

CALIFORNIA COASTAL COMMISSION

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

**F7**

Prepared March 30, 2023 (for the April 14, 2023 Hearing)

To: Commissioners and Interested Parties
From: Cassidy Teufel, Acting Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for April 2023**

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 14, 2023. 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 14, 2023.

With respect to the April 14th 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 14, 2023 (see attached)

Waivers

- **9-22-0698-W**, San Diego Gas & Electric (San Diego County)
- **9-23-0281-W**, Providence Mission Hospital (Laguna Beach)

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

- **ND-0001-23**, Training and testing at Naval Base Point Loma (San Diego County)

- **ND-0002-23**, Replacement of Pier 302 at Naval Base Point Loma (San Diego County)
- **ND-0003-23**, Development and Operation of Port Damage Repair Trainer Facilities in Port Hueneme at Naval Base (Ventura County)

Immaterial Amendments, Immaterial Extensions, Administrative Items for Federal Consistency Matters, No-Effects Determinations

- None

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



March 29, 2023

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: 9-22-0698-W

Applicant: San Diego Gas & Electric Company

Location: Sorrento Valley, San Diego, CA 92121

Proposed Development: The proposed project is a follow-up to an Emergency Coastal Development Permit (CDP) issued on June 10, 2022, to replace 1,106 linear feet of existing 30-inch diameter natural gas pipeline with higher-strength steel pipe and hydrostatically test it to meet current operating standards. The emergency work involved use of an existing dirt service road to access the site as well as excavation of a 15-foot-wide open trench to install the new line. Excavation of the trench, use of the service road and establishment of vehicle and equipment access required removal of 10,388 square feet (0.23 acres) of Diegan Coastal Sage Scrub (DCSS) habitat.

Restoration of the disturbed habitat would include initial application of a native seed mix comprised of Diegan Coastal Sage Scrub species followed by temporary wire fencing and signage to prevent intrusion into the restoration area. Minor erosion control measures may be installed in restoration areas prone to erosion. The site would be monitored for a period of five years with six visits per year. During site visits as needed maintenance would be performed including minor erosion control maintenance, fencing and signage maintenance, irrigation, supplemental seeding, and weed control. A maintenance and monitoring report would be prepared annually summarizing maintenance and monitoring activities conducted during the year and would include updates on the condition of the site, the cover of native species, and the cover of non-native species.

Coastal Development Permit De Minimis Waiver
9-22-0698-W

Rationale:

- The pipeline repair was the minimum amount of work necessary to address the emergency and was completed consistent with the ECDP.
- All of the emergency work took place within an existing San Diego Gas & Electric (SDG&E) utility easement.
- Less than one year would pass between the initial disturbance from the emergency work and initiation of restoration activities.
- The seed mixture that would be applied at the site would consist of an appropriate mixture of native species for DCSS habitat.
- Approximately 50 pounds of seed would be applied within the 0.23-acre area to ensure that the area receives sufficient cover of seeds to facilitate recovery.
- Temporary wire fencing and signage would be installed in the area of restoration to prevent intrusion.
- The site would be visited six times per year for monitoring and adaptive management actions would be implemented as necessary including supplemental seeding, irrigation, weed removal, minor repairs to erosion control devices, and trash removal.
- Performance criteria for measuring the success of the restoration site include greater than or equal to 75 percent cover of native species and less than or equal to ten percent cover of non-native species relative to the adjacent undisturbed DCSS reference site.
- After five years a final report would be prepared and submitted to the Commission summarizing whether the performance criteria have been satisfied. If the performance criteria have not been satisfied the project would continue monitoring and maintenance of the site until the performance criteria are satisfied.

This waiver will not become effective until reported to the Commission at its April 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,

Kate Huckelbridge
Executive Director

Original on File signed by:

Wesley Horn
Environmental Scientist

cc: File

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



March 30, 2023

Notice of Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit applications 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: 9-23-0281-W

Applicant: Providence Mission Hospital Laguna Beach

Location: 31872 South Coast Highway, City of Laguna Beach

Proposed Development: Application of Providence Mission Hospital Laguna Beach to permanently authorize emergency diesel fuel spill cleanup work previously conducted under Emergency Permit Nos. G-9-20-0032 and G-9-21-0050, including equipment mobilization and the removal and backfill of approximately 445 cubic yards of diesel fuel contaminated beach sand from Totuava Beach, City of Laguna Beach, near the terminus of a storm drain culvert. To restore the site to pre-development conditions, the removed sand was replaced with clean sand of similar composition and characteristics (e.g., quantity, grain size, color, etc.) as the native beach sand. Under Emergency Permit G-9-20-0032, 365 cubic yards of clean replacement sand was dispersed in nearshore waters to retain it within the littoral cell and help move it onto the beach. Under Emergency Permit G-9-21-0050, 60 cubic yards of clean replacement sand was dispersed evenly across the back beach to restore the original elevations and contours at the project site. The source of the diesel spills was the hospital's upland generator facility, and the Applicant is in the process of developing a concrete secondary containment curb around the hospital generator facility to prevent any future spills. Once complete, the Applicant would provide a final design plan to the Executive Director. It should be noted that this waiver is not authorizing construction or other development at the hospital generator facility. Therefore, such work would require separate authorization, as necessary. In addition, the applicant is proposing to donate \$10,000 to the Laguna Ocean Foundation, a local non-profit active in resource enhancement projects, to help them pursue marine resource and water quality enhancement projects in the project area.

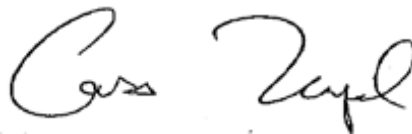
**Coastal Development Permit De Minimis Waiver
9-23-0281-W**

Rationale: For the following reasons, the proposed diesel cleanup project did not adversely affect coastal resources, public access, or public recreation opportunities, and is consistent with and the relevant Chapter Three policies of the Coastal Act:

- All cleanup work took place during daylight hours and lighting of the beach was prohibited.
- Construction work and equipment operations were not conducted in the surf zone unless wave run-up and tidal waters had receded from the authorized work area.
- Absorbent materials were placed around the work and staging area to prevent diesel or contaminated material from entering coastal waters.
- All construction areas were demarked by temporary fencing designed to allow public access outside of the work area and protect public safety to the maximum extent feasible.
- The construction site was maintained with good site housekeeping controls and procedures (e.g., all leaks, drips, and other spills were cleaned up immediately; waste was disposed of properly; and all debris was removed from the beach).
- Biological monitors were onsite during all beach work.
- Soil and surface water samples were taken throughout the project, and testing confirmed that the site at issue has been remediated and restored. Furthermore, the cleanup was authorized and overseen by the California Department of Fish and Wildlife Office of Spill Prevention and Response and the San Diego Regional Water Quality Control Board.
- Inspections were performed following completion of the project to ensure that no additional diesel was observed in the sand and the replacement sand was reasonably stable and conformed to the original beach elevations and contours at the site.

This waiver will not become effective until reported to the Commission at its April 12-14, 2023, 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,



CASSIDY TEUFEL
Manager
(for)

KATE HUCKELBRIDGE, PhD
Executive Director

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



March 10, 2023

B. E. Burket
Naval Base Point Loma
Department of the Navy
140 Sylvester Road
San Diego, California 92106-3521

Subject: Negative Determination **ND-0001-23** (Training and testing at Naval Base Point Loma, San Diego County)

Dear B. E. Burket:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U. S. Navy (Navy) proposes to continue and increase land-based military readiness training activities and research, development, testing, and evaluation activities at Naval Base Point Loma (NBPL) in San Diego, California. Current activities within NBPL include:

Naval Information Warfare Center Pacific

- Testing activities for unmanned systems within NBPL (see attached enclosure).
- Unmanned aircraft system operations within NBPL.

Naval Special Warfare Command

- Special reconnaissance scenarios, personnel recovery, over the beach training, technical tactical operations, and target raids within the Robot Training Lane, Battery Woodward, cable/power line trail and outlook, and Infiltration and Extraction Over the Beach Area (see attached enclosure).
- Over the beach training includes personnel crossing the beach and cliff climbing on foot from the NBPL Seaside beach site using trails, unimproved roads, and paved access routes, when possible.

Explosive Ordinance Disposal

- Explosive energetic tool training involving dummy explosive devices, using explosive energetic tools, and simulated improvised explosive devices (very small explosive charge encased in a plastic bottle full of water) within NBPL (Robot Training Lane, Battery Woodward, Battery Whistler, and Rural Search Training Village) (see attached enclosure).
 - Explosive energetic tool usage is two to three times a month, with three to five fired per event.
- Chemical/Biological Warfare Agent/Homemade Explosive Hazards training using a mock chemical or biological warfare agent (no smoke or irritants) at defined training areas (Robot Training Lane, Battery Woodward, Battery Whistler, and Rural Search

ND-0001-23 (U.S. Navy)

Training Village).

- 10 annual training activities.
- Nuclear Hazard training in a mock radiological environment.

New proposed activities include:

Naval Information Warfare Center Pacific

- Conduct additional small unmanned aircraft systems activities, including counter-unmanned aircraft systems. Testing of unmanned aircraft systems weighing less than 55 pounds would increase from 600 to 1,200 events per year and unmanned aircraft systems weighing more than 55 pounds would increase from 0 to 100 events per year.
- Increase the number of unmanned systems testing activities from 200 to 350 events per year and expand the unmanned systems Southern Test Area to incorporate an existing unpaved two-track road.

Naval Special Warfare Command

- Conduct additional over the beach training activities and increase the number of locations where activities could occur. Over the beach activities would increase from six to 24 day and 40 night events.
- Conduct up to 40 events of timed-fuse calculation training which involves practicing proper fuse securing, handling, and use without using explosives.
- Conduct force protection activities to support simulated operations between teams.

Explosive Ordinance Disposal

- Increase improvised explosive device training and incorporate additional areas for training. Training would increase from 30 to 33 events per year.
- Conduct up to 30 personnel insertion and extraction training events per year.
- Designate up to two unimproved helicopter landing zones (HLZs) to support three personnel insertion/extraction events per year using rotary-wing aircraft (does not include tilt-rotor aircraft). Helicopters would fly directly westward over the Pacific Ocean to NBPL and momentarily sit stationary on the HLZ for loading and unloading (approximately 15 minutes). No ground disturbance would be needed for this designation and HLZs would not be used at night or during the coastal California gnatcatcher breeding season (February 15 through August 31).

The proposed activities are designed to be implemented in a manner that would avoid and minimize adverse impacts on coastal resources. For example, proposed activities would all occur within the boundaries of NBPL where public access is restricted. Training and testing activities would occur away from publicly accessible points of interest, with both noise and visual effects primarily shielded by coastal bluffs and hillsides. Additionally, helicopter paths would not cross over any public areas, instead paths are directly westward to NBPL over the Pacific Ocean. Helicopter use would also be restricted to outside of the coastal California gnatcatcher's breeding season, and would follow altitude constraints to avoid adverse impacts.

Training and testing activities would primarily occur on existing roads, facilities, and trails. Unimproved roads would require minimal vegetation clearing to allow for safe passage of

ND-0001-23 (U.S. Navy)

unmanned systems vehicles. Activities that do occur off-road would be designed to “leave no trace” and would be limited to within 10 feet of existing trails. Cliff climbing as part of over the beach activities would follow standard safety procedures and an existing Erosion Control Plan to avoid causing erosion on cliffs. The Navy would also implement standard best management practices and comply with existing hazardous materials regulations to protect against the spillage of crude oil, gas, or other hazardous materials. Fueling activities are not proposed however effective containment and cleanup procedures and materials would be present on site.

Although the Navy has determined that there would be minimal adverse effects to sensitive habitat from the proposed training and testing activities, the project area includes the Point Loma Ecological Conservation Area (PLECA) which includes habitat for Orcutt’s spineflower and coastal California gnatcatcher. The PLECA is a voluntary, nonregulatory collaboration among the Navy, U.S. Fish and Wildlife Service (USFWS), U.S. Coast Guard, the National Park Service, the Department of Veteran Affairs, and the City of San Diego to protect sensitive habitat in NBPL. The Navy is holding ongoing coordination with the PLECA signatories for the proposed training and testing activities, including a consultation with the USFWS, to ensure adverse impacts to the sensitive resources within the PLECA are avoided and minimized.

To protect against adverse impacts due to training and testing activities on Orcutt’s spineflower and its habitat, the Navy would implement protective measures such as avoiding areas of known occurrences and demarcating those areas in the field, on training maps, and in geographic information system files. Additionally, a qualified biologist would conduct annual surveys for Orcutt’s spineflower in occupied and high-quality habitat areas. If new areas of Orcutt’s spineflower are identified, they will also be demarcated and avoided during proposed activities. Other protective measures include restricting vehicles to designated routes outside of areas with Orcutt’s spineflower or coastal California gnatcatcher habitat, as well as providing annual environmental awareness instruction to operators.

To reduce potential adverse impacts to coastal California gnatcatcher habitat, the Navy would implement protective measures such as avoiding off-trail training during the breeding season in optimal and suitable habitat areas; restricting noise-producing activities to established roads, trails, and developed areas; restricting unmanned aircraft systems from flying below 50 feet above ground level over optimal and suitable habitat; and not exceeding the 60 A-weighted decibel threshold for avian harassment during breeding season by maintaining sufficient high altitudes for aircraft. In addition, any vegetation trimming on the existing road area at the unmanned systems Southern Test Area would be conducted outside of the coastal California gnatcatcher breeding season. Noise generating activities such as firing blanks, simulated ammunitions, and explosive energetic tools, would be used outside of optimal habitat during the breeding season.

For explosive energetic tool training within the bunker at Battery Woodward, the Navy would conduct a noise study outside of the breeding season to determine the buffer distance needed to not exceed the noise threshold for avian harassment during the breeding season. Qualified biologists would also conduct an eight-week survey at the start of the breeding season to locate gnatcatchers, their nests, and frequently used shrubs/areas used by gnatcatchers. These areas would be marked for avoidance and incorporated in the training as an avoidance area. Further the Navy has committed to

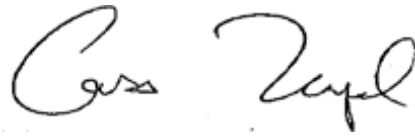
ND-0001-23 (U.S. Navy)

incorporating any and all conservation measures required by the biological opinion issued by the USFWS .

With the incorporation of these conservation and protection measures, the ongoing coordination with the signatory agencies of the PLECA, and the locations of the activities, the Commission staff **agrees** that the proposed training and testing activities at Naval Base Point Loma would not adversely affect coastal resources.

With that understanding, we **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 should you have any questions regarding this matter.

Sincerely,

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

(for)
KATE HUCKELBRIDGE
Executive Director



Figure 1: Proposed Testing (NIWC Pacific) and Training (NSW/EOD) Areas

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ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE (415) 904-5260
FAX (415) 904-5400



March 28, 2023

Commanding Officer
Naval Base Point Loma
140 Sylvester Road
San Diego, CA 92106-3521

Re: Negative Determination No. ND-0002-23: Replacement of Pier 302 at Naval Base Point Loma, San Diego County

Dear Commanding Officer:

The Coastal Commission staff has received and reviewed the above-referenced negative determination dated January 11, 2023, for the U.S. Navy's (Navy) proposed replacement of Pier 302 at Naval Base Point Loma (NBPL), San Diego County. Pier 302 is located within San Diego Bay at NBPL and is primarily used by the Naval Information Warfare Center Pacific and the Navy's Marine Mammal Program (MMP). Pier 302 was originally constructed of wood in 1937, was retrofitted in 1988 with concrete piles and steel to support the original 1937 timber structure and is approximately 360-feet (ft) long and 30-ft wide covering 10,000 square feet. The purpose of the project is to replace an aging and inadequate pier to maintain safe and secure access to MMP pens and to provide a safe working environment for Navy personnel. The new concrete fixed pier and two pedestrian gangways would be at a higher elevation of +14.3 feet MLLW to accommodate sea level rise, and the overall surface area of the pier would be reduced by 16% within the original footprint. Pier replacement activities would entail:

- Removal of structures attached to the existing pier prior to any demolition work, including the mammal pens attached on the north and south sides, as well as gangways and floating walkways;
- Demolition of the existing pier including removal of twenty two 18-inch (in) concrete structural piles, three 18-in steel pipe guide piles, and up to ten remnant 14-in timber piles. Removal activities may include vibratory extraction, hydraulic pile clipping, wire sawing, use of an underwater chainsaw, high-pressure water jetting, or dead pulling to remove piles;
- Construction of a new 8,562.5 square foot cement pier including the installation of thirty 24-in structural concrete piles, two 14-in concrete guide piles, and seventeen 6-inch steel pipe guide piles, and mechanical and electrical systems;
- Reinstallation of existing floating walkways, gangways, and mammal pens to the newly constructed pier; and

- Construction of shoreside improvements including a new storm drain outlet and revetment under the base of the new pier which would include 35 cubic yards of riprap and cast-in-place concrete along 45 linear feet of shoreline.

The proposed project has the potential to result in adverse effects to coastal resources, including due to elevated levels of underwater sound associated with proposed pile driving and the release of construction and demolition debris into the marine environment.

Underwater Sound

The Navy proposes for all in-water work to occur over a period of 32 days and has obtained an Incidental Harassment Authorization (IHA) from the National Marine Fisheries Service (NMFS) for Level B harassment of 871 marine mammals over the course of the construction period¹. Section 3(18) of the Marine Mammal Protection Act defines “harassment” as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).” Because marine mammals have evolved to use underwater sound to communicate and navigate through their environment, elevated levels of human noise that is introduced to the environment can negatively impact marine species.²

Level B harassment would result from the noise that would be generated by vibratory pile removal during demolition activities and impact and vibratory pile driving during construction of the new pier. For each day of work, the IHA authorizes the Navy to take by Level B harassment, 15 California sea lions, one Harbor seal, one Bottlenose dolphin, nine Common dolphins (long and short beaked), and one Pacific white-sided dolphin. The IHA also authorizes the Navy’s Level B harassment of 7 Northern elephant seals over the course of the 32 days. The take estimates included in the IHA were based on previous counts of marine mammals that the Navy conducted for a prior project in close proximity to the proposed project area, the Fuel Pier Replacement Project (concurrent with by the Commission through CD-011-13). However, marine mammal observation data collected during the course of that project indicates that the presence of marine mammals in the area may exceed the estimate included in the IHA and that the presence of El Niño conditions may significantly increase the number and diversity of marine mammals in the project area. As discussed in the IHA:

Daily occurrence estimates of marine mammals in the project area are based upon the Year 4 IHA monitoring report from the Fuel Pier Replacement Project (NAVFAC SW, 2017b). Year 4 is expected to be

¹ NOAA National Marine Fisheries Service. 2023. Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Replacement of Pier 302 at Naval Base Point Loma, San Diego, California. Federal Register Vol. 88. No. 21. Available at: <https://www.govinfo.gov/content/pkg/FR-2023-02-01/pdf/2023-02107.pdf>

² NOAA National Marine Fisheries Service. 2023. Ocean Noise. Available at: <https://www.fisheries.noaa.gov/national/science-data/ocean-noise>

most representative of typical species occurrences as this monitoring period had the highest number of activity days and the highest average number of animals observed per day for the three most common species in the area (California sea lion, harbor seal, bottlenose dolphin), **with the exception of Year 2. However, Year 2 was an El Niño year and not considered representative of typical species occurrences.** The Year 2 monitoring report data was used for any species not observed in Year 4 (common dolphin, Pacific white-sided dolphin, northern elephant seal) (NAVFAC SW, 2015) (Table 7) [**emphasis added**].

Table 7 of the IHA, shown below, illustrates the difference in marine mammal occurrences during the Navy’s Year 2 and Year 4 monitoring efforts.

TABLE 7—TOTAL AND DAILY SPECIES OCCURRENCES DURING YEARS 2 AND 4 IHA MONITORING

Species	Year 2 IHA (100 monitoring days; El Nino year)		Year 4 IHA (152 monitoring days)	
	Total observed	Average per day	Total observed	Average per day
California sea lion	7,507	75.1	2,263	* 14.9
Harbor seal	248	2.5	88	* 0.6
Bottlenose dolphin	695	7	67	* 0.4
Common dolphin	850	* 8.5	N/a	N/a
Pacific white-sided dolphin	27	* 0.3	N/a	N/a
Northern elephant seal	11	11	N/a	N/a

* Mean estimate used for daily occurrences for current analysis.

¹ Same individual hauled out each day.

With a consensus of forecasters at the National Weather Service’s Climate Prediction Center favoring elevated chances for El Niño conditions to develop in the late summer/autumn of 2023³, a more conservative approach to estimating marine mammal presence in the proposed project area would be to include the data from Year 2 of the Fuel Pier Replacement Project rather than reject it as unrepresentative of project conditions. It should also be noted that monitoring carried out during Year 2 of that project yielded over three times more marine mammal observations and twice as many species as Year 4 despite including only 2/3 the number of monitoring days. In other words, if the proposed project is carried out during ocean conditions similar to Year 2 – as is currently predicted to happen – the number and types of marine mammals potentially subjected to behavioral disturbance by the project could be significantly greater than estimated in the IHA. The use of the average daily observations from Year 2 would indicate that the project may result in disturbance of over 3,000 marine mammals of six species rather than the less than 900 currently estimated in the IHA based on its use of data from Year 4 of the Fuel Pier Replacement Project.

Based on this information, the project would generate a substantial amount of disruption of behavioral patterns for individual marine mammals as a result of exposure to acoustic

³ NOAA National Weather Service. 2023. El Niño/Southern Oscillation (ENSO)

Diagnostic Discussion. Available at:

https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/ensodisc.shtml

sources. To help minimize these adverse effects to coastal resources, the Navy has incorporated several avoidance and minimization measures into the project. These measures are summarized below and are the same as those implemented as part of the Fuel Pier replacement project (with the exception that the shutdown zone would be doubled to 20 meters for most species from the 10 meters used for the Fuel Pier Replacement Project and extended further to 70 meters for harbor seals and northern elephant seals, during the use of impact pile driving for the 24-inch octagonal concrete piles):

1. Shutdown and buffer zone for pile driving and extraction. The Navy would enforce a shutdown and buffer zone around all pile driving and extraction activities. The shutdown zone would extend a minimum of 20 meters from the equipment and the buffer zone would encompass the entire area where noise levels are anticipated to reach or exceed Level B harassment levels. These zones will be monitored during all pile driving and extraction activities. Should a marine mammal enter the buffer zone, the exposure would be recorded and behaviors documented, but pile driving or extraction would continue. If the marine mammal approaches or enters the shutdown zone, pile driving or extraction will be immediately stopped and not allowed to restart until the animal has been visually confirmed outside the shutdown zone or 15 minutes have passed without redetection of the animal.
2. Shutdown zone during other in-water activities. To prevent injury from physical interaction with construction equipment, the Navy will maintain at least a 10 meter shutdown zone around all in-water project activities.
3. Visual Monitoring. Marine mammal monitoring will be conducted by qualified observers within the Level A and Level B harassment zones. An observer will be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shut-down/delay procedures when applicable. Monitoring will begin 15 minutes prior to the start of pile driving or extraction and will cease 15 minutes after these activities are completed. If weather or sea conditions prevent the visual detection of marine mammals, activities with the potential to cause a Level A or Level B impact will not be conducted.
4. Acoustic Measurements. Acoustic measurements will be used to empirically verify the proposed shutdown and buffer zones.
5. Timing Restrictions. Underwater noise-emitting activities would only occur between September 16 and March 31 during daylight hours.
6. Soft Start. The Navy will use soft-start techniques recommended by NMFS for impact and vibratory pile driving to provide a warning and allow marine mammals the time to exit the impact area.
7. Marine Mammal Monitoring Plan. The Navy will develop a marine mammal monitoring plan that includes the protocols for visual observations of marine mammals (as recommended by NMFS) and acoustic monitoring. This plan will be submitted to NMFS and the Executive Director for approval prior to the start of construction.
8. Monitoring Report. A draft report documenting marine mammal observations, acoustic monitoring results and other general data would be submitted to NMFS

and the Executive Director within 45 days of the completion of monitoring activities. After receipt of comments, a final report would be submitted within 30 days.

With implementation of these minimization measures, the proposed project would be carried out in a manner that is the same as or similar to the Fuel Pier Replacement Project for which the Commission concurred with the Navy's consistency determination (CD-011-13) and would not exceed that project's anticipated adverse impacts to marine mammals.

Marine Debris

The proposed project includes the demolition and full removal of an approximately 10,000 square foot pier and piling system predominantly comprised of treated wood materials from the late 1930s. Preservative treatments used for wood in this era included a variety of chemicals such as copper, arsenic and creosote that are known to degrade water quality and present a lethal risk to marine life. During the course of demolition, the wooden pier decking and support structure may fragment, break apart or splinter in a manner that releases debris materials into the marine environment. Further, the proposed methods of demolition include use of underwater chainsaws and other cutting tools that would release particulate debris such as sawdust directly onto the seafloor and into the water column. This treated wood debris may leach toxic substances into the water and marine habitats and disperse outside of the project area, thus posing a risk to water quality and marine life within San Diego Bay.

To prevent the release of such materials, the Navy states in its negative determination that:

During pile removal, floating stick bar booms will be deployed around the active work area to provide a complete barrier to floating debris. Ultimately, the contractor will use one of the above-described methods depending on which proves to be most efficient. Throughout the demolition effort, material floats and collection bins under the pier would capture demolition debris before it enters the water. Workers in support boats would gather any floating debris for recycling or disposal, as appropriate.

Although these methods are expected to be effective in preventing large amounts and pieces of treated wood material from being released into the marine environment where it would result in significant adverse impacts to water quality and the biological productivity of coastal waters, the release of smaller pieces of debris also presents a risk. Based on its analysis and past experience with demolition of overwater structures such as piers and docks, Commission staff are concerned that the Navy's proposed approach to debris containment may not be sufficient to fully prevent the release of treated wood materials into the marine environment. We therefore strongly encourage the Navy to require its construction contractor to make use of tarps or other similar catchment systems installed beneath work areas and not focus primarily on the capture of floating debris at the water surface. We further strongly encourage the Navy to carry out an underwater survey of the

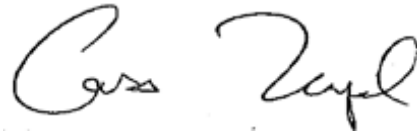
pier area following the completion of demolition activities and to collect and remove any observed demolition debris.

Conclusion

With implementation of the coastal resource protection measures proposed as part of the project, including those described above, as well as the Navy's consideration of those additional measures suggested by Commission staff, we agree 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,



CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

KATE HUCKELBRIDGE, PhD
Executive Director

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE (415) 904-5260
FAX (415) 904-5400



March 22, 2023

Commanding Officer
Naval Base Ventura County
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Re: Negative Determination No. ND-0003-23: Development and Operation of Port Damage Repair Trainer Facilities in Port Hueneme at Naval Base Ventura County

Dear Commanding Officer:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Navy (Navy) proposes to develop port damage repair trainer facilities and conduct training events on a recurring basis at Naval Base Ventura County (NBVC) Port Hueneme. The development supports personnel training that is necessary prior to deployment with the U.S. Pacific Fleet. The proposed project would be located in an area known as Wharf Delta within Port Hueneme harbor and the Navy anticipates hosting a maximum of four training events per year, with each event lasting for four weeks and in-water training occurring during two of the four weeks. Specific training activities are described below. These annual trainings would be carried out in this area into the foreseeable future. The proposed activities are similar in nature to those carried out under previous negative determinations for infrastructure improvements on NBVC Port Hueneme that the Commission has concurred with, including ND-0014-21 for temporary waterfront, shore storage and administrative facilities, and ND-0003-19 for pile driving training along the Wharf 4 area of the harbor.

The Navy's proposed port damage repair trainer project includes:

Landside Activities:

Construction of the following landside facilities:

- *Academic Instruction and Training Material Storage Building* that will be approximately 40 feet by 62 feet to be used as a classroom and equipment storage area.
- *Underwater Training Module Structure* that is two stories in height and approximately 21 feet by 21 feet to accommodate a dive tank for instructors and students.
- *Fleet Mooring Training Module Area* that will be approximately 40 feet by 40 feet and consist of fleet mooring hardware such as bollards and cleats for students to use when practicing repair techniques.

In-Water Training Activities

To facilitate underwater construction repair tasks, the Navy would also conduct the following three training modules within the harbor at Wharf Delta. All materials would be removed following completion of the training.

- *Sheet Pile Battle Damage Repair Training Module* within an approximately 50 feet by 12 feet area in the Wharf Delta. During this training, students would drive three sheet piles to simulate battle damage repair of a quay wall.
- *Finger Pier Module* where piles are driven to construct a finger pier with caps, bracing and decking utilizing a 50-ton vibratory hammer or diesel pile driver.
- *Bent Pile Training Module* where students install six piles of three different types including untreated timber piles 12 inches in diameter, uncoated steel H piles, and uncoated steel pipe piles that are both 12 inches in diameter. Piles would be a minimum of 50-ft in length.

Site Improvements

- The proposed action would also include site improvements, such as a perimeter chain link fence with barbed wire, a rolling gate, an earthen swale and associated stormwater system along the southern perimeter, surface improvements such as pavement and parking, and connections to existing utilities.

The project has been designed to be implemented in a manner that would avoid and minimize adverse impacts to coastal resources. For example, proposed activities would all occur within the boundaries of NBVC Port Hueneme property where public access is restricted, and coastal recreational opportunities are not available. Further, all in-water training modules would be contained within the Wharf Delta. Eelgrass has not been found in the harbor or within the project area due to the depth and clarity of water and other sensitive marine habitat such as rocky reefs and kelp beds are also not present. The proposed training would involve periodic disturbances to the seafloor, but Commission staff reviewed available sediment sampling results and determined that sediments with elevated levels of contaminants would not be disturbed or released in a manner that would adversely affect water quality or marine biological productivity.

To further protect water quality, the Navy would implement best management practices to avoid and minimize the potential for accidental release of debris, fuels or hydraulic fluids during construction such as using designated re-fueling areas, having spill kits on site at all times, and removing all debris following construction completion. The Navy is also seeking a Clean Water Act Section 401 Water Quality Certification to ensure the project will comply with state water quality standards.

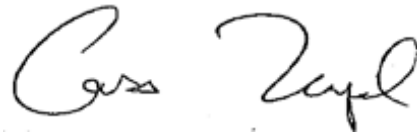
Due to the underwater noise levels expected from the pile driving training planned in Wharf Delta, the Navy would maintain marine mammal observers onsite and implement a marine mammal safety zone to ensure that pile driving and other underwater sound generating activities cease if a marine mammal enters an area that would expose it to injury or disturbance. The Navy is also seeking an Incidental Harassment Authorization (IHA) from the National Marine Fisheries Service that may include additional measures to minimize

adverse impacts to marine mammals. The Navy has committed to providing the final 401 certification and IHA to the Commission so that Commission staff can understand if these authorizations result in any changes to the project and confirm that the project would not have effects on water quality or marine mammals beyond those assessed by Commission staff and described by the Navy in its negative determination.

With the incorporation of these conservation and protection measures, the Commission staff **agrees** that the proposed project would not adversely affect coastal resources.

With that understanding, we **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". The signature is written in a cursive, flowing style.

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

KATE HUCKELBRIDGE, PhD
Executive Director