

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
455 MARKET STREET
SUITE 300
SAN FRANCISCO, CALIFORNIA 94105-2421
(415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



Th8

Prepared August 24, 2022 (for the September 08, 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 September 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 September 08, 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 September 8th.

With respect to the September 8th 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 08, 2022 (see attached)

Immaterial Amendments

- **9-20-0275-A1** application for: the placement and installation of four fiber optics cable landing pipes and one subsea fiber optic cable extending westward into the Pacific Ocean (RTI Infrastructure, West Grand Avenue and Highway One near Pismo State Beach, Grover Beach, San Luis Obispo County).

Administrative Items for Federal Consistency Matters, Negative Determinations

- **ND-0031-22**, U.S. Fish and Wildlife Service construction of a fish passage improvement structure on Strawberry Creek at Highway 101, McKinleyville, Humboldt County, Action: Concur, 8/17/22.
- **ND-0032-22**, Department of the Air Force ten-year maintenance dredging plan at the Vandenberg Space Force Base Harbor, Action: Concur, 8/17/22.
- **ND-0034-22**, National Park Service wetland restoration activities at Upper Rodeo Beach, Golden Gate National Recreation Area, Marin County, Action: Concur, 8/9/22.

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August 25, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **9-20-0275-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director
Amanda Cousart, Environmental Scientist

Subject: Permit No. **9-20-0275** granted to the **RTI Infrastructure** for: the placement and installation of four fiber optics cable landing pipes and one subsea fiber optic cable extending westward into the Pacific Ocean.

Project Site: West Grand Avenue and Highway One near Pismo State Beach, Grover Beach, San Luis Obispo County (APN: 060-381-010).

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):

Modified location of two out of four fiber optics cable landing pipes approximately 450 feet southeast of their originally approved location at the West Grand Avenue/Fin's Seafood Restaurant parking lot near Pismo State Beach. Additionally, install a 600 foot conduit connection between the existing and new location.

Background and Project Description:

In 2020, the Commission approved CDP 9-20-0275 for RTI Infrastructure to install four landing pipes and one fiber optic cable as part of a multi-phase project to install and operate up to four transpacific submarine fiber optic cables landing at Pismo State Beach in Grover Beach with the purpose of connecting the United States to Singapore, Hong Kong, Guam, and/or Australia. The first cable project approved in the CDP extended cable through state and federal waters to Singapore. That project included the authorized installation of four bore pipes using horizontal drilling techniques. These bore pipes begin in the parking lot adjacent to Fin's Seafood Restaurant (in the northeast portion) on West Grand Avenue at Pismo Beach and extend approximately 3,600 feet offshore from the cable landing site. The pipes associated with this project are 5 to 6 inches in diameter, installed using a horizontal

directional drilling (HDD) technique, and situated approximately 35 below the substrate until they surface offshore at a water depth of approximately 33 feet. The first cable project used one of the approved landing pipes, with the other three landing pipes intended for future use. Two of the landing pipes have been constructed at present.

Requested Amendment:

On April 29, 2022, RTI Infrastructure (RTI) submitted an application to the Commission requesting an amendment to CDP 9-20-0275 to move the location of the (not yet constructed) landing pipes three and four approximately 450 feet southeast of their originally approved location but still within the parking lot located adjacent to Fin's Seafood Restaurant at Pismo State Beach in Grover Beach. This relocation would facilitate the future placement of cables that would avoid excess crossings with existing cables and large areas of mapped hard bottom seafloor habitat. Additionally, RTI has requested that the staging area for the project be relocated approximately 450 feet southeast of the original staging area for the project but still within the developed parking lot approved in the original CDP. Finally, RTI has requested to install a 600 foot underground conduit system (which contains an ocean ground bed for cathodic protection) from the location of the new pipe locations north and west to landing pipes one and two. The proposed conduit connection between landings one, two, three, and four would also be installed using the HDD technique.

The California State Lands Commission certified an addendum to the Mitigated Negative Declaration for the project (SCH No. 20200040309) at its hearing on April 16, 2022, and determined that the changes to the previously approved project (e.g.: change in location of two landing pipes) would not result in any new significant environmental impacts.

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 of this 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 of this 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

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

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 of this 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):

Coastal Act Issues

The key Coastal Act issues raised by the original project were potential adverse impacts to marine resources and commercial fishing resulting from the installation and operation of the subsea fiber optics cable. Impacts on water quality were considered as they related to the potential release of fuels or fluids from project vessels or inadvertent release of drilling materials during the installation of bore pipes.

As part of CDP 9-20-0275, a vessel anchoring plan was prepared by RTI Infrastructure in order to avoid mapped bull kelp species in areas of loose silty sand near the seaward terminus of the steel bore pipes. As part of this immaterial amendment application, the vessel anchoring plan was updated to reflect the new proposed location of landing pipes three and four and continues to avoid bull kelp and prohibit project vessel anchorage within beds near the seaward terminus of the bore pipes. Furthermore, as part of CDP 9-20,0275, new CDP applications would be submitted for the installation of any fiber optics cables installed from the proposed new, southeastern location of the bore pipes.

Additionally, the following special conditions included with CDP 9-20-0275, which address potential impacts with the originally approved project, also apply to the proposed amendment:

- **Special Condition 3.** This special condition adopts the Mitigated Negative Declaration mitigation measures concerning marine habitats, biological resources, fishing, public access, cultural resources, and other hazards. Specifically, it adopts best management practices to ensure that any construction-related vehicles that could release oil or other hazardous materials are employing safe fueling practices; regular employee training and equipment maintenance is carried out; a spill contingency plan is adhered to; and that Tribal monitors are present during ground disturbance activities.
- **Special Condition 18.** This special condition requires the permittee to adhere to an inadvertent release contingency plan for horizontal directional drilling (HDD) activities. The HDD plan includes an evaluation of worst-case

spill volume, the trajectory and depth of bores, a commitment to using water as a drilling fluid for the last 60-100 feet of the bore, training, monitoring and response requirements, detection methods for accidental releases, and other fluid release protocols which require multi-agency notifications.

With the continued implementation of the existing CDP's special conditions, the work under the proposed amendment would be carried out in a manner to help ensure that adverse impacts to coastal resources would be avoided and minimized. Further, the proposed amendment would also allow RTI to avoid and minimize adverse impacts to hard bottom habitat from future cable projects by allowing for the use of alternative route options that do not pass through known areas of such habitats. As such, the proposed project is consistent with the applicable policies of Chapter 3 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 Amanda Cousart at amanda.cousart@coastal.ca.gov.

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



August 17, 2022

Dan Gale
Fish and Wildlife Biologist
Habitat Restoration Program
U.S. Fish and Wildlife Service
1655 Heindon Road
Arcata, CA 95521

Re: Negative Determination No. ND-0031-22: Strawberry Creek at Highway 101 Fish Passage Improvement Project, McKinleyville, Humboldt County, California

Dear Mr. Gale:

We have received your letter dated July 15, 2022, in which you have determined that the above-referenced proposal to construct a fish passage improvement structure in the Highway 101 grade control ramp on Strawberry Creek would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0031-22. 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 Wesley Horn at Wesley.Horn@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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August 17, 2022

Beatrice Kephart
Chief
Installation Management Flight
Department of the Air Force
1028 Iceland Avenue
Vandenberg SFB CA 93437

Re: Negative Determination No. ND-0032-22: Ten-Year Maintenance Dredging Plan at the Vandenberg Space Force Base (VSFB) Harbor

Dear Ms. Kephart:

We have received your letter dated July 6, 2022, in which you have determined that the above-referenced proposal to implement a ten-year maintenance dredging plan at the VSFB harbor would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0032-22. 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 Wesley Horn at Wesley.Horn@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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August 9, 2022

Darren Fong
Aquatic Ecologist
Golden Gate National Recreation Area
National Park Service
Bldg 1062, Fort Cronkhite
Sausalito, CA 94965

Re: Negative Determination No. ND-0034-22: Upper Rodeo Beach wetland restoration project, Golden Gate National Recreation Area, Marin County

Dear Mr. Fong:

We have received your letter dated June 10, 2022, in which you have determined that the above-referenced proposal to carry out wetland restoration activities, including by restoring a more natural hydrology and increasing the extent of wetlands in the Upper Rodeo Beach project area by backfilling an existing gully and reestablishing its natural contours, would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0034-22. 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, appearing to read "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director