

CALIFORNIA COASTAL COMMISSION

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



Th7

Prepared March 1, 2022 (for the April 7, 2022 Hearing)

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

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on April 7, 2022. 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 April 7, 2022.

With respect to the April 7th 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 April 7, 2022 (see attached)

Waivers

- 9-22-0174-W, Temporary deployment of two wave measurement buoys and two current monitoring units on the ocean floor at a depth of between 30 and 100 feet, for up to three months (Offshore Point Loma, San Diego County).

Immaterial Amendments

- 1-93-73-A3, Replacement of 200 existing bottom bag longlines with 150 new elevated longlines that would support hanging bad or basket oyster cultivation containers (Charles Friend Oyster Company, State Water Bottom Lease No. M-0430-04, Tomales Bay, Marin County).

**Administrative Items for Federal Consistency Matters,
Negative Determinations**

- ND-0008-22, Channel Islands National Marine Sanctuary proposed temporary deployment of oceanographic buoys, offshore Anacapa, San Miguel, Santa Rosa, and Santa Cruz Islands, Action: Concur, 12/3/2020.

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March 14, 2022

NOTICE OF PERMIT WAIVER EFFECTIVENESS

To: Scripps Institution of Oceanography at University of California, San Diego

From: Kate Huckelbridge, Deputy Director
Alexis Barrera, Environmental Scientist

Subject: Coastal Development Permit (CDP) Waiver 9-22-0174-W

Please note that CDP Waiver 9-22-0174-W was reported to the California Coastal Commission on March 11, 2022 and became effective as of that date. CDP Waiver 9-22-0174-W allows for:

Temporary deployment of two wave measurement buoys and two current monitoring units on the ocean floor at a depth of between 30 and 100 feet, for up to three months.

At: Approximately one-mile offshore Point Loma, San Diego County

Please be advised that CDP Waiver 9-22-0174-W only authorizes the development as proposed and described in the Commission's files; any changes to the proposed and described project may require a CDP to account for the changes or a CDP for the entire project. If you have any questions, please contact Alexis Barrera in the Energy, Ocean Resources and Federal Consistency Division at the address and phone number above.

Sincerely,

John Ainsworth
Executive Director

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

Cassidy Teufel
Manager

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
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March 24, 2022

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **1-93-73-A3**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **1-93-73-A1** granted to **Charles Friend Oyster Company** for: oyster aquaculture in Tomales Bay on State Water Bottom Lease No. M-430-04

Project Site: Approximately 62 acre intertidal and subtidal area near the mouth of Walker Creek in Tomales Bay, Marin County

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):

Within a portion of State Water Bottom Lease No. M-430-04, replacement of 200 existing bottom bag longlines with 150 new elevated longlines that would support hanging bag or basket oyster cultivation containers. The 150 proposed elevated longlines would include 101 lines, 400 feet long each with a total of 5,356 two-inch diameter PVC support posts and approximately 150 bags per line; 30 lines, 350 feet long each with 1,380 total PVC support posts and 131 bags per line; and 19 lines, 200 feet long each with 500 PVC support posts and 75 bags per line.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above 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).

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

Notice of Proposed Immaterial Permit Amendment

1-93-73-A3

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.

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):

- Provisional approval for the proposed conversion of cultivation equipment was granted by the U.S. Army Corps of Engineers on March 3, 2022 (File Number SPN-2010-00144).
- The California Fish and Game Commission and California Department of Fish and Wildlife have confirmed that the proposed new cultivation equipment is authorized for use on State Water Bottom Lease No. M-430-04.
- Charles Friend Oyster Company (CFOC) supports the following revision of Special Condition 5 of its existing CDP to include the types of cultivation gear proposed to be added to its operation. This revised condition would help minimize the release of marine debris and encourage its collection and removal:

5. Loose Cultivation Containers Bags. All ~~mesh~~ shellfish cultivation containers bags (including "baskets," "tipping bags," "bottom bags" and "floating bags") used on State Water Bottom Lease No. M-430-04 shall be affixed to anchored longlines. No loose or untethered cultivation containers bottom bags shall be placed or maintained on State Water Bottom Lease No. M-430-04, and any loose or untethered cultivation containers bags from the permittee's operation found on State Water Bottom Lease No. M-430-04 or surrounding areas shall be relocated and reattached to anchored longlines or collected and removed as soon as feasible.

- To help ensure sensitive marine habitats are protected, CFOC has proposed to install all elevated longlines no less than ten feet from eelgrass habitat, as demonstrated through a survey carried out in 2020 and memorialized through

Notice of Proposed Immaterial Permit Amendment

1-93-73-A3

revised Special Condition 2, which would include a confirmatory assessment prior to installation of cultivation equipment (revisions shown in strikethrough and underline):

2. Protection of Eelgrass. ~~The applicant shall not cut or disturb any eelgrass growing on the bay bottom during installation or use of the proposed shellfish cultivation apparatus. No shellfish cultivation equipment, anchors, or other structures, gear or equipment shall be installed or placed within ten feet of eelgrass habitat, as determined by the Executive Director using the definition of eelgrass habitat in the National Marine Fisheries Service's October 2014 California Eelgrass Mitigation Policy (CEMP). Prior to replacing existing bottom bag longlines with new elevated longline structures or equipment, the Permittee shall submit, for Executive Director review and approval, information collected within the most recent eelgrass growing season (May through September) demonstrating that no eelgrass is present within the area in which replacement is proposed. If eelgrass is present or the Executive Director does not approve the information (for example, because it is inconclusive, out of date, of inadequate resolution, or improperly collected), the Permittee shall retain the services of a qualified, independent third party to carry out an eelgrass survey of that area. The survey shall be carried out consistent with the methodology and protocols established in the CEMP and shall be carried out during the eelgrass growing season in which installation activities will occur (or the previous growing season if installation will occur after the completion of one growing season and prior to the start of the next). Within 30 days of survey completion, the results of the eelgrass survey shall be provided to the Executive Director for review and approval along with a map or diagram showing the footprint and location of proposed cultivation structures and equipment relative to nearby eelgrass habitat and demonstrating that installation within eelgrass habitat, as defined in the CEMP, will not occur. The Executive Director shall make reasonable efforts to review the eelgrass surveys and issue a decision within 60 days of receipt of the survey. While installation of shellfish cultivation structures and equipment shall be prohibited within eelgrass habitat, as defined in the CEMP, if such eelgrass habitat moves or expands into areas with existing cultivation structures and/or equipment, the Permittee may continue to maintain and use these areas for shellfish cultivation.~~

- All operations, including planting, inspection and harvest activities, would be carried out consistent with the relevant marine resource protection conditions and requirements of CDP No. 1-93-73-A1.
- Conversion of cultivation equipment would result in only minor changes to the cultivation operations approved by the Commission in CDP Nos. 1-93-73, 1-93-73-A1 and 1-93-73-A2.
- CFOC's 2021 Annual Report – required in Special Condition 6 of its existing CDP - demonstrated its compliance with the marine debris reduction and management requirements of its coastal development permit.

Notice of Proposed Immaterial Permit Amendment

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- The proposed project would be consistent with Section 30411(c) of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov.

cc: Commissioners/File

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March 14, 2022

Dr. James MacMahan, Professor
Oceanography Department
Naval Postgraduate School
833 Dyer Rd., Bldg. 232, Rm. 328
Monterey, CA. 93943

Re: Negative Determination No. ND-0008-22: Rocky Shores Research, Pacific Grove,
Monterey County

Dear Dr. MacMahan:

We have received your letter dated January 26, 2022, in which you have determined that the above-referenced proposal to temporarily park a trailer-mounted tower and collect oceanographic data in Pacific Grove would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0008-22. 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 that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director