

CALIFORNIA COASTAL COMMISSION

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



Th7

Prepared September 3, 2021 (for the September 9, 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 September 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 September 9, 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 September 9, 2021.

With respect to the September 9th 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 September 9, 2021 (see attached)

Waivers

- 9-21-0402-W, Application of the City of Ventura for a waiver to temporarily deploy an acoustic doppler current profiler (ADCP) unit on the ocean floor at a depth of 50-60 feet, approximately one mile offshore. (Ventura Harbor, Santa Barbara County)

Emergency Permits

- G-D-21-0028, Repair of an approximately 15 foot-wide section of berm damaged by high tides in Steamshovel Slough at the Synergy Oil Field Site in Long Beach. (Los Angeles County)

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0022-21, NOAA Restoration Center, Refugio Beach Oil Spill Restoration Plan, Refugio Beach, Santa Barbara County, Action: Concur, 8/20/2021.
- ND-0023-21, Monterey Bay National Marine Sanctuary Management Plan Update, Mendocino County, Action: Concur, 9/2/2021.

Administrative Items for Federal Consistency Matters, No Effects Determinations

- NE-0004-21, Freeport-McMoRan Oil & Gas proposal to install Automatic Identification System (AIS) equipment to create aids to navigation for the three Point Arguello platforms, Santa Barbara County, Action: Concur, 8/27/2021.

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



August 26, 2021

Notice of 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: 9-21-0402-W

Applicant: City of Ventura

Location: Approximately one mile offshore Ventura Harbor

Proposed Development: The City of Ventura proposes to temporarily deploy an acoustic doppler current profiler (ADCP) unit on the ocean floor at a depth of 50-60 feet, approximately one mile offshore of Ventura Harbor. The ADCP unit will be made of a metal or plastic frame approximately five feet in diameter and three to four feet tall. The ADCP unit will be placed by divers on sandy substrate and secured to the ocean floor using sand screws or metal weights. The ADCP unit will collect ocean current data for 12 months which will be used to update plume modeling for the area offshore of Ventura Harbor. Divers will conduct maintenance checks on the ADCP unit and download current data monthly. Following the 12-month data collection period, the entire ADCP unit and any metal weights or sand screws will be fully removed.

Rationale: For the following reasons, the proposed development will not adversely affect 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:

- Seafloor habitat mapping studies and side scan sonar data show only soft bottom sea floor (fine sand, silt, and clay) in the project area.
- Sensitive marine habitats including surfgrass (*Phyllospadix scouleri*), eelgrass (*Zostera marina*) and kelp (i.e. *Macrocystis pyrifera*, etc.) beds were not found in the project area during habitat surveys.

Coastal Development Permit De Minimis Waiver
9-21-0402-W

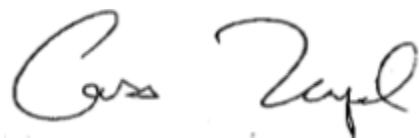
- The site of deployment is inshore of the commercial halibut trawling area; the closest benthic fishing zone is approximately two miles west of the deployment site.
- Recreational fishing and use of bottom contact fishing gear is limited in the project area.
- A vessel-based observer will monitor for marine mammals during installation and monthly maintenance of the ADCP unit and will enforce a safety zone around the project site. Activities that may pose an entanglement or injury risk to marine mammals will not be carried out if any marine mammals are observed within or approaching the safety zone.
- Installation of the ADCP unit is expected to only take one to two hours and monthly maintenance of the unit is expected to take one to four hours.
- The ADCP unit will be placed at a depth below substantial wave action and has no loose parts which could contribute to marine debris.
- Divers will assess the condition of the ADCP unit during monthly maintenance trips. Due to low wave action and fishing activity in the project area, potential damage to the unit is not expected. In the unlikely event that divers find any damage or marine debris from the ADCP unit, the unit will be repaired and marine debris collected and brought onshore for proper disposal.
- As advised by the Ventura Harbor Master, the ADCP unit will not be marked with a surface buoy and will be located using a high accuracy GPS locator and diver search.
- The ADCP unit will be completely removed after 12 months.
- Deployment will be coordinated with the U.S. Coast Guard in advance of deployment activities.
- The project vessel will have a Spill Prevention and Response Plan and appropriate equipment on board during all project installation, maintenance, and recovery activities.

This waiver will not become effective until reported to the Commission at its September 8-10, 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,

John Ainsworth
Executive Director

Coastal Development Permit De Minimis Waiver
9-21-0402-W

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
Manager

cc: Commissioners/File

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

**EMERGENCY PERMIT**

Issue Date: August 27, 2021
Emergency Permit No. G-D-21-0028

APPLICANT:

John McKeown
Synergy Oil and Gas
6433 East 2nd Street
Long Beach, CA 90803

LOCATION OF EMERGENCY:

6433 East 2nd Street, Long Beach, CA 90803

EMERGENCY WORK:

Repair of an approximately 15 foot-wide section of berm damaged by high tides. The berm is located in Steamshovel Slough at the Synergy Oil Field Site in Long Beach. The repairs involve filling the eroded section with clean material and replacing the pipe through the berm that controls tidal water flow.

This letter constitutes approval of the emergency work you or your representatives have done at the location listed above. I understand from the information submitted that high tides resulted in an unexpected occurrence that included structural damage and rapid deterioration to the protective berm that separates Steamshovel Slough and oil operations areas at the Synergy Oil Field Site. This damage required immediate action to prevent ocean water from flooding nearby oil wells and causing an oil spill, thus preventing loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.
- (c) The work proposed would be limited to what is necessary to address the emergency and consistent with the requirements of the Coastal Act of 1976.

August 27, 2021

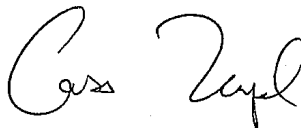
Emergency Permit No.: G-D-21-0028

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth

Executive Director

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".

By: Cassidy Teufel, Manager

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
4. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. The application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized was completed. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director.
8. Failure to a) submit a complete follow-up CDP Application that complies with Condition 7 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and

consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

CALIFORNIA COASTAL COMMISSION

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



August 20, 2021

Jennifer Boyce
National Oceanic and Atmospheric Administration
501 West Ocean Boulevard, Suite 4470
Long Beach, CA 90802

Re: Negative Determination No. ND-0022-21, NOAA Restoration Center, Refugio Beach
Oil Spill Restoration Plan

Dear Ms. Boyce:

We have received your letter dated June 30, 2021, in which you have determined that the above-referenced Restoration Plan would not adversely affect coastal zone resources for the reasons identified in Negative Determination No. ND-0022-21. The Coastal Commission staff agrees that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Cassidy Teufel at cassidy.teufel@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

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

CASSIDY TEUFEL
Federal Consistency Coordinator
(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



September 2, 2021

Lisa Wooninck
Acting Superintendent
Monterey Bay National Marine Sanctuary
99 Pacific Street Building 455A
Monterey, CA 93940

Re: Negative Determination No. ND-0023-21, Monterey Bay National Marine Sanctuary
Management Plan Update

Dear Dr. Wooninck:

We have received your letter dated July 6, 2020, in which you have determined that the above-referenced proposal to revise the Monterey Bay National Marine Sanctuary's 2008 management plan and regulations would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0023-21. 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 "Cass Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE (415) 904- 5200
FAX (415) 904- 5400
TDD (415) 597-5885



August 27, 2021

David Rose
Director, Environmental Health and Safety
Freeport-McMoRan Oil & Gas
201 S. Broadway
Orcutt, CA 93455

Subject: NE-0004-21: No Effects Determination for Freeport-McMoRan Oil & Gas's Automatic Radar Potting Aid (ARPA)/Ship Traffic Warning System (STWS) Upgrades on the Point Arguello Unit

Dear Mr. Rose,

Thank you for the opportunity to review and comment on the proposal by Freeport-McMoRan to upgrade the ARPA and STWS, sent on August 6, 2021.

Based upon our review of Freeport-McMoRan's proposal, Coastal Commission (Commission) staff has determined that installation of Automatic Identification System (AIS) equipment to create aids to navigation for the three Point Arguello platforms will not cause substantially different effects on coastal zone resources than those previously reviewed by the Commission (CC-012-83, CC-024-84, CC-027-83). Although the proposed changes involve the relocation of personnel off the platforms, the relocation of personnel will not change the procedure of contacting approaching vessels or change the procedure of sending a response vessel or helicopter to warn vessels of the platforms' presence, should the vessels be unreachable by AIS or radio. Therefore, Freeport-McMoRan's proposal will not require additional federal consistency review by the Commission at this time.

No Effects Determination and Standard of Review

The Commission staff's standard of review for Freeport-McMoRan's proposal is whether the proposed changes associated with upgrading the existing radar-based system to an AIS system would affect "...any coastal use or resource in a manner that is not consistent with the approved management program" (15 CFR §930.85(b) and 930.82 and 930.83). Thus, the issue is whether Freeport-McMoRan's proposal is consistent with the navigation safety commitments made in the Commission's prior Consistency Certifications for the Point Arguello platforms' Development and Production Plans.

The current radar system in use to assist mariners with navigation was installed on the platforms in 1984; at the time it was installed, shipping traffic and navigational technologies were different than what is in use today. Since then, the vessel traffic separation scheme has been extended west by approximately 21 miles; the extension means that vessels are now transiting further away from the platforms. Similarly, all commercial vessels are now equipped with an AIS as well as radio and radar systems. The AIS system allows for automatic vessel, or object, identification,

including tracking vessel speed and direction. However, the platforms are not currently identified in the AIS system.

Freeport-McMoRan is proposing to install AIS equipment to identify all three of the Point Arguello platforms (Harvest, Hidalgo, and Hermosa) with aids to navigation. The platforms will be identified as obstructions to all vessels within the AIS. Vessel speed and direction will be tracked through the operations center, and vessel name and contact information will be displayed to personnel in the operations center for intervention, if necessary. The operations center will be changed from Platform Harvest to an offsite 24-hour monitoring service that is based onshore.

No changes will be made to the navigation lighting and fog horns on the platforms, or to the procedure of dispatching a vessel or helicopter to intercept and warn vessels of the platforms presence if the vessel is unreachable by radio or phone. While this proposal will reduce the number of personnel on the platform, the improvements in navigation technology, and the personnel at the shore-based operations center will meet the navigational safety standards and commitments made in the Commission's prior reviews.

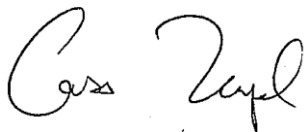
Conclusion

For the reasons discussed above, the Commission staff has determined that Freeport-McMoRan's proposal to upgrade the navigational safety systems to include AIS will not cause effects on coastal zone resources substantially different than those previously reviewed by the Commission in its prior federal consistency review, and therefore will not require additional federal consistency review by the Commission at this time.

However, the Commission staff expressly reserves the right afforded to the Commission under 15 CFR §930.85 to re-open this determination in the event that the navigational system technology and procedures described in the subject proposal are not adhered to, or if they have an effect on any coastal use or resource substantially different from that described in this or previous proposals.

Thank you for considering our comments. If you have any questions, please feel free to contact the Commission's Energy, Ocean Resources, and Federal Consistency staff: Holly Wyer (holly.wyer@coastal.ca.gov).

Sincerely,

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

Cassidy Teufel
Manager

Energy, Ocean Resources, and Federal Consistency Division