

CALIFORNIA COASTAL COMMISSION

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F8

Prepared April 28, 2023 (for the May 12, 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 May 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 May 12, 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 May 12, 2023.

With respect to the May 12th 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 May 12, 2023 (see attached)

Immaterial Amendments

- **3-89-040-A5**, Monterey Bay Aquarium, (Monterey County)

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

- **ND-0004-23**, U.S. Coast Guard Station Humboldt Maintenance Dredging Project, Samoa, (Humboldt County)
- **ND-0007-23**, Morro Bay Harbor Six-Year Maintenance Dredging Program, (San Luis Obispo County)

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

- None

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
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April 27, 2023

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **3-89-040-A5**

To: All Interested Parties

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

Subject: Permit No. **3-89-40-A4** granted to the **Monterey Bay Aquarium (MBA)** for: amendment of permit issued for construction and operation of aquarium and associated infrastructure to authorize, after-the-fact, the underwater placement and removal of concrete sacks used for temporary reinforcement of the aquarium's dual intake pipelines and the proposed installation, retrofit, and removal of underwater pipeline support structures along the 950-foot long pipeline corridor offshore of the Monterey Bay Aquarium.

Project Site: Monterey Bay Aquarium at 886 Cannery Row in Monterey, Monterey 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):

1. Use of additional anchoring types and establishment of a contingency anchoring zone in sandy bottom habitat.
2. Replacement of existing support blocks with "post and beam" supports.
3. Addition of workdays within the same construction work season.
4. Expansion of marine debris pickup locations.

Requested Amendment:

On April 5, 2023, the Monterey Bay Aquarium submitted an application to the Commission requesting an amendment to CDP No. 3-89-40-A4. MBA proposes to make use of a claw and tandem anchoring system and reduced cabling rather than the currently authorized lightweight fluke anchoring system. In addition, MBA proposes to reduce the number of planned retrofitted support blocks from 41 to 19 and increase the number of planned post and beam supports from 13 to 25 supports. The number of

support blocks proposed to be removed from the ocean floor would also be increased (from 24 to 45 blocks).

Further, MBA proposes to change the construction schedule from four days a week to up to seven days a week in order to complete construction by 2024 without needing to extend the construction work season into periods of high marine mammal density. Nighttime work would still be prohibited. Finally, MBA proposes to expand the locations of marine debris collection and removal. MBA would work with Commission staff and coordinating agencies to determine alternate marine debris collection locations that would provide the best opportunity for limiting or eliminating the most common sources of debris within the marine environment. Currently proposed sites include Santa Cruz Harbor and rivers and beaches surrounding Monterey Harbor.

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 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 reasons set forth below.

- The proposed anchoring system would provide greater safety to the construction crew and sensitive habitats given that shifting sands on the ocean floor within the project area have increased sand depths around the pipeline and support blocks.

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

- The proposed reduction in retrofitted blocks and increase in post and beam supports would reduce the overall footprint of pipeline support structures on the ocean floor. Post and beam support structures are able to provide greater spacing along the pipeline and have a smaller footprint compared to retrofitted blocks.
- Anchoring would be placed on sandy bottom habitat, avoiding hard substrate habitats.
- The proposed seven-day work week would allow for construction to be completed by the end of 2024 and not extend the project's risks of potential coastal resource impacts to another work season. Construction has been delayed over the past year due to large storm events, changing site conditions, and the unexpected presence of pupping seals within the project area.
- To reduce interactions with recreational users in the project area, MBA would begin with a four-day work week in the summer months and extend to a seven-day work week in the off-season months, as needed.
- MBA would maintain the anchor buoys, which helped delineate the construction zone, including signs noting 'Construction Site' and the 800-number for reference information. In addition, MBA would continue working with the dive team at the adjacent Stanford University's Hopkins Marine Station to notify them of extended construction periods planned, as well as the local recreational rental businesses to remind their customers of the need to remain safe distances from both marine wildlife and construction and monitoring crews, when the barge is present.
- In the event recreational users such as divers or kayakers approach the work area, construction crews would communicate that caution should be used when inside the zone demarcated by the buoys that the area between barge and shore should be avoided.
- The proposed alternate debris pickup locations would allow for MBA to expand its marine debris collection and removal efforts. MBA has noted that the locations noted in the CDP (Monterey Harbor and Lover's Point State Marine Reserve) have either reached a diminishing yield point or are no longer suitable for marine debris collection efforts.
- Additionally, all of the special conditions included with CDP No. 3-89-40-A4, which address potential impacts with the originally approved project, also apply to the proposed amendment.

With the continued implementation of these special conditions, the work under the proposed amendment would be carried out in a manner that would help ensure that adverse impacts to coastal resources would be avoided and minimized. Further, the proposed amendment includes changes that would reduce adverse impacts to coastal resources, such as the new anchoring system and post and beam supports. 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 Alexis Barrera at alexis.barrera@coastal.ca.gov.

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
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April 15, 2023

D.R. Ursino
Captain
U.S. Coast Guard
1301 Clay Street, Suite 700N
Oakland, CA 94612-5203

Subject: Negative Determination **ND-0004-23** (U.S. Coast Guard Station Humboldt Maintenance Dredging Project, Samoa, Humboldt County)

Dear Captain Ursino:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Coast Guard (USCG) proposes to dredge up to 6,000 cubic yards of sediment from within the vessel mooring basin at USCG Station Humboldt Bay over a period of five years, with disposal at the Humboldt Open Ocean Disposal Site (HOODS). Maintenance dredging is necessary to provide USCG vessels with safe docking and maneuvering within the station. USCG responsibilities at this station include port safety and security, protection of the marine environment, maintenance of commercial and recreational safety, enforcement of laws and treaties, and search and rescue operations. Shoals have accumulated within the station's boat basin which has resulted in areas being too shallow for vessels to berth, disrupting USCG activities.

The initial dredging and disposal are proposed to take place during an in-water work window of July 1 through October 15, 2023, and would cover an area of approximately 0.77 acres. A second dredging event would be conducted three to five years after the initial dredging, as needed, to maintain an operational depth for USCG vessels. Each dredging event would remove up to 3,000 cubic yards of sediment and would be completed over a 2-week period. Depending on the water depth within the dredge prism, USCG intends to use a shallow draft barge-mounted clamshell, hydraulic, suction, backhoe, or hopper dredge. USCG has determined that all proposed dredge types would only generate short-term and localized increases in turbidity and less than significant adverse impacts to benthic species in the mooring basin given the small dredging footprint.

Dredged sediment is proposed to be placed at the Humboldt Open Ocean Disposal Site (HOODS). Sediment testing results confirmed that the sediments to be dredged in 2023 are physically and chemically suitable for offshore disposal at HOODS. If beneficial reuse sites become available and the dredged material is deemed appropriate through testing results, then USCG would also consider placing sediment at those sites. To help ensure that sediment remains physically and chemically suitable for beneficial reuse or ocean disposal, USCG would submit updated sediment testing results every five years with

future maintenance dredging submittals.

Expansion of the HOODS boundary was proposed to provide additional disposal capacity and address potential issues with mounding and was concurred with by the Commission in October 2020 (CD-0001-20). That consistency determination did not include any disposal projects; all future disposal at HOODS continues to require separate federal consistency reviews by the Commission or Executive Director. Disposal at the newly expanded HOODS is restricted to the northern and western slopes of the site to avoid further mounding.

The proposed maintenance dredging has the potential to adversely impact sensitive species within the mooring basin, including Chinook salmon, coho salmon, steelhead, green sturgeon, and marbled murrelet. To avoid and minimize potential effects to these species, USCG would implement best management practices developed in consultation with the National Marine Fisheries Service, United States Fish and Wildlife Service, and California Department of Fish and Wildlife. Such BMPs include limiting work to a seasonal work window; implementing designated speed zones to and from the project area; removing any and all excess material and debris from the work area; and restricting fueling activities so that no fuel enters sensitive habitats. In addition, all of these species are highly mobile and would likely leave the mooring basin during dredging activities and return once activities are completed.

Two small patches of eelgrass totaling 8 square-meters are currently present within the basin, of which approximately 4.8 square meters are within the proposed dredging area. To avoid and minimize potential effects to eelgrass, USCG would conduct a pre- and post-dredging eelgrass survey; establish a safety buffer around identified eelgrass beds; conduct light monitoring; and implement an Eelgrass Mitigation and Monitoring Plan in accordance with the California Eelgrass Mitigation Policy (CEMP) if impacts to eelgrass are observed. USCG also proposes planting of eelgrass adjacent to the project site at a ratio of 21:1, which exceeds the 4.82:1 ratio recommended by the CEMP, for any loss of eelgrass habitat that occurs as a result of dredging. The elevated mitigation ratio is intended to help offset the loss of eelgrass from future dredging events as well.

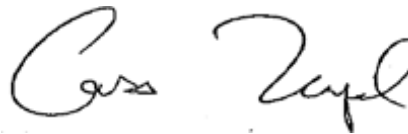
Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity “which is the same as or similar to activities for which consistency determinations have been prepared in the past.” The proposed maintenance dredging and disposal project at USCG Station Humboldt Bay is similar to projects previously concurred with by the Commission, including consistency determination CD-109-94 for the 1994 maintenance dredging project.

With implementation of the coastal resource protection measures proposed as part of the project, including those described above, 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.

ND-0004-23 (U.S. Coast Guard)

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

cc: CCC – North Coast District

CALIFORNIA COASTAL COMMISSION

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April 19, 2023

Jodi L. Clifford
Chief, Planning Division
U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Boulevard, Suite 1109
Los Angeles, CA 90017-3409

Re: Negative Determination ND-0007-23 (Morro Bay Harbor Six-Year Maintenance Dredging Program, San Luis Obispo County)

Dear Ms. Clifford:

We have received your letter dated March 1, 2023, in which you have determined that the above-referenced annual maintenance dredging of the Morro Bay Harbor Federal Navigation Channel, to be implemented over six years between May 1, 2023, and September 15, 2028, with nearshore placement off Montana de Oro State Beach, would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0007-23 and all supplemental information provided.

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, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

KATE HUCKELBRIDGE, PhD
Executive Director

cc: CCC – Central Coast District

California Department of Fish and Wildlife
Central Coast Regional Water Quality Control Board
NOAA Fisheries
U.S. Fish and Wildlife Service
U.S. Environmental Protection Agency