regulations [15 CFR Section 930.35(a)], a negative determination can be submitted for an activity "...which is the same or is similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to previously concurred with consistency and negative determinations for Navy maintenance dredging activities in San Diego Bay (ND-0002-18, ND-0011-16, ND-0031-14, CD-011-13, ND-052-12, and ND-011-11).

In conclusion, the Coastal Commission staff **agrees** that the proposed maintenance dredging and disposal activities is similar to the above-referenced determinations and will 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 John Weber at John.Weber@coastal.ca.gov or (415) 904-5245 if you have any questions regarding this matter.

Sincerely,



(for)

JOHN AINSWORTH
Executive Director

cc: San Diego Coast District Army Corps, L.A. District