

CALIFORNIA COASTAL COMMISSION

455 MARKET ST, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
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W11

Prepared August 5, 2022 (for the August 10, 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 August 2022**

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 10, 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 August 10, 2022.

With respect to the August 10th 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 10, 2022 (see attached)**Waivers**

- 9-22-0608-W, repairs to observational and research project infrastructure and an extension of the timeframe of the research project for an additional 10 years, Monterey Bay Aquarium Research Institute and Stanford Hopkins Marine Station (Moss Landing and Pacific Grove, Monterey County).

Emergency Permits

- G-9-22-0027 (SoCalGas Co.) Repair of a corroded 2-inch steel distribution pipeline at one location that is causing a natural gas leak (Carpinteria Salt Marsh Reserve, Santa Barbara County).

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0026-22, United States Department of Agriculture proposal to carry out the removal, repair and replacement of farming and ranching fencing and irrigation infrastructure damaged in the CZU Complex Fire, Pie Ranch, LLC, San Mateo County, Action: Concur, 8/4/2022.
- ND-0029-22, National Park Service proposal to implement radar monitoring of vessels on Anacapa Island, Anacapa Island, Channel Islands National Park, Santa Barbara County, Action: Concur, 7/15/2022.
- ND-0030-22, Bureau of Land Management proposal to close and re-route an eroding section of beach access trail at Mal Coombs Park, Humboldt County, Action: Concur, 7/28/2022.

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
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WWW.COASTAL.CA.GOV



July 28, 2022

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: 9-22-0608-W

Applicants: Monterey Bay Aquarium Research Institute (MBARI) and Stanford Hopkins Marine Station (HMS)

Location: MBARI: 7700 Sanholdt Road, Moss Landing, CA 95039
HMS: 120 Ocean View Blvd., Pacific Grove, CA 93950

Proposed Development: The proposed project consists of repairs to observational and research project infrastructure and an extension of the timeframe of the research project for an additional 10 years. Installation of the infrastructure for the research project was previously approved by the Commission under waiver number E-11-004-W. This research infrastructure would be used to study the effects of ocean acidification on marine organisms and communities. The proposed repairs covered under this waiver would include removal and disposal of 350 meters of two deteriorated synthetic rubber hoses, each 1.75 inches in diameter. These hoses would be replaced with a single synthetic rubber hose, of the same diameter and length. The proposed repairs would also include installation of a self-burying communications cable, as the existing communications cable is defective. The communications cable would be approximately 0.72 inches in diameter and would be deployed in parallel with the new seawater hose. The existing communications cable would be removed with the other project infrastructure at the end of the project, to minimize impacts to the seafloor.

Rationale:

- All repair and installation work in the water or on the seafloor would be performed with divers using hand tools.

Coastal Development Permit De Minimis Waiver
9-21-0731-W

- The proposed installation would use the same existing drain pipes for the cable and hose landing as was approved in waiver E-11-004-W.
- The proposed installation would take place in sandy-bottom habitat, and not within sensitive habitat such as eelgrass or kelp forest.
- The trenching on the beach for cable and hose installation would be backfilled the same day.
- Delivery and installation of the cable and hose would not prohibit or impact public access to the beach.
- Hose removal will take approximately 5 days, and installation of the new hose and cable will take approximately 3 days each.
- The existing infrastructure installed under waiver E-11-004-W has not created impacts to coastal resources and is not expected to cause new impacts over the 10-year extension.

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 August 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

Original on File signed by:

Cassidy Teufel
Manager

cc: File

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**EMERGENCY PERMIT**

Issue Date: July 29, 2022
Emergency Permit No. G-9-22-0027

APPLICANT:

James Chuang
Principal Environmental Specialist
Southern California Gas Company
555 W. 5th Street, GT02A
Los Angeles, CA 90013

LOCATION OF EMERGENCY:

Sandyland Cove Road, Carpinteria Salt Marsh Reserve, Santa Barbara County
(APN 004-031-009)

EMERGENCY WORK:

Repair of a corroded 2-inch steel distribution pipeline at one location that is causing natural gas to leak. The pipeline is located along Sandyland Cove Road in the vicinity of a residential neighborhood and adjacent to salt marsh habitat. The repairs involve minor excavations and installing a clamp on the corroded portion of the pipeline to stop the natural gas leak.

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 corrosion of the steel pipeline resulted in structural damage and deterioration of the line at one location. This damage required immediate action to prevent the leaking of natural gas in close proximity to homes and public roads, 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:

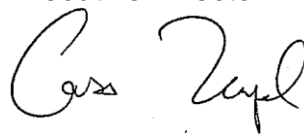
(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

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 written in a cursive style with a large initial "C" and a long, sweeping tail.

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.

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455 MARKET STREET, SUITE 300
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August 4, 2022

Mary J. Dugger
California State Farm Service Agency Office
United States Department of Agriculture
430 G Street #4161
Davis, Ca 95616

Re: Negative Determination No. ND-0026-22: Repair and replacement of fire damaged fencing and irrigation infrastructure at Pie Ranch, LLC, San Mateo County

Dear Ms. Dugger:

We have received your letter dated June 22, 2022, in which you have determined that the above-referenced proposal to carry out the removal, repair and replacement of farming and ranching fencing and irrigation infrastructure damaged in the CZU Complex Fire would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0026-22. 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 Cassidy Teufel at Cassidy.Teufel@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

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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July 15, 2022

Laura Kirn
Acting Superintendent
Channel Islands National Park
National Park Service
1901 Spinnaker Drive
Ventura, CA 93001

Subject: Negative Determination **ND-0029-22** (Radar Monitoring of Vessels on Anacapa Island, Anacapa Island, Channel Islands National Park, Santa Barbara County)

Dear Acting Superintendent Kirn:

We have received your letter dated July 12, 2022, in which you have determined that the above-referenced proposal to install for 10 years a ProtectedSeas Marine Monitor (M2) radar system and related equipment on Anacapa Island to improve coastal monitoring of Marine Protected Areas within the Channel Islands National Park and the Channel Islands Marine Sanctuary would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0029-22. 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

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July 28, 2022

Jennifer Wheeler
Field Manager, Detail
Bureau of Land Management
Arcata Field Office
1695 Heindon Road
Arcata, CA 95521

Re: Negative Determination No. ND-0030-22: Mal Coombs Park Beach Accessway
Repair, Bureau of Land Management; Shelter Cove, Humboldt County

Dear Ms. Wheeler:

We have received your letter dated July 20, 2022, in which you have determined that the above-referenced proposal to close and re-route an eroding section of the beach access trail at Mal Coombs Park would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0030-22. 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 Cassidy Teufel at Cassidy.Teufel@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