

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION

455 MARKET ST, SUITE 300

SAN FRANCISCO, CA 94105

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Prepared August 4, 2021 (for the August 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 August 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 August 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 August 12, 2021.

With respect to the August 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 August 12, 2021 (see attached)

Waivers

- 9-21-0464-W, Temporary deployment of several types of monitoring instruments to evaluate physical and environmental conditions near a pilot-scale Wave Energy Converter (Pacific Northwest National Laboratory, Scripps Pier, San Diego County)

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0015-21, Department of the Navy, Pier 5000 Dredging Project, Naval Base Point Loma, San Diego County, Action: Concur, 7/27/2021
- ND-0019-21, National Oceanic and Atmospheric Administration, Marine Debris Removal, Tijuana River Valley, San Diego County, Action: Concur, 7/16/2021

Administrative Items for Federal Consistency Matters, No-Effects Determinations

- NE-0003-21, North County Transit District, Extend COASTER rail service to San Diego Convention Center, Petco Park, and Gaslamp District, City of San Diego, San Diego County, 7/20/2021

CALIFORNIA COASTAL COMMISSION

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July 30, 2021

**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: 9-21-0464-W

Applicant: Pacific Northwest National Laboratory (“PNNL”)

Location: Pacific Ocean, offshore of Scripps Pier in San Diego, CA

Proposed Development: The project involves temporary deployment of several types of monitoring instruments to evaluate physical and environmental conditions near a pilot-scale Wave Energy Converter (“WEC”) temporarily installed about 2,000 feet offshore of the Scripps Pier. The WEC was previously approved by the Commission under CDP Waiver #9-18-0933-W. PNNL’s project activities will occur in areas within several hundred feet of the WEC, as described below.

PNNL’s project involves three main tasks: 1) deploying an underwater camera to record video footage of habitat areas around the WEC; 2) deploying three passive hydrophone stations to evaluate noise near the WEC; and, 3) conducting field trials of three versions of a “NoiseSpotter,” which consists of an array of instruments used to detect and record in-water sounds:

- 1) The camera would be mounted on an approximately two-foot square and 40-inch tall aluminum frame near a WEC anchor. It would be used to identify potential effects of the anchors on fish aggregation or other possible habitat changes. It would be deployed from a vessel using a livestream camera to set it in place on the seafloor. There would be several short initial deployments (10-15 minutes each) to help determine appropriate working distances between the camera and WEC components. These would be followed by longer term deployments during a six-day survey period about a month after the WEC is in place.
- 2) The hydrophones include three passive acoustic monitoring devices that record underwater sound data and are mounted on tripod lander systems about five feet in diameter, each with a pop-up buoy recovery system. They would be deployed from about 325 to 650 feet from the WEC and would be in place for about six months.

- 3) The project includes three types of the NoiseSpotter device:
 - a. The Real-Time NoiseSpotter consists of a hydrophone acoustic recorder and three particle motion detection sensors installed on an approximately five-foot square platform. It includes a surface data buoy connected to the platform by a cable and a two-point anchor system that would sit on the seafloor. It would be deployed in three separate scenarios – a three-hour deployment about 650 feet south of the WEC; up to about 30 short-term deployments of 30 to 60 minutes each at various locations about 325 and 650 feet from the WEC, and; an eight-hour deployment about 650 north of the WEC.
 - b. The similar Autonomous NoiseSpotter would be placed on the seafloor to collect data internally for five days. Data retrieval would be via a pop-up buoy to be released at the end of the five-day deployment. It would be located about 650 feet south of the WEC.
 - c. The Drifting NoiseSpotter and an accompanying C-DAISY-type hydrophone would be tested. These consist of separate units, each with a suite of sensors underwater that are coupled to a surface buoy with up to about 30 feet of cable. Deployment would consist of up to 30 “drifts,” where the units would be released from a vessel and recovered about 20 minutes later. Researchers and vessel crew will maintain visual contact with the units and vessels will be kept close to allow for prompt recovery.

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:

- Project activities would take place in an area of silt/sandy bottom habitat within the San Diego-Scripps Coastal State Marine Conservation Area or the adjacent State Marine Reserve and would be subject to a Scientific Collection Permit from the California Department of Fish and Wildlife. The activities would result in only minor and temporary impacts, primarily due to temporary increases in turbidity, to several dozen square feet of this common and relatively less sensitive habitat type.
- Project activities could result in fuel spills due to the use of vessels; however, this risk is considered negligible as the research vessels to be used are operated by Scripps Institute of Oceanography using Best Management Practices and spill prevention and response methods.
- Due to the short-term nature of the work, the project would have no more than de minimis effects on public access or recreational use of this offshore area and would not adversely affect aesthetics or views to and along the shoreline.
- The proposed development is consistent with past Commission actions in the area and with Coastal Act Chapter Three policies.

This waiver will not become effective until reported to the Commission at its August 10-12 2021 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

Tom Luster
Senior Environmental Scientist

cc: File

CALIFORNIA COASTAL COMMISSION

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July 27, 2021

Vicky Anh Ngo
National Environmental Policy Act Coordinator
Department of the Navy
750 Pacific Highway
San Diego, CA 92132

Re: Negative Determination No. ND-0015-21: Pier 5000 Dredging Project at Naval Base Point Loma

Dear Ms. Anh Ngo:

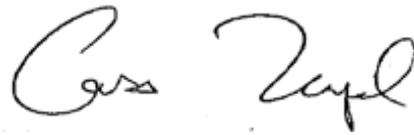
The Department of the Navy has submitted the above-referenced negative determination for the maintenance dredging of approximately 6,365 cubic yards of sediment to maintain submarine berthing capabilities at Pier 5000, located approximately 1.5 miles north-northeast of the southern tip of the Point Loma peninsula at Naval Base Point Loma. The Navy considered three disposal alternatives: nearshore replenishment, ocean disposal, and upland disposal. Recent sediment test results confirm that the sediment at the Pier 5000 dredging area is not suitable for nearshore beneficial reuse. However, the sediment was found to be suitable for ocean disposal and is proposed to be disposed of at the LA-5 Ocean Dredged Material Disposal Site. Dredging and disposal activities will comply with the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), Sections 404 and 401 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Best Management Practices will be implemented to protect coastal water quality, including implementing a spill prevention and cleanup plan. In addition, the project would not affect public access; the project area is off-limits to the public due to military security and public safety needs. Pre- and post-construction surveys for *Caulerpa* (invasive algal species) and eelgrass (an environmentally sensitive species) will be conducted in accordance with the National Marine Fisheries Services and California Department of Fish and Wildlife published protocol. Dredging activities would occur outside of the least tern breeding season. Protocols will be in place to monitor, avoid, and protect marine mammals and sea turtles during dredging activities.

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." We agree with the Navy that the proposed dredging is similar to previous Commission staff concurrences including the following negative determinations submitted by the Navy for Naval Base Point Loma

dredging activities (ND-0052-12, ND-0031-14, and ND-0008-19). The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. The project would not adversely affect public access and recreation, sensitive habitats, or other 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 Alexis Barrera at alexis.barrera@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cassidy Teufel". The signature is fluid and cursive, with the first name "Cassidy" written in a larger, more prominent script than the last name "Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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July 16, 2021

Amanda Dwyer
Grants Management Specialist
National Oceanic and Atmospheric Administration
Office of Response and Restoration
1305 East-West Highway
Silver Spring, Maryland 20910

Re: Negative Determination No. ND-0019-21: Marine Debris Removal, Tijuana River Valley, San Diego County

Dear Amanda Dwyer:

We have received your letter dated June 28, 2021, in which you have determined that the above-referenced proposal to prevent and remove marine debris from the Tijuana River Valley would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0019-21. The Coastal Commission staff agrees that the proposed project 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 Alexis Barrera at alexis.barrera@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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July 20, 2021

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

Subject: NE-0003-21: No Effects Determination for North County Transit District's San Diego Convention Center Platform Project

Dear Mr. Shroyer:

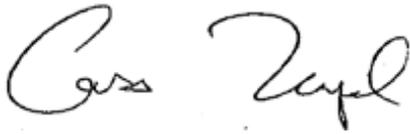
The Coastal Commission staff has reviewed the above-referenced no-effects determination. The North County Transit District (NCTD) proposes to extend existing COASTER passenger rail service one mile south of the Santa Fe Depot in downtown San Diego to a new station platform that would provide direct connectivity to the San Diego Convention Center, Petco Park, and Gaslamp District. The proposed platform would be located between First Avenue and Fifth Avenue, within railroad right-of-way (ROW) along Harbor Drive. The Project site extends from Control Point (CP) Broadway at Milepost (MP) 267.6 to CP Ballpark (MP 268.7).

Existing public access to the coastline of San Diego Bay would be maintained during construction and improved upon implementation of the Project. During construction, a portion of the Martin Luther King, Jr. Promenade/Bayshore Bikeway, which is designated as a Class I bike path, would be temporarily closed to accommodate the installation of the siding track between First and Fifth Avenues and reconstruction of an approximate 400-foot portion of the Class I bike path closest to Fifth Avenue. No impacts on coastal access would occur because detours would be implemented on existing parallel facilities for up to two months to maintain access through the project limits for all users of the facility.

In addition, to address the proposed addition of impervious surfaces, during final design, low impact development-based or structural best management practices would be implemented to treat the runoff from the new platform for applicable pollutants of concern. This post construction stormwater quality approach will be captured in a stormwater quality management plan to be submitted to the City of San Diego for approval. Further, NCTD will require the construction contractor to immediately stop subsurface activities if previously unidentified, potentially hazardous materials are encountered, or significantly stained soil is found during construction. Contractors will be instructed to follow applicable regulations regarding discovery, response, and disposal for hazardous materials and/or soils encountered during the construction process.

In conclusion, the Commission staff agrees with NCTD's no-effects determination that the proposed platform will not adversely affect coastal resources. Please contact Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov should you have any questions regarding this matter.

Sincerely,

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

Cassidy Teufel
Manager
Energy, Ocean Resources and Federal Consistency Division
California Coastal Commission