

**CALIFORNIA COASTAL COMMISSION**

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



# Th7

**Prepared January 22, 2025 (for the February 6, 2025 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Cassidy Teufel, Energy, Ocean Resources and Federal Consistency Division Director  
**Subject:** **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for February 2025**

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 February 6, 2025. 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 February 6, 2025.

With respect to the February 6th 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 February 6, 2025 (see attached)**

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

- **ND-0034-24**, New telemetry antenna at Pillar Point Space Force Station (San Mateo County)
- **ND-0040-24**, Lower Newport Bay Maintenance Dredging (Newport Beach, Orange County)
- **ND-0041-24**, Moss Landing Harbor Federal Navigation Maintenance Dredging in 2025 (Monterey County)
- **ND-0045-24**, San Diego Bay National Wildlife Refuge *Caulerpa* Eradication Salt Treatment Pilot Project (San Diego County)

- **ND-0047-24**, White Buffalo Land Trust Orella Ranch Hedgerows D-0042-24 (Santa Barbara County)

**Immaterial Amendments**

- **9-14-1735-A10 / A-3-MRA-14-0050-A10**, previously granted to **California American Water Company** ("Cal-Am") for: Constructing, operating, and decommissioning a test well, along Monterey Bay shoreline, (City of Marina, Monterey County)
- **9-21-0258-A1**, previously granted to the City of Santa Barbara for: Repair and maintenance of offshore components of seawater intake structure used by the City's Charles E. Meyer Desalination Facility (Santa Barbara County)

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

- None

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



December 13, 2024

Beatrice L. Kephart  
U.S. Department of the Air Force – U.S. Space Force  
30 CES/CEI  
1028 Iceland Avenue  
Vandenberg SFB CA 9437-6919  
Via email to: [beatrice.kephart@spaceforce.mil](mailto:beatrice.kephart@spaceforce.mil)

Re: Negative Determination No. ND-0034-24: New telemetry antenna at Pillar Point Space Force Station, San Mateo County

Dear Beatrice L. Kephart,

On August 13, 2024, the United States Department of the Air Force (DAF), United States Space Force submitted the above-referenced negative determination to install a new, 64-foot-tall telemetry antenna at the Pillar Point Space Force Station (PPSFS), situated on the coastal bluff overlooking Pillar Point Harbor, north of Half Moon Bay. The primary purpose of the new antenna is to provide tracking information to support rocket launch activities at the Vandenberg Space Force Base. The PPSFS has been used by the United States military since 1940, and the DAF has used it as a tracking station for operations at Vandenberg for over fifty years.

The new antenna would be the latest of several different antennae and other support structures installed on the blufftop at the PPSFS over the last several decades. Additions and upgrades to antennae tracking equipment at Pillar Point have been reviewed extensively by the Commission in the past and the subject antenna raises comparable enforceable policy considerations related to public views and access in California's Coastal Management Program (CCMP) that the Commission has previously contemplated. Pillar Point is highly visible from public vantage points spanning 360 degrees, including Fitzgerald Marine Reserve, Highway 1 and the Coastal Trail, the Pacific Ocean, Pillar Point Harbor, Half Moon Bay State Beach, Montara Mountain, and many other publicly accessible locations. For this negative determination, the DAF would minimize the visual impact of the new antenna through a commitment to decommission and remove a 40-foot-diameter dish antenna once the proposed antenna is fully operational in roughly 2028 and by implementing a landscape screening, plan such that the new development would be sited and designed to protect views to and along the ocean in this scenic coastal area, consistent with Section 30251 of the CCMP.

**Background**

On December 15, 2006, the Commission concurred with a consistency determination (CD) by DAF for the installation of a large antenna/radome at Pillar Point (CD-089-06). The 2006 CD was for installation of a 44-foot telemetry antenna enclosed by a 62-foot-

diameter radome and related utilities and interior building repairs at the PPSFS.<sup>1</sup> The concurrence was based in part on the DAF's commitment to mitigate visual impacts to the extent feasible through landscaping and building color treatment. The new 62-foot diameter radome that was erected under CD-089-06 stands at 135 feet in height and was installed after the DAF had removed an 80-foot-diameter antenna dish in 1997.<sup>2</sup> The site of the tallest antenna, known as Facility 22, which was the subject of CD-089-06 and ND-072-97, has had a prominent antenna tower since at least the late 1960s, and the 80-foot diameter dish that operated from 1969 to 1996 was considered eligible for the National Register of Historic Places based on Cold War criteria. In its concurrence letter for the 1997 negative determination, Commission staff noted the benefits to the highly scenic area from removal of the 80-foot diameter antenna, which was by far the most visually intrusive structure at the site. Neither the DAF's submittal in 1997 nor the Commission staff's response letter specifically discussed or provided any details for a replacement antenna. For CD-089-06, the Commission raised concerns about impacts to public views, but ultimately concurred based on findings that the facility was needed, and no less damaging alternatives were available, and after the DAF agreed to mitigate the visual impacts to the extent feasible through installation of landscaping improvements to partially screen some existing visible structures at the station.

In 2008, the Commission concurred with a second CD (CD-013-08<sup>3</sup>) by the DAF for modernization of its radar tracking capabilities at the PPSFS, which included two new 31-foot-high command transmit antennas and one new 76-foot-high telemetry antenna. In its concurrence, the Commission found that the proliferation of additional facilities at the PPSFS on the blufftop raised similar view protection issues to those raised in CD-089-06 and required the DAF to remove the structures described in CD-013-08 when they were no longer operationally functional. The 76-foot-high antenna that the Commission agreed with as part of CD-013-08 for the PPSFS Western Range Instrumentation Modernization Program (see Exhibit 3 of CD-013-08) was never erected, however, and the 64-foot-high antenna proposed under the current ND would be built in a similar location. While the subject antenna is proposed for a location similar to the location reviewed by the Commission in 2008, the DAF nonetheless submitted a negative determination due to the length of time that has elapsed since the Commission's concurrence.

### **Proposed Project**

In the subject negative determination, the DAF proposes to construct a new antenna at the Pillar Point Space Force Station (PPSFS) for the purposes of telemetry tracking (See Figures 1 and 2 below). The DAF states that construction is expected to last 12 months, commencing in January 2025. The proposed antenna would be 64 feet tall with a 62-foot-diameter radome enclosing the antenna to protect the telemetry system from adverse environmental conditions, as shown in Figure 3. To construct the proposed antenna system, an existing 15-foot x 15-foot concrete pad will be removed and

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<sup>1</sup>See CD-089-06: <https://documents.coastal.ca.gov/reports/2006/12/F8d-12-2006.pdf>.

<sup>2</sup>See ND-072-97: <https://documents.coastal.ca.gov/reports/1997/7/T10-7-1997.pdf>.

<sup>3</sup>See CD-013-08: <https://documents.coastal.ca.gov/reports/2008/5/F19a-5-2008.pdf>.

replaced with a 45-foot x 45-foot concrete pad. A 45-foot-diameter concrete ringwall will be constructed to support the antenna pedestal and radome. The antenna would be sited east of an existing similar structure, further away from the coastal edge of the property (see Figures 2 and 4). Trenching is proposed within the area of the 45-foot x 45-foot concrete pad to connect power to the antenna through an existing conduit that runs to Building 13. The trench will be backfilled with the original material from the excavation. Up to twelve 1.58-foot diameter footings approximately 20 feet deep will be poured along the perimeter of the ringwall.

Although the proposed antenna would be an additional protuberance located on top of a notable coastal knoll that is highly visible from numerous public vantage points, DAF addressed the visual resource concerns from the project to the extent feasible, considering the need for DAF to maintain the antenna's full technological operation. The height of the new antenna would be less than half that of the existing, tallest, 62-foot-diameter antenna, which is approximately 135 feet tall (See Figure 4). For comparison, the tallest antenna is three times the height of an NFL field goal post and the new proposed antenna would be less than two goal-posts-tall at 64-feet. The new antenna would also be sited further seaward and at a slightly lower elevation than the existing large antenna, as shown in Figure 4. As a result, the new antenna would not be as conspicuous as the existing large antenna and would have a lesser visual impact on the coastline. Moreover, the new proposed antenna is consistent with the existing visual character of the PPSFS, which includes several other radome-enclosed antennae. To find the best candidate site, the DAF analyzed six locations for a new telemetry antenna and conducted a modeling analysis to determine how to best mask the antenna while still maintaining line-of-sight for a variety of launch trajectories. The analysis considered access to the telemetry site, terrain, constraints posed by existing structures, and existing power and communication sources and found that the proposed location met all of the DAF's mission requirements in addition to being visually compatible with the character of the surrounding areas, as the blufftop has been home to three other antennae/radome structures since the Cold War era.

In response to Commission staff's request to have the radome and ringwall painted with sky or earth tones to help the structure blend in with the blufftop, the DAF responded that it could not paint the radome any color other than white because white keeps antennae cool and minimizes heat damage by reflecting sunlight; however, the ringwall would be painted tan, which would help blend that portion of the structure with the ground. To further enhance the visual quality of the knoll top, the DAF has agreed to prepare a vegetation screening plan for review by the Executive Director within 60 days of Commission concurrence with this negative determination. The vegetation screening plan shall propose new plantings of appropriate vegetation (e.g., noninvasive, drought resistant, native plants from local stock) to be planted and maintained for the life of the facility, with particular emphasis on screening the radome structures and the buildings that are the most visible within views from public areas to the north, northeast, and east of the PPSFS, but configured in such a way as to avoid interference with equipment operation. DAF would then accept feedback on the plan from the Executive Director and consider making revisions based on that input. DAF would implement the vegetation screening plan no more than 60 days after the antenna project is completed. The DAF

states that the new facility is largely obscured when viewed from the beaches to the north and south by a steep embankment, so the new antenna is not expected to significantly affect public viewing in those areas, especially because it will be much closer to the ground than the tallest antenna. The proposed removal of an existing 40-foot diameter, 89-foot-tall telemetry dish would also serve to reduce the number of structures on the blufftop and partially offset the addition of the new 64-foot-tall antenna. Additionally, the DAF would remove an 8-foot dome on top of Building 9 as part of the proposed project.

To minimize light pollution from outdoor lighting at the PPSFS, DAF will use the minimum lighting necessary for operations and security of the new antenna and will work on the facilities lighting plan to ensure the amount of light generated by the facility at night is reduced to the extent feasible. Commission staff recommend the use of DarkSky International's principles for responsible outdoor lighting including: (1) the use of light only if needed, (2) directing light so it falls only where it is needed, (3) using low level lighting so that the light is no brighter than necessary, (4) limiting light use to only when it is needed, and (5) using warmer-color lights where possible and avoiding the use of shorter wavelength (blue-violet) light. The DAF has also reinforced its commitment to decommissioning antennae equipment at the PPSFS when such equipment reaches the end of its lifetime.

In addition, the DAF determined that the project would not have adverse effects on sensitive habitats or archaeological resources. Vegetation in the area of disturbance consists mainly of non-native annual grasses and iceplant. Ground disturbance associated with construction of the new antenna base would take place on previously-disturbed ground where archaeological resources are not expected to occur; however, a tribal monitor and archaeological monitor would be present during all earth-moving activities associated with the project. During construction, DAF would manage concrete curing compound, waste and washout water to contain and prevent any pollution from entering coastal waters. All construction work would take place within PPSFS property that is inaccessible to the public so the proposed project would not affect public use or access to public areas in the coastal zone near Pillar Point.

Under the federal consistency regulations (Title 15 CFR, Section 930.35), a negative determination can be submitted for a federal agency activity that has no coastal effects "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission has concurred with multiple CDs submitted by the DAF for development at the PPSFS, as discussed on pages 1-2 above, which specifically contemplated the installation of new antennae while minimizing effects on the scenic quality of Pillar Point. For the proposed project, the DAF would also minimize visual impacts to the greatest extent feasible through the additional commitments described above, which include decommissioning defunct equipment and supplemental vegetation screening. Commission staff therefore agrees that the antenna project would be "the same as or similar to" the previously concurred with antenna projects at the PPSFS and would not adversely affect coastal zone resources. Commission staff therefore **concurs** with your

negative determination made pursuant to title 15 CFR section 930.35 of the NOAA implementing regulations.

Please contact Jules Kelly, PhD at [jules.kelly@coastal.ca.gov](mailto:jules.kelly@coastal.ca.gov) should you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Street". The signature is cursive and fluid.

JOSEPH STREET, PHD  
Manager, Federal Consistency  
(for)

KATE HUCKELBRIDGE, PhD  
Executive Director

cc. North Central Coast District Office

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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2421  
VOICE (415) 904-5200



December 13, 2024

Jodi Clifford  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017-3489

Via email: [lawrence.j.smith@usace.army.mil](mailto:lawrence.j.smith@usace.army.mil)

**Re: Negative Determination No. ND-0040-24: Lower Newport Bay Maintenance Dredging, Newport Beach, Orange County**

Chief Jodi Clifford:

Coastal Commission staff has reviewed your negative determination dated September 30, 2024, and the supplemental policy analysis dated October 2024, for the U.S. Army Corps of Engineer's (USACE) proposal to carry out maintenance dredging of the federal channels in Lower Newport Bay in 2025. The USACE has also submitted the draft Environmental Assessment for the Lower Newport Bay Maintenance Dredging Project, dated September 2024, to support its determination that this activity would have no adverse effects on coastal resources. Through email correspondence between Coastal Commission staff and USACE Los Angeles District staff on November 21, 2024, the review period for this negative determination was extended to December 14, 2024.

The USACE has conducted maintenance dredging in Lower Newport Bay since 1937. Most recently, in 2021, approximately 129,000 cubic yards (cy) of sediment was dredged from the Entrance Channel and Main Channel Balboa Reach with disposal of the Main Channel Balboa Beach sediment at LA-3 Ocean Dredged Material Disposal Site (ODMDS) and beneficial reuse of entrance channel sediment via nearshore placement offshore of Balboa Beach (ND-0024-20). A more comprehensive maintenance dredging episode occurred between May 2012 and February 2013, and roughly 490,350 cy of sediment was disposed of at the LA-3 ODMDS and 112,196 cy of sediment unsuitable for unconfined aquatic disposal was placed at the Port of Long Beach in the Middle Harbor Slip 1 Fill Site (ND-028-11).

For the subject negative determination, the USACE proposes to dredge up to approximately 936,000 cy of sediment from Lower Newport Bay, including material from the Turning Basin, Main Channel North, Bay Island Yacht Anchorage, and Newport Channel federal channels to restore navigable depths for the safety of vessels operating in Lower Newport Bay. Commission staff previously concurred with a negative determination for the proposed dredging episode on May 27, 2022 (ND-0020-22), however the USACE has submitted a new negative determination because it has made substantial changes to



the proposed action. Specifically, the USACE now proposes to place sediment that is not suitable for unconfined aquatic disposal in the Port of Long Beach (POLB) Pier G Slip Fill Project rather than in the Confined Aquatic Disposal (CAD) Facility that is proposed for Lower Newport Bay but not yet constructed. Sediment deemed suitable for unconfined aquatic disposal would be placed at the LA-3 ODMDS. The LA Regional Water Quality Control Board issued a Water Quality Certification for the POLB’s Pier G slip fill project on April 12, 2024. That certification authorizes beneficial reuse in a confined aquatic disposal facility of up to 2,600,000 cy of sediment that is either suitable or unsuitable for open ocean disposal.

A key consideration for the maintenance dredging of Lower Newport Bay is the suitability of dredged sediments for beneficial reuse, ocean disposal, or other disposal options. Sediments within the proposed dredge areas typically contain a higher fraction of fine grain sizes (clays and silts) and in some cases contain contaminants that pose water quality or health concerns. As a result, these dredge areas are typically evaluated for offshore ocean disposal or use as fill rather than for beach nourishment efforts. To this end, the USACE prepared a Sampling and Analysis Plan (SAP) and presented it to the interagency Southern California Dredged Material Management Team (SC-DMMT), including to Coastal Commission staff, at the September 25, 2024 SC-DMMT meeting, for a confirmatory test program to determine whether sediment that was previously sampled in January 2018 and January 2019 under a prior SAP, would still be suitable for ocean disposal at LA-3. Prior to the September 9, 2024 SAP submission, the Environmental Protection Agency (EPA) had previously determined, on July 27, 2022, that several dredge units and certain core samples were NOT suitable for ocean disposal at LA-3, and thus were not covered by EPA’s July 2022 suitability determination. These areas were determined to be unsuitable because they either contained elevated levels of mercury and PCBs or were not subject to the required toxicity tests for ocean disposal.

Under the new SAP, the USACE collected sediment core samples from 55 locations within 12 composite areas within Lower Newport Bay between September 30 and October 4, 2024. On December 5, 2024, the SC-DMMT formally reviewed the sediment testing results and provided a suitability determination for the proposed disposal options of LA-3 and the Pier G slip fill site. Dredge depths, sediment volume, and the SC-DMMT’s 2024 suitability determination are provided in Table 1 based on sediment testing results and a June 2023 hydrographic survey.

**Table 1. Estimated Dredge Volumes, Authorized Channel Depths, 2024 Suitability Determination**

Federal Channel Area	Dredge Unit Code	Design Depth (feet MLLW)	Estimated Design Depth Volume (cubic yards)	2-Foot Overdepth Volume (cubic yards)	Total Volume (cubic yards)	2024 Suitability Determination
Turning Basin	TB	-20	10,000	20,000	30,000	Pier G
	MCN1	-20	39,100	22,100	61,200	Pier G

Main Channel North, Lido Island Reach	MCN2	-20	31,400	23,400	54,800	Pier G
	MCN3	-20	45,000	27,000	72,000	LA-3
Main Channel North, Harbor Island Reach	MCN4	-20	46,000	52,000	98,000	LA-3
Bay Island Yacht Anchorage North	BIN	-15	105,900	63,800	169,700	LA-3
Bay Island Yacht Anchorage Middle East	BIME	-15	43,800	26,400	70,200	LA-3
Bay Island Yacht Anchorage Middle West	BIMW	-15	41,700	25,000	66,700	LA-3
Bay Island Yacht Anchorage South	BIS	-15	39,600	23,800	63,400	LA-3
Newport Channel	NCI	-15	26,000	19,000	45,000	Pier G
	NC2	-15	92,000	38,000	130,000	LA-3
	NC3	-15	53,000	22,000	75,000	LA-3
			106,500	84,500	<b>191,000</b>	<b>Pier G Total</b>
			467,000	278,000	<b>745,000</b>	<b>LA-3 Total</b>
			573,500	362,500	<b>936,000</b>	<b>Grand Total</b>

The 2024 confirmatory chemistry sediment testing results supported the previous 2022 suitability determinations, with a few exceptions. First, the concentration of PCBs in the Main Channel North (MCN1) composite area more than doubled from 41.7 to 108.46 µg/kg, therefore this dredge unit is no longer suitable for ocean disposal at LA-3 and is now suitable for use as fill in Pier G. Second, although the mercury concentration showed an overall decrease in the Main Channel North Area 2 (MCN2) composite between 2018 and 2024, the individual core results varied. The mercury concentration decreased in cores MCN2-01 (1.67 to 0.642 µg/kg) and MCN2-03 (2.2 to 0.905 µg/kg) but increased in cores MCN2-02 (0.603 to 1 µg/kg) and MCN2-04 (0.775 to 1.3 µg/kg). Given the variable mercury concentrations and amount of space available in the POLB's Pier G Slip Fill Project, the USACE proposes to place this sediment at Pier G instead. Any sediment placed in the Pier G slip fill site would ultimately be isolated from the aquatic environment with all contaminants sequestered. All other dredge areas were found to be suitable for unconfined aquatic disposal at LA-3, located 4.3 miles southwest of the harbor entrance.

Dredging is expected to take approximately 100 weeks, commencing in Spring/Summer 2025 to meet the POLB's timeline for acceptance of sediment in Pier G starting around

June 2025. Dredging would be performed by clamshell dredge between 7:00 a.m. and 6:30 p.m. Monday through Friday, and on Saturdays from 8:00 a.m. to 6:00 p.m. The USACE will implement a Water Quality Monitoring Plan, which would monitor and control turbidity at both the dredge and placement site to minimize potential impacts to the aquatic environment. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU) based on the control station, increases in turbidity from dredging shall not exceed 20%. Where natural turbidity is between 50 and 100 NTU, increases will not exceed 10 NTU and where natural turbidity is greater than 100 NTU, increases will not exceed 10%. Unless background readings indicate low dissolved oxygen concentrations bay wide, dredging operations would also be modified if dissolved oxygen levels drop below 5 mg/l. If turbidity or dissolved oxygen limits are exceeded, the USACE would first slow the rate of dredging and then add turbidity curtains, if needed, to reduce turbidity or dissolved oxygen to acceptable levels.

On August 27, 2024, the U.S. Fish and Wildlife Service concurred with the USACE that the proposed project is not likely to adversely affect California least terns as the proposed dredge area is not likely to be regularly used by foraging terns. Negative interactions between least terns and dredge equipment are not expected given the slow speeds (6-8 knots) of project vessels. Implementation of a water quality monitoring plan would also minimize potential effects on least terns by minimizing turbidity which could reduce the visibility of prey items if not maintained at the acceptable levels described above.

A biological monitor will be stationed on the dredge to monitor and record the presence and behavior of green sea turtles and marine mammals within 100 feet of the dredge. Any California least terns observed during monitoring will also be recorded. If any sea turtles are observed within the monitoring zone, dredging operations would cease as soon as possible and would not recommence until the turtle is observed leaving the monitoring zone voluntarily, or until the turtle has not been visible for at least 15 minutes whereby it would be assumed it left voluntarily. Marine mammals are more agile swimmers than sea turtles and based on the slow speeds of the clamshell dredge and other project vessels, collisions with marine mammals are not expected and the National Marine Fisheries Service (NMFS) agreed that the risk of vessel strikes from the dredging project would be discountable.

Following the discovery of the invasive algae species, *Caulerpa prolifera*, in Newport Bay in 2021, the Southern California Caulerpa Action Team (SCCAT) reconvened and began implementing efforts to eradicate Caulerpa to prevent it from outcompeting native species such as eelgrass. To assure the proposed dredging project does not contribute to the spread of Caulerpa, the USACE will conduct Caulerpa surveys prior to the start of dredging. The USACE is currently consulting with the SCCAT to develop an acceptable Caulerpa survey protocol that is specific to the proposed dredging project and will provide the finalized protocol to Commission staff prior to initiating the surveys. If any substantial changes are made to the proposed project following consultation with the SCCAT, the USACE would provide a revised negative determination for review.

No project-related anchoring would occur within eelgrass beds. The USACE states that based on pre-construction eelgrass surveys completed in October 2022, there are approximately 1.65 acres of eelgrass in the action area, with 0.09 acres occurring within the dredge footprint. The USACE will complete a pre-dredge eelgrass survey within the dredge footprint and its 100-foot buffer prior to the start of dredging and again after project completion. If eelgrass monitoring shows eelgrass losses as a result of dredging, the USACE would mitigate for such losses in coordination with NMFS and the California Eelgrass Mitigation Policy. There is no eelgrass present in the POLB Pier G Slip Fill Site or the LA-3 ODMDS due to water depth.

The USACE has determined that this project would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0040-24 and the submitted supplemental materials. Commission staff agrees that with the aforementioned commitments made by the USACE, the proposed project would not adversely affect coastal zone resources. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(a) of the NOAA implementing regulations.

Please contact Dr. Jules Kelly at [jules.kelly@coastal.ca.gov](mailto:jules.kelly@coastal.ca.gov) if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Street".

JOSEPH STREET, PHD  
Manager, Federal Consistency  
(for)

KATE HUCKELBRIDGE, PHD  
Executive Director

cc. South Coast District

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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
VOICE (415) 904-5260



January 8, 2025

Jamie Yin  
Environmental Planner  
U.S. Army Corps of Engineers  
San Francisco District  
450 Golden Gate Ave  
San Francisco, CA 94102  
Via e-mail to: [Jamie.R.Yin@usace.army.mil](mailto:Jamie.R.Yin@usace.army.mil)

Re: Negative Determination No. ND-0041-24: Moss Landing Harbor Federal Navigation  
Maintenance Dredging in 2025 (Monterey County)

Dear Ms. Yin:

We have reviewed the above-referenced negative determination submitted by the U.S. Army Corps of Engineers (USACE) for maintenance dredging of the federal navigation channels at Moss Landing Harbor (Monterey County), specifically the Entrance Harbor, Outer Lagoon, and Inner Lagoon channels. Dredging these three channels using a hydraulic (cutterhead) or clamshell dredge will remove hazardous shoals and return them to the authorized depth of 15 feet below (-15 feet) mean lower low water (MLLW). Dredging would also include two feet of overdepth for the Entrance Channel and Outer Lagoon Channel. However, only a maximum of one foot of overdepth would be included in the dredging for the Inner Lagoon Channel (to a maximum depth of -16 feet MLLW including the overdepth). The total volume to be dredged from the three channels is up to approximately 50,456 cubic yards of sediments. The dredged sediments will be either: (1) transported via submerged pipeline to the EPA-designated SF-12 open ocean disposal site (SF-12), located approximately 1,100 feet offshore of Moss Landing; or (2) transported via barge to EPA-designated SF-14 open ocean disposal site (SF-14), located approximately 1.3 nautical miles offshore of Moss Landing. Hydraulic dredging would require disposal at SF-12 and clamshell dredging would require disposal at SF-14. All in-water work would occur during the period from June 1 through November 30 and the work is expected to require approximately three months to complete.

Sediment samples were collected from the proposed dredging areas and analyzed to assess physical, chemical, and biological parameters. Based on those results, the Environmental Protection Agency (EPA) and Central Coast Regional Water Quality Control Board (RWQCB) determined that the material from the Entrance Channel and Outer Lagoon Channel would be suitable for unconfined aquatic disposal at SF-12 or SF-14, or for beneficial reuse through beach nourishment and/or at an identified Moss Landing Wildlife Area (Wildlife Refuge) site (if available). Following additional sediment testing with bioaccumulation tests, EPA and RWQCB determined that the material proposed to be dredged from the Inner Lagoon Channel (only to -16 feet MLLW) would be suitable for unconfined aquatic placement at SF-12 or SF-14 or for beneficial reuse at the Wildlife Refuge (if available). However, both agencies determined that material in the Inner Lagoon Channel below -16 feet MLLW, containing higher concentrations of total DDT, should remain in place until further notice.

Returning the navigation channels to the authorized depth will ensure safe navigation for the approximately 600 recreational and commercial vessels that are docked at Moss Landing Harbor. During dredging operations, vessels will still be able to navigate the federal channels and enter and exit the harbor, through the coordinated efforts of the USACE, U.S. Coast Guard, and the Moss Landing Harbor District. Moss Landing Harbor is located within the boundaries of the Monterey Bay National Marine Sanctuary (MBNMS). However, the harbor is delineated as a "harbor exclusion zone" within the sanctuary boundary. Previous dredging of the federal channels has included an operation in 2002 (ND-056-02) with placement on South Spit Beach (south of the entrance channel), an operation in 2007 (ND-078-06) with placement on South Spit and at SF-12, an emergency dredging operation in 2012 (ND-042-12) with placement at SF-14, and an operation in 2020 (ND-0019-20) with placement at SF-14<sup>1</sup>. The Moss Landing Harbor District also undertook maintenance dredging of the non-federal inner channels and berthing areas within the harbor between October 2019 and January 2020, and dredged sediments were placed on South Spit Beach (south of the entrance channel) and at SF-12.

On April 30, 2024, the Commission issued a concurrence letter to USACE for an earlier version of the proposed dredging project (under ND-0010-24), originally scheduled for 2024. Later, USACE made substantive modifications to that project and submitted another negative determination (ND-0030-24), which the Commission issued a concurrence letter for on August 1, 2024. However, USACE postponed the dredging operation covered by ND-0030-24, which was scheduled for 2024, to 2025 due to contracting concerns related to dense sand material in the Entrance Channel. They submitted a new negative determination (ND-0041-24), which is the subject of this letter, that modified the project from the earlier NDs to include the option of clamshell dredging and transport to SF-14, and made minor modifications to proposed dredging volumes based on updated surveys.

The project under ND-0010-24 would have dredged 25,000 cubic yards of sediments from only the Entrance Channel and Outer Lagoon Channel to be transported via submerged pipeline to a designated beneficial use placement site at the Wildlife Refuge, where the sediment would have been used as backfill associated with construction of setback levee authorized under a separate coastal development permit (CDP) issued to the California Department of Fish and Wildlife (CDFW) (CDP No. 3-23-0176). The project under ND-0030-24 had added dredging of the Inner Lagoon Channel to the project scope and would have dredged up to approximately 44,000 cubic yards of sediments. Additionally, on July 3, 2024, USACE informed Commission staff that due to unanticipated delays in construction at the Wildlife Refuge site, no material would be placed at the Wildlife Refuge beneficial use site as part of this proposed project.

USACE has stated that the selection of the Wildlife Refuge site was the result of a long and intensive interagency collaboration to identify feasible options for beneficial use, and that no other feasible beneficial use sites have been identified that could accept dredged material this year. USACE has committed to continuing its interagency collaboration efforts to identify a broader range of beneficial reuse sites and alternatives, including beach or nearshore placement of suitable sediments, prior to their next dredging episodes. The 2020 concurrence letter for ND-0019-20 communicated Commission staff's strong preference for beneficial reuse of dredged sediments from Moss Landing Harbor, and included a discussion of several nearby options, including beach placement and use in on-going wetland restoration projects at Elkhorn Slough. Staff continues to emphasize the need to develop viable beneficial reuse options for the dredged sediment, and

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<sup>1</sup> The 2020 operation was modified from disposal via pipeline of hydraulically-dredged sediments at the SF-12 to dredging with a clamshell and placement at SF-14 and Commission staff determined that the project modification did not raise any coastal resource issues not addressed in the concurrence letter for ND-0019-20

strongly encourages USACE to engage in a coordinated effort with staff from the Commission, MBNMS, CDFW, RWQCB, U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), US EPA, Elkhorn Slough Foundation, and Moss Landing Harbor District, to develop a dredged material reuse plan for Moss Landing Harbor. Beneficially reusing dredged sediments from Moss Landing Harbor can only be achieved if alternative locations and uses for these sediments are identified, evaluated, and permitted well in advance of the next scheduled maintenance dredging project. Additionally, emergency dredging projects will likely continue to be sources of dredged materials in the future, further justifying the timely development of a sediment reuse plan.

SF-12 and SF-14 are both located within the Monterey Bay National Marine Sanctuary. SF-12 is at the head of the Monterey Submarine Canyon and SF-14 includes part of the submarine canyon. Dredged materials placed here are typically flushed by ocean currents into the canyon. While acknowledging that the subject dredged materials are suitable for unconfined aquatic disposal, Sanctuary staff continued to express concerns in 2020 about whether dredge spoils (from USACE and Harbor District projects) that contain elevated concentrations of persistent pollutants are contributing on a cumulative basis to elevated pollutant concentrations detected in Monterey Bay. Reducing disposal of dredged materials at SF-12 and SF-14 by beneficially reusing those materials through beach nourishment (using only clean sands) and/or wetland restoration in Elkhorn Slough (using clean sands and/or fine-grained sediments, and including capping or isolating problematic fine-grained sediments as necessary) would also reduce the introduction of chemical pollutants into the ocean waters of the Sanctuary. The opportunity to reuse dredged spoils in Elkhorn Slough restoration projects takes on greater urgency in the face of sea level rise and the pressing need to examine potential methods and materials to protect estuarine habitats within Elkhorn Slough portion of the Sanctuary.

The Commission staff reminds USACE that Coastal Act policies allow for the dredging and filling of coastal waters only when there is no feasible less environmentally damaging alternative (Section 30233(a)) and that dredge spoils suitable for beach replenishment should be used for that purpose (Section 30233(b)).

The prior concurrence letter for ND-0019-20 indicated that, given the range of potentially feasible alternative uses of dredged materials from Moss Landing Harbor beyond offshore placement, the next dredging operation at this location would require submittal of a full consistency determination (CD) evaluating project consistency with the Coastal Act, and in particular the consistency of the various dredged material disposal options. During the current 2024 dredging cycle, Commission staff accepted the original ND (ND-0010-24) rather than a CD based on the understanding that suitable dredged sediments would be beneficially reused at the CDFW site, and the current revised ND (as well as the previous revised ND, ND-0041-24) when the CDFW site became unavailable late in the planning process. As part of its 2024 submittals, USACE did provide an alternatives analysis that considered other potential beneficial use sites that were ultimately not considered to be feasible within the time available for this dredging cycle. For future dredging cycles, Commission staff strongly recommends that feasible backup options for beneficial reuse be identified and vetted for feasibility well in advance, in case the primary beneficial reuse option becomes infeasible before implementation, such as happened this year. The next USACE maintenance dredging operation at this location, whether a maintenance dredging or an emergency project, will require a consistency determination that includes a comprehensive evaluation of dredged material disposal, including beneficial reuse options, for consistency with the above-referenced Coastal Act policies. A negative determination might be appropriate for that future action if beneficial reuse is proposed for a substantial portion of the dredged material.

The proposed project at this time (ND-0041-24) includes measures to protect water quality during dredging and disposal operations by minimizing localized increases in turbidity using a hydraulic cutterhead dredge, implementing best management practices during operations, and complying with waste discharge requirements issued by the Central Coast RWQCB. USACE has proposed measures to minimize potential effects on federally-listed species and other sensitive wildlife and resources and has coordinated with NMFS and USFWS on these measures. A qualified biological monitor will be present during all project operations to ensure protection of western snowy plover (including surveys for nests), tidewater goby, southern sea otter, and other marine mammals, that may enter the project area. Dredging and disposal will occur during the work window authorized by the NMFS to protect federally endangered Southern California steelhead. The pipeline will not be deployed in critical eelgrass habitat. The USACE will conduct pre- and post-dredging eelgrass surveys of the project area and will share the data with the Commission and other consulting agencies for their review. Consultation with USFWS, NMFS, and the MBNMS, are on-going, and USACE will notify Commission staff of any significant project changes that arise out of this process.

The USACE has determined that this project would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0041-24. 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 Walt Deppe at [Walt.Deppe@coastal.ca.gov](mailto:Walt.Deppe@coastal.ca.gov) if you have any questions regarding this matter.

Sincerely,



JOSEPH STREET  
Manager  
Energy, Ocean Resources & Federal  
Consistency Division  
(for)

Dr. Kate Huckelbridge  
Executive Director

Cc: CCC - Central Coast District  
U.S. Environmental Protection Agency- Region 9  
Monterey Bay National Marine Sanctuary  
Elkhorn Slough Foundation  
Moss Landing Harbor District  
Central Coast Regional Water Quality Control Board  
California Department of Fish and Wildlife  
U.S. Fish and Wildlife Service  
National Marine Fisheries Service  
Ducks Unlimited



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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
VOICE (415) 904-5260



December 3, 2024

Andrew Yuen  
Project Leader  
U.S. Fish and Wildlife Service  
San Diego Bay National Wildlife Refuge Complex  
1080 Gunpowder Point Drive  
Chula Vista, CA 91910  
Via e-mail to: [andy\\_yuen@fws.gov](mailto:andy_yuen@fws.gov)

Re: Negative Determination No. ND-0045-24: San Diego Bay National Wildlife Refuge  
*Caulerpa* Eradication Salt Treatment Pilot Project, San Diego County

Dear Mr. Yuen:

We have received your letter dated December 2, 2024, regarding the above-referenced project to test a new method for eradicating *Caulerpa prolifera* (*Caulerpa*), a non-native, invasive seaweed, in the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge (the Refuge).

Under the proposed pilot project, the U.S. Fish and Wildlife Service (USFWS) proposes to treat a recently discovered *Caulerpa* infestation in the Refuge east of Coronado Cays with rock salt in conjunction with the installation of a light-excluding benthic barrier, to test whether the addition of rock salt – to create localized hypersaline conditions within the infestation -- can accelerate the eradication process. Prior to the treatment, divers will survey the infested area, hand collect any loose fragments of *Caulerpa* into fine mesh bags, and bring them to the surface for disposal. Once surveys are complete, USFWS will cover an approximately 10-foot diameter patch of *Caulerpa* with a water-permeable fine mesh (to minimize release of algal material during decomposition), apply rock salt over the mesh layer, and then install on top an impermeable benthic barrier. Following placement, the surrounding area will be re-inspected by the dive team for any fragments of *Caulerpa*. Follow-up re-inspections will be continued until the Southern California *Caulerpa* Action Team (SCCAT) has adequate confidence that all existing fragments have been found based on efficacy assessments and/or consistently declining numbers of found fragments. At that time, the mesh and benthic barriers will be removed.

The proposed work will comply with U.S Army Corps of Engineers Regional General Permit No. 41 (Eradication and Removal of Invasive, Non-Native Plant and Algal Species from Waters of the United States) and the California Department of Fish and Wildlife Scientific Collecting Permit Amendment issued to Keith Merkel (USFWS contractor), which include special conditions requiring post-project surveys that will provide information on the efficacy of the eradication methods and any effects of the treatments on surrounding

benthic communities. Results of the pilot study will be shared with the SCCAT and used to inform future *Caulerpa* eradication efforts.

The USFWS has determined that this project would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0045-24. 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 me at [Joseph.Street@coastal.ca.gov](mailto:Joseph.Street@coastal.ca.gov) if you have any questions regarding this matter.

Sincerely,



JOSEPH STREET  
Manager  
Energy, Ocean Resources &  
Federal Consistency Division  
(for)

Dr. Kate Huckelbridge  
Executive Director

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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
VOICE (415) 904-5260



January 9, 2025

Dylan Hickey  
State Environmental Compliance Coordinator  
United States Department of Agriculture  
Natural Resources Conservation Service  
430 G St. #416,  
Davis, CA 95616-5475  
Via email to: [dylan.hickey@usda.gov](mailto:dylan.hickey@usda.gov)

Re: Negative Determination No. ND-0047-24: White Buffalo Land Trust Orella Ranch Hedgerows

Dear Dylan Hickey:

We have received your December 19, 2024, submittal regarding the above-referenced project to plant approximately 3,700 linear feet of western blue elderberry hedgerows, establish conservation cover crops, and apply compost and mulch within disturbed areas, over a 1.25 acre area of the White Buffalo Land Trust Orella Ranch property (34°27'53" N, 120°02'51" W), Santa Barbara County. The U.S. Department of Agriculture, Natural Resources Conservation Service has determined that this project would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0047-24. 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 me at [Joseph.Street@coastal.ca.gov](mailto:Joseph.Street@coastal.ca.gov) if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Street".

Joseph Street  
Manager, Federal Consistency  
(for)

Dr. Kate Huckelbridge  
Executive Director

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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
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January 23, 2025

**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT**

Coastal Development Permit Amendment Nos.

**9-14-1735-A10 / A-3-MRA-14-0050-A10**

**To:** All Interested Parties

**From:** Kate Huckelbridge, PhD, Executive Director

**Subject:** Coastal Development Permits Nos. **9-13-1735 / A-3-MRA-14-0050** previously granted to **California American Water Company** (“Cal-Am”) for: Constructing, operating, and decommissioning a test well, along Monterey Bay shoreline, within the City of Marina, 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):

Allow an existing test well to remain in place for an additional year, until February 28, 2026.

**Summary:** Cal-Am has requested the above coastal development permits (“CDPs”), which were originally issued in December 2014, be amended to allow an existing test well to remain in place for an additional year (until February 28, 2026). As with the several previously approved one-year extensions, Cal-Am would operate the test well intermittently (up to a few hours per week) only for maintenance purposes to ensure its equipment remains in working order. Accordingly, and as was done for those previous extensions, the Executive Director has determined that this request can be approved as an immaterial amendment to the CDPs, as it involves no other changes to the currently approved development, would cause no additional effects on coastal resources, and would allow such operations for a one-year period.

**Background and Project Description:** In November 2014, the Commission approved CDPs for Cal-Am to first construct, then operate (for up to four years – until February 28, 2018), and finally decommission a test slant well and associated monitoring wells and other infrastructure in the City of Marina near the shoreline of Monterey Bay.<sup>1</sup> The project was meant to allow Cal-Am to conduct a pump test program to obtain data describing the hydrogeologic and water quality characteristics in aquifers underlying the project area to see if the site would be suitable for additional wells that could be used to provide source water for

<sup>1</sup> The test well project area is partially within the Commission’s retained jurisdiction and partially within the jurisdiction of the City of Marina’s certified Local Coastal Program. The Commission accepted an appeal of the City CDP decision and approved the portions of Cal-Am’s project within both jurisdictions.

## Notice of Proposed Immaterial Permit Amendment

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a desalination facility. In February 2015, Cal-Am completed well installation and started the pump test. Cal-Am ran the test until June 2015, when monitoring detected that groundwater levels were approaching a permit threshold that required Cal-Am to suspend the test and obtain a permit amendment. In November 2015, the Commission approved an amendment to modify the CDPs' groundwater monitoring requirements and Cal-Am restarted its test.<sup>2</sup> On April 15, 2016, the Commission approved a further amendment allowing Cal-Am to modify its discharge pipe and requiring additional monitoring at the discharge pipe location.<sup>3</sup>

Near the end of the four-year permit term and the end of the planned well testing program, Cal-Am requested a one-year extension, which the Commission approved as an immaterial amendment on December 13, 2017.<sup>4</sup> This extension allowed Cal-Am to keep the well and associated equipment in place for an additional year beyond the scheduled February 2018 end of the pump test program and provided Cal-Am more time to complete the CEQA and NEPA reviews and the permitting processes required for its proposed desalination facility. Cal-Am expected that if its proposed facility was approved, the test well could be included as one of the several wells that would be needed to serve the facility.<sup>5</sup> During this one-year extension, Cal-Am proposed operating the well only intermittently (no more than a few hours per week) just to ensure the equipment remained in working order.

After that initial one-year extension, Cal-Am requested, and the Commission approved, five subsequent immaterial amendments for additional one-year extensions, all of which were to allow the well to stay in place pending the ongoing review by several agencies of Cal-Am's proposed desalination facility and well field.<sup>6</sup> As with the first extension in 2017, the subsequent extensions allowed Cal-Am to keep the well in place and to operate it intermittently only for maintenance purposes to ensure the equipment was working. The most recent extension allows the test well to remain in place until February 28, 2025.

In November 2022, the Commission approved a separate and distinct CDP for Cal-Am's proposed desalination facility components and well field, which would include the existing test well and future wells to extract water for desalination.<sup>7</sup> However, that separate CDP approval includes various "prior to issuance" conditions. These conditions require, among other things, that Cal-Am obtain approvals from several other agencies and that it provide various plans for Executive Director review and approval. Until Cal-Am meets the requirements of these

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<sup>2</sup> See Commission's Final Adopted Findings for 9-14-1735-A1/A-3-MRA-14-0050-A1, November 2015.

<sup>3</sup> See 9-14-1735-A2 / A-3-MRA-14-0050-A2.

<sup>4</sup> See 9-14-1735-A3 / A-3-MRA-14-0050-A3.

<sup>5</sup> The California Public Utilities Commission ("CPUC") completed its CEQA review in 2018 and the NEPA review being conducted by Monterey Bay National Marine Sanctuary ("MBNMS") is pending.

<sup>6</sup> See 9-14-1735-A4/A-3-MRA-14-0050-A4 through 9-14-1735-A8/A-3-MRA-14-0050-A8.

<sup>7</sup> The Commission held a combined hearing on (i) the de novo appeal (A-3-MRA-19-0034) by Cal-Am of the City of Marina's denial of a CDP for portions of the desalination project within the City of Marina's LCP jurisdiction and on (ii) Cal-Am's consolidated CDP application (9-29-0603) for portions of the desalination project within the LCP jurisdictions of Monterey County and the City of Seaside and within the Commission's retained jurisdiction.

## Notice of Proposed Immaterial Permit Amendment

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conditions, it cannot obtain the CDP and cannot conduct any development associated with the approved desalination project. Cal-Am has been working to meet these requirements but has not yet completed them.

**Requested Amendment:** On November 27, 2024 Cal-Am submitted an application requesting an additional one-year extension for the test well CDPs. This extension would allow the well to remain in place another year (until February 28, 2026) with no changes to the current intermittent well operations for maintenance purposes.

**Special Condition 6** of the current CDPs, as amended requires that Cal-Am, no later than February 28, 2025, cut off, cap, and bury the slant well head, and remove all other associated temporary facilities. Cal-Am is now requesting that deadline be extended to February 28, 2026. As with previous extension requests, Cal-Am would not operate the well other than to conduct the above-referenced limited periodic maintenance pumping of no more than a few hours each week during this one-year extension, just as it has done since February 2018.

The requested change to Special Condition 6 is shown below in strikethrough and bold underline text:

**“Monitoring and Removal of Temporary Structures, Well Head Burial & Well Closure/Destruction.** The Permittee shall monitor beach erosion at least once per week over the duration of the project to ensure the slant well and monitoring wells remain covered. If the wellheads, linings, casings, or other project components become exposed due to erosion, shifting sand or other factors, the Permittee shall immediately take action to reduce any danger to the public or to marine life. When components of the discharge pipeline below the connection to the outfall are exposed, the Permittee shall conduct monitoring, including photographic documentation of the exposed components, at least once per day until the components are naturally reburied, after which erosion monitoring shall be done no less than once per week. When components are exposed, the Permittee shall also post notices at the nearest upcoast and downcoast vertical public access points informing the public of the exposed components. The Permittee shall provide monitoring records, photographs, and proof of the above public notices to the Executive Director upon request.

Prior to conducting any repairs or reinstallation of exposed equipment that require construction methods other than the hand methods described in Amendment 2 of this permit, the Permittee shall apply for and obtain a permit amendment unless the Executive Director determines no such amendment is necessary.

The Permittee shall complete its regular test slant well pumping operations by February 28, 2018. Thereafter, the Permittee may conduct limited periodic maintenance pumping necessary to maintain the test slant well. No later than February 28, ~~2025~~2026, the Permittee shall cut off, cap, and bury the slant well head

## Notice of Proposed Immaterial Permit Amendment

9-14-1735-A10 / A-3-MRA-14-0050-A10

at least 40 feet below the ground surface, and shall completely remove all other temporary facilities approved by this coastal development permit. To ensure timely removal, the Permittee shall post the bond or other surety device as required by **Special Condition 17** to ensure future removal measures would be appropriately supported and timed to prevent any future resurfacing of the well casing or other project components.”

**Findings:** The proposed amendment has been deemed “immaterial” for the following reasons:

- **Public Access:** With the proposed amendment, the project would remain subject to the CDPs’ other special conditions, including the terms of **Special Condition 6** above that require monitoring and notification to avoid potential adverse effects to public access to the shoreline.
- **Biological and Marine Resources:** With the proposed amendment, the project would remain subject to the CDPs’ other special conditions regarding biological resources, including those that require biological monitoring and that provide for the approved biologist(s) to halt any work activities that may affect special-status species or habitat near the project location. Additionally, the extension provided by the amendment would eliminate the potential that Cal-Am’s well removal work, if started now to comply with the currently required removal date of February 28, 2024, would extend into the breeding/nesting season of the federally threatened western snowy plover (*Charadrius nivosus nivosus*), which starts on March 1 of each year.

### Immaterial Permit Amendment

Pursuant to the California Code of Regulations—Title 14, Division 5.5, Volume 19, section 13166(b)—the Executive Director has determined this amendment to be IMMATERIAL.

Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three (3) Commissioners object to the executive director’s designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in section 13166(c). Otherwise, the immaterial amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial

## **Notice of Proposed Immaterial Permit Amendment**

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amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the Commission for action as set forth in section 13166(c).

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him via email at [tluster@coastal.ca.gov](mailto:tluster@coastal.ca.gov).



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455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
VOICE (415) 904-5260



January 23, 2025

**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****Coastal Development Permit Amendment No. 9-21-0258-A1**

**To:** All Interested Parties

**From:** Kate Huckelbridge, PhD, Executive Director

**Subject:** Permit No. **9-21-0258** previously granted to the **City of Santa Barbara** for: Repair and maintenance of offshore components of seawater intake structure used by the City's Charles E. Meyer Desalination Facility.

**Project Site:** Offshore of East Beach in the City of Santa Barbara, Santa Barbara 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):

Authorization of the following related to temporary staging and mobilization for previously authorized repair and maintenance of offshore components of seawater intake structure used by the City's Charles E. Meyer Desalination Facility, during construction only: (1) use portions of West Beach for staging, mobilization, and demobilization, of a modular barge; (2) use of portions of the Garden Street and Palm Park parking lots for construction staging (including vehicle parking) instead of at the City's harbor parking lot; and (3) a new CDP expiration date of June 9, 2026.

**Background and Project Description**

In 2021, the Commission approved coastal development permit (CDP) number 9-21-0258, which authorized repair and maintenance of two offshore components of a seawater intake structure used by the City's Charles E. Meyer Desalination Facility, offshore of East Beach in the City of Santa Barbara. These components, located about 2,500 feet offshore of the City's East Beach, consist of two concrete foundations ("Intake Platforms") on the seafloor that support pumps, screens, and associated equipment within a concrete vault. One of the two Platforms experienced scour caused by currents in the area, and the City anticipated that the other Platform will soon be subject to scour. The previously authorized work involves injecting grout and constructing a rock apron around the two Platforms to ensure they remain stable. On June 7, 2023, the Commission extended the original

## Notice of Proposed Immaterial Permit Amendment

9-21-0258-A1

expiration date of CDP No. 9-21-0258 from June 9, 2023, to June 9, 2024. On May 10, 2024, the Commission again extended the expiration date of CDP No. 9-21-0258 from June 9, 2024, to June 9, 2025.

### Requested Amendment

On September 4, 2024, the Coastal Commission received an application from the City of Santa Barbara (the City) requesting an amendment to CDP No. 9-21-0258. The City requests additional authorization, during construction only, to use portions of West Beach for staging, mobilization, and demobilization of a modular barge, and to use portions of the Garden Street and Palm Park public parking lots for construction staging (including vehicle parking) instead of using the City's harbor parking lot. Additionally, the City is requesting an additional extension of the CDP expiration date, from June 9, 2025 to June 9, 2026, to allow for the completion of the repair and maintenance project.

Since the issuance of the original CDP application in 2021, the City has determined that: (1) a modular barge could be used to implement the work instead of a standard marine barge; and (2) the desalination facility and the City's harbor (previously proposed as staging areas) lack sufficient space for the staging required for the project as designed. Using a modular barge would have various advantages including local availability, greatly reduced barge transit distances and emissions, and potentially lower overall project cost, but the West Beach staging area (including a fenced area and a temporary egress area) is needed to support the assembly of the modular barge (see **Exhibit 1** for proposed West Beach staging and mobilization area diagram). This amendment would allow the use of the modular barge instead of the standard marine barge for the previously authorized repair and maintenance project.

The modular barge would be delivered in sections (40 feet in length, 10 feet in width and 7 feet in height), assembled onshore, and launched from the beach in an area of egress of approximately 150 feet by 460 feet into the Santa Barbara Harbor to the federal channel and then out to project site. Construction equipment such as a crane, excavator, bulldozer, and loader would be used on West Beach to fit sections into place for barge assembly. Once the barge is fully assembled, the contractor would load equipment such as a crane and rock onto the barge from the beach. The barge would be launched and moved using an outboard engine to the intake structures. Offshore repair work is expected to take up to two months.

A temporary, 0.34-acre staging area ("Fenced Area") on the inland side of West Beach (**Exhibit 1**) for staging of modular barge components would be established and enclosed by a 6-ft tall chain link fence, including fence fabric material for screening. An approximately 1.62 acre, 150-foot-wide "Temp Egress Area" would be used as a travel corridor to transport modular barge parts to the water from the fenced staging area, and for assembly and disassembly of the barge. The Temp Egress Area would be enclosed by temporary, 4-foot-tall plastic mesh safety fencing, with built-in gaps to allow for guided public access across the egress area (see below). This fencing would be in place during

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modular barge mobilization/assembly (estimated four weeks) and demobilization/disassembly (estimated three weeks) efforts and removed in between. Fencing would be removed daily with support posts left in place with marker flags.

Since the proposed amendment would include work on the beach (i.e. the staging and mobilization for the barge deployment and recovery at West Beach), the City provided an updated biological assessment for the beach work area (Dudek, October 15, 2024) including a set of “Best Management Practices and Mitigation Measures” to avoid impacts to biological resources and coastal water quality. These proposed measures include work windows and surveys for sensitive species, including California grunion, California least tern, and western snowy plover, and measures to avoid impacts to water quality. The City will comply with the Best Management Practices and Mitigation Measures for work on West Beach, as described in their application.

During construction, for a period of up to approximately four months, the City proposes to use approximately 139 out of the 267 parking spaces at the City’s Palm Park public parking lot for additional staging, laydown and vehicle parking. However, approximately 22 of the staging spaces would be available to the public for parking on weekends since they would be for construction vehicle parking. Similarly, the City proposes to use approximately 92 out of the 214 parking spaces at the City’s Garden Street public parking lot, with approximately 24 of those staging spaces available to the public for parking on weekends. This would result in an approximately 39 percent reduction in public parking capacity on weekends and a 48 percent reduction on weekdays in those two paid public parking lots during the construction period. The City evaluated several alternative staging areas located within a practicable distance of the West Beach work area, including the Santa Barbara City College (SBCC) parking lots (inland of Leadbetter Beach and the Harbor West Lot) and the Pershing Park Parking Lot (due north of Santa Barbara Harbor west of Castillo Street). However, these alternatives were rejected due to their high existing demand and usage patterns, including by SBCC students and coastal recreational users. Also, use of the Pershing lot would displace free parking, rather than the paid parking offered at the Palm Park and Garden Street lots.

The parking lot staging areas would be used for materials storage including armoring rocks, concrete mix sacs, and other materials needed to implement the work. When ready for installation, materials would be moved from the parking lot staging areas to the City’s industrial dock on the wharf, the Navy Pier, for loading onto a tugboat or similar boat for transporting to the barge.

The Commission has previously certified a Local Coastal Program (LCP) for the City of Santa Barbara. While the proposed staging areas at the Garden Street and Palm Park parking lots are within the City’s jurisdiction for coastal development permits under their LCP, the West Beach staging and mobilization area, as well as the repair and maintenance project authorized under the original CDP, is within an area where the Commission has retained jurisdiction over the issuance of CDPs. Pursuant to Section 30601.3 of the Coastal Act, a consolidated permit was requested by the City of Santa

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Barbara, and the Executive Director agreed to consolidate the permit action. Thus, the standard of review for this amendment request is the Chapter Three policies of the Coastal Act.

### FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> 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 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 following reason(s), and with the addition of **Special Condition 6** as described below:

- The proposed staging and mobilization activities would be temporary in nature, occurring for up to approximately four months total beginning after Labor Day (with West Beach only being used for a portion of that period, as described below). No work would occur between Memorial Day and Labor Day in order to minimize temporary impacts on public recreational use of the beach and other public amenities in the project vicinity.
- The proposed West Beach staging and mobilization area has relatively low use on weekdays, and it has use primarily by a small number of small craft boaters on weekends. Currently, portions of West Beach are regularly used for other staging activities, including for Harbor dredging operations. Alternative staging areas on

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

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East Beach, for barge mobilization, were rejected because there would be greater access conflicts and potential habitat impacts.

- The City included multiple best management practices and protective measures for the proposed work on West Beach, to minimize temporary impacts to public access and recreation:
  - After the barge has been launched, temporary fencing would be removed during the offshore repair work, and the area would be groomed to match the adjacent sand profile conditions. Upon completion of the ocean work, the staging area would also be used to offload equipment and disassemble the barge. Temporary fencing would be re-installed during the demobilization work and removed when complete, and the sand profile restored.
  - The fenced area on West Beach would be located relatively far from the water to align with the existing US Army Corps of Engineers (USACE) dredge staging area, to concentrate and reduce the impact of temporarily fencing off an area on the beach.
  - Flaggers would be used to safely secure the active construction area, and to guide members of the public seeking to access the beach across the work area.
  - For safety, a no swimming restriction would be in place during the time when the modular barge is located within the nearshore area and during loading/offloading. The restricted area would align with the edges of the egress area and be marked with swim buoys, and would be limited to periods of barge mobilization and de-mobilization.
- The City will implement the “Best Management Practices and Mitigation Measures” included in the Memorandum prepared for the City by Dudek, titled “West Beach Staging Area Biological Assessment Addendum for the Charles E. Meyer Desalination Plant Intake Platform Repair Project”, dated October 15, 2024. These measures include work windows and surveys for sensitive species and measures to avoid impacts to water quality.
- Beach wrack in the project area, if any, would be relocated and stockpiled to make space for barge assembly, and then replaced along the high water line following operations.
- Impacts to public parking at the Palm Park and Garden Street lots would be temporary (for up to approximately four months), somewhat reduced on weekends (see above), and would avoid the peak summer visitation months between Memorial Day and Labor Day.
- Bilingual signage would be posted at West Beach and the affected parking lots providing information on construction activities, points of access and alternative coastal parking locations, such as the Harbor Lot, SBCC Lots near Leadbetter Beach and the Cabrillo Pavilion Lot.
- The City proposes to perform outreach in the times leading up to the mobilization and de-mobilization and will identify beach user groups to notify them of the upcoming work and restrictions.

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The Coastal Act issues that the Commission previously reviewed for the original project related to fill in coastal waters and potential adverse impacts to coastal waters and species, and to public access, recreation, and visual resources. The following special conditions included in CDP 9-21-0258, which address potential impacts of the originally approved project, also apply to the proposed amendment, and would serve to avoid and minimize the potential for adverse impacts to marine resources and water quality from the previously approved in-water work: **Special Conditions 1 (Other Approvals), 2 (Anchoring Plan), 3 (Turbidity Minimization and Monitoring), 4 (Sensitive Marine Species Monitoring and Mitigation Plan), and 5 (Hazardous Material Spill Prevention and Response Plan)**. Nothing in this CDP amendment authorizes changes to the design or methods of the repair and maintenance work to be completed on offshore components of the seawater intake structure approved under CDP No. 9-21-0258. This CDP amendment authorizes changes only for staging and mobilization work for the project and for the expiration date for the project. Except as modified by this immaterial amendment, the terms and conditions of CDP 9-21-0258 shall remain in effect.

In order to address the potential for temporary impacts to public access on the beach at West Beach and temporary impacts to the availability of coastal access parking from staging activities at the Palm Park and Garden Street parking lots, the Executive Director is including new **Special Condition 6** (below), which requires the applicant to submit, for Executive Director review and approval, a plan describing the methods by which safe public access to or around the staging and barge mobilization areas will be maintained during all project operations and providing plans for the staging and storage of equipment. **Special Condition 6** also requires the applicant to post each construction staging site with notices indicating the expected dates of construction and/or beach closures, and, at the Palm Park and Garden Street parking lots, directional signage to alternative coastal parking locations.

The following Special Condition is added to the five existing Special Conditions:

### **6. Interim Public Access Program.**

A. Prior to construction (including staging), the applicant shall submit, for the review and approval of the Executive Director, a plan describing the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the staging and barge mobilization areas shall be maintained during all project operations. Where public paths or bikeways or beach areas will be closed during active operations, a person(s) shall be on-site to detour traffic.

B. Prior to construction (including staging), the applicant shall submit, for the review and approval of the Executive Director, plans for the staging and storage of equipment, materials and vehicles. Public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the number of

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public parking spaces used for project activities shall be the minimum necessary to implement the project.

C. The applicant shall post each construction staging site with notices in multiple languages indicating the expected dates of construction and/or beach closures, and, at the Palm Park and Garden Street parking lots, directional signage to alternative coastal parking locations.

Furthermore, in light of this immaterial amendment, the deadline for the City to commence this repair and maintenance project is extended by one year to June 9, 2026.

With the addition of **Special Condition 6**, and the continued implementation of the special conditions of CDP No. 9-21-0258, the work under the proposed amendment would be carried out in a manner that 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, or wish to register an objection, please contact Walt Deppe at [walt.deppe@coastal.ca.gov](mailto:walt.deppe@coastal.ca.gov).





**Exhibit 1**  
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