

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200



# W 7

**DATE:** February 19, 1997

**TO:** COASTAL COMMISSIONERS  
AND INTERESTED PARTIES

**FROM:** MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

**RE:** NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE  
DIRECTOR [Note: Executive Director decision letters are attached]

PROJECT #:	ND-143-96
APPLICANT:	HUD
LOCATION:	Smith River Rancheria, Del Norte Co.
PROJECT:	Expansion of medical clinic
ACTION:	Concur
ACTION DATE:	1/22/97

PROJECT #:	ND-148-96
APPLICANT:	Air Force
LOCATION:	White Point family housing area, San Pedro, City and County of Los Angeles
PROJECT:	Demolition of existing housing and construction of 75 new units
ACTION:	Concur
ACTION DATE:	1/30/97

PROJECT #:	ND-001-97
APPLICANT:	Navy
LOCATION:	Naval Air Weapons Station, Point Mugu, Ventura Co.
PROJECT:	Maintenance of existing rifle range revetment
ACTION:	Concur
ACTION DATE:	1/31/97

PROJECT #:	ND-003-97
APPLICANT:	Corps of Engineers
LOCATION:	Surfside-Sunset Beach, Orange Co.
PROJECT:	Increase the amount of sand for beach nourishment purposes
ACTION:	Concur
ACTION DATE:	1/17/97

PROJECT #:	ND-006-97
APPLICANT:	Fish and Wildlife Service
LOCATION:	Lanphere Dunes, Samoa Peninsula, Humboldt Co.
PROJECT:	Acquisition and management of Lanphere Dunes Unit
ACTION:	Concur
ACTION DATE:	2/4/97

PROJECT #:	ND-008-97
APPLICANT:	Navy
LOCATION:	Fleet and Industrial Supply Center, Point Loma, San Diego
PROJECT:	Modification to Pier Repair and Safety Improvements
ACTION:	Concur
ACTION DATE:	2/11/97

PROJECT #:	ND-009-97
APPLICANT:	Army Corps/Immigration and Naturalization Service
LOCATION:	Near International Wastewater Treatment Plant, San Diego, U.S./Mexican border
PROJECT:	Construction of multi-tiered fence
ACTION:	Concur
ACTION DATE:	1/29/97

PROJECT #:	ND-010-97
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Replacement of oily waste collection system
ACTION:	Concur
ACTION DATE:	1/24/97

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

400 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



January 22, 1996

Marjorie L. Trudgen  
Tribal Administrator  
Smith River Rancheria  
250 North Indian Rd.  
Smith River, CA 95567-9525

RE: **ND-143-96** Negative Determination, Smith River Rancheria  
Dental Clinic Expansion, Smith River, Del Norte Co.

Dear Ms. Trudgen:

The Coastal Commission staff has received the above-referenced negative determination for the expansion of a dental clinic at the Smith River Rancheria. As you note in your negative determination, this project is similar to, and on the same site as, a previous medical clinic expansion for the Rancheria, for which we concurred with a previous negative determination (ND-44-96). The dental clinic expansion does not raise any coastal issues that were not previously addressed in our concurrence with ND-44-94.

In addition, the rancheria is located on land held in trust by the federal government for the Rancheria, and the proposed activities would not adversely affect any resources of the coastal zone. We therefore concur with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Peter Douglas".  
PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office

PMD/MPD/mra/1966p

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

TELEPHONE AND TDD (415) 904-5200



January 30, 1997

Daniel Park  
Department of the Air Force  
Headquarters Space and Missile Systems Center (AFMC)  
Directorate of Acquisition Civil Engineering  
Los Angeles AFB, CA 90245-4695

RE: **ND-148-96** Negative Determination, Air Force Housing, White Point,  
San Pedro, City and County of Los Angeles

Dear Mr. Park:

The Coastal Commission staff has received the above-referenced negative determination for the construction of 75 single family residences on 24.4 acres at the White Point family housing area in San Pedro, City and County of Los Angeles. The new units would replace 76 existing units at the site. The project would be constructed in two phases. The first phase would be 50 units, which would replace the 76 existing units on 16.4 acres. The second phases would be 25 units on currently undeveloped land, immediately adjacent to the developed portion of the site. The entire project is located just north of an existing but currently unused City Park. Other land uses surrounding the site are existing Air Force housing to the west, a shopping center and existing private residential development to the north, and private residential development to the east.

The Air Force had previously proposed developing the military family housing at Fort MacArthur (Upper Reservation), which would have had greater coastal zone and other environmental impacts. During the review process and after taking into account community concerns, the Air Force agreed to relocate the project to the White Point site.

Because the total number of units on the site would not be increased, the project would not have adverse traffic impacts in the area. In addition, the site, which is federally owned land, is not now publicly accessible; thus the project would have no adverse effects on public access or coastal recreation. Finally, with respect to recreation, the site is located adjacent to a Los Angeles City Park. The City Department of Recreation and Parks states the project would not adversely affect existing or future park users. Moreover, we would be remiss if we did not recall that a decade ago, during the Commission's historic review of another previous Air Force White Point Housing project (CD-17-86), the Air Force worked cooperatively with the Coastal Commission and the City in withdrawing an extensive housing proposal that would have eliminated most of the use of that City Park. In that case the Air

Force instead agreed to redesign the project, relocating the proposed 170 homes to other sites and dedicating the park to the City (through extinguishing any claims on a reversionary clause that would have allowed the Air Force to reclaim the land from the City). It would be unreasonable for us to now express concerns over the effects of the proposed housing on the very park that the Air Force assisted the Coastal Commission and the local community in preserving.

The project's impact on public views would be minimal. While the site can be seen from Paseo Del Mar, the primary shoreline access route in this area, the project's visual effects are minimized by the existing topography, combined with the fact that the units have been designed in a style and density compatible with adjacent private residential development. The Air Force also proposes a landscaping plan to further minimize view impacts; our determination of minimal visual effect is contingent on the Air Force implementing this plan in a timely manner.

The project would not affect any endangered species or sensitive wildlife habitat. The grading and earthwork anticipated for the undeveloped 8 acre portion of the site would be approximately 200,000 cu. yds. of cut and fill for the 25 homes on the undeveloped 8 acre area (Phase II). To address water quality and storm water run-off issues raised by this extent of grading, the Air Force is providing a storm drainage infrastructure system, which would collect all run-off and tie into the existing City storm drains. In addition, as part of the State Water Board's statewide General Stormwater Permit covering construction sites over 5 acres in area, the Air Force is required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), administered and enforced by the Regional Water Quality Control Board. The SWPPP would include erosion/sediment controls, and the implementation of Best Management Practices (BMPs) at the site. A Monitoring Plan (MP) accompanying the SWPPP would evaluate the success of the plan.

To help assure the Commission that this plan will be effectively implemented, the Air Force has agreed to supplement its negative determination with a written commitment subjecting the SWPP to review by the Commission staff, to assure that the plan will:

minimize erosion and reduce non-point source runoff. The goal of the plan shall be to avoid, to the extent practicable, increases in runoff beyond existing runoff rates (particularly with respect to the undeveloped 8 acre portion of the project site). The Plan shall minimize, and if possible, prohibit grading during the rainy season. The Plan shall include provisions for revegetation of graded slopes in accordance ... [with] the landscape contractual requirements, ... [which] include hydro-seeding and trees. The Plan shall also include provisions for monitoring runoff and submitting monitoring results to the Commission staff and the Regional Water Quality Control Board staff.


This agreement will allow us to assure the project will minimize non-point source pollution and protect marine water quality.

The Air Force has also addressed geologic hazards, including expansive soils underlying the 8-acre (Phase II) site. These types of soils can lead to problems with foundations, slabs, pavement, and underground utilities. Based on its geotechnical study conducted for the site, the Air Force states that it will incorporate into the Phase II project design special earthwork and grading techniques, including soil removal and fill type, placement, and compaction techniques, in accordance with the recommendations of the study.

Finally, the Air Force will retain a qualified archaeologist to monitor grading activities during project construction, with additional measures for halting work and coordination with the State Historic Preservation Officer, in the event artifacts are uncovered during construction.

In conclusion, with the measures and agreements discussed above, we agree that the project will not affect coastal zone resources, and, therefore, we concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office  
NOAA Assistant Administrator  
Assistant General Counsel Ocean Services  
OCRM  
Department of Water Resources  
RWQCB, Los Angeles Region

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## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

TELEPHONE AND TDD (415) 904-5200

January 31, 1997



Vivian Goo  
Deputy Public Works Officer  
ATTN: Jim Danza  
Department of the Navy  
Naval Air Weapons Station  
521 9th St.  
Point Mugu, CA 93042-5001

RE: **ND-1-97** Negative Determination, Maintenance of Rifle Range  
Revetment, Naval Air Weapons Station, Point Mugu, Ventura County

Dear Ms. Goo:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's proposal to repair (by restoring to design conditions) the rock revetment structure protecting the CBC Rifle Range at the south end of the Naval Air Weapons Station in Point Mugu, and that was constructed over the Coastal Commission's objection.

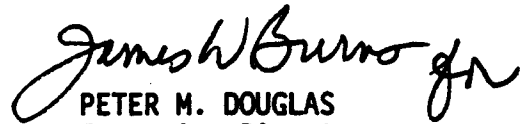
As you recall, we objected to the negative determination you submitted for the original revetment project in 1994, citing concerns over the effects of the revetment on public access and recreation and our belief that the project was at least partially located within the coastal zone (letter of objection to ND-77-94, dated Sept. 26, 1994). At that time we requested that the Navy submit a consistency determination for the revetment. The Navy: (1) declined to do so; (2) declined to enter into mediation with the Secretary of Commerce, which we also requested (letter dated Oct. 26, 1994); and (3) proceeded to implement the project.

The Navy did provide us additional information supporting its contention that the revetment was not located on state tidelands. We responded, disagreeing with the adequacy of that documentation, and reiterating our position that a consistency determination was necessary for the revetment project (letter dated Nov. 23, 1994). We were and continue to be very disappointed over the Navy's attitude and approach to this matter, especially since we think that approach reflects an attitude of indifference to legitimate coastal impact concerns and the intent and spirit of the federal Coastal Zone Management Act.

Maintenance of the revetment continues to prolong the life of the rifle range at a location that is inappropriate due to continuing shoreline erosion at the site. The fact that the revetment has been damaged underscores and confirms our position (which is supported by Navy studies performed by Moffatt and Nichols) that this portion of the coast is and will continue to be subject to erosion, and that the Navy will have no choice but to find an alternative location in the long term for the rifle range. Therefore, we again urge the Navy to seriously consider relocating the rifle range.

Having made our point, we recognize it would be counterproductive under the current circumstances to prevent the Navy from repairing the revetment and from removing and relocating rocks from the beach where they have migrated as a result of wave attack. Thus, while we maintain our position that the revetment in this location adversely affects coastal zone resources and should be the subject of a consistency determination, we will take no further action relative to the Navy's efforts to repair and maintain the revetment to design conditions as currently proposed in this negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5292 if you have questions.

Sincerely,



PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office  
Army Corps (Ventura Field Office)  
State Lands Commission (Jane Smith)

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~~CALIFORNIA COASTAL COMMISSION~~

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
AND TDD (415) 904-5200



January 17, 1997

Robert Joe, Chief  
Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
P.O. Box 2711  
Los Angeles, CA 90053-2325

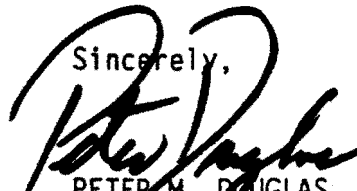
RE: **ND-3-97** Negative Determination, Modifications to Previous Beach  
Replenishment Project at Surfside-Sunset Beach, Orange County

Dear Mr. Joe:

The Coastal Commission staff has received the above-referenced negative determination for modifications to the previously concurred with negative determination (ND-58-95) for authorized beach replenishment at Surfside-Sunset Beach and West Newport Beach in Orange County. As previously authorized, the project consisted of placing 1.6 million cu. yds. of sand at Surfside-Sunset Beach (with an additional 140,000 cu. yds. at West Newport Beach). The proposed modifications consist of adding 100,000 to 150,000 cu. yds. to the volume of sand to be placed on the beach. This additional material is needed to support the dredge pipeline to be used to transport the sand to the beach. Previous environmental commitments made by the Corps to minimize impacts on recreation and environmentally sensitive habitat remain part of the project.

The proposed modifications do not alter the project's impacts or the environmental commitments made by the Corps, and we agree with your assessment that the resources of the coastal zone will not be adversely affected by the project as modified. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office

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**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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February 4, 1997

Charles Houghten  
Chief, Planning Branch  
U.S. Fish and Wildlife Service  
911 NE 11th Ave  
Portland, OR 97232-4181

RE: ND-006-97, Negative Determination, U.S. Fish and Wildlife Service Humboldt Bay National Wildlife Refuge, Humboldt County

Dear Mr. Houghten:

The Commission has received the above referenced negative determination for acquisition of approximately 816 acres of land to add to the Humboldt Bay National Wildlife Refuge. The purpose of the proposed refuge expansion is to (a) preserve the biological dune ecosystem of the Upper Samoa peninsula, and (b) to protect the sand dune vegetative mat, two endangered plant species, and the habitat of the threatened snowy plover. Much of the land to be added is already being managed for habitat protection, and the only affects of this action are to place land under federal ownership to promote habitat protection and enhancement.

As discussed in the draft Environmental Assessment and Land Protection Plan, the Service has considered several alternatives to the project. We agree that the preferred alternative (alternative B, acquiring 816 acres of land) is consistent with the goals of the Coastal Act and will not negatively affect any resources of the coastal zone. Should an alternative other than the proposed alternative be implemented, such as alternative D, which could affect coastal agricultural lands, additional coordination with the Commission may be required.

In addition, the Draft Conceptual Management Plan states that in the future the Service will evaluate whether hunting and fishing activities will be permitted; these activities are not currently permitted on the property in question. Should the Service seek to allow these activities, additional coordination with the Commission will be required if those activities have the potential to affect coastal resources.

We agree that the proposed acquisition will not affect any resources of the coastal zone; we therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

Peter W. Douglas  
Executive Director

cc: John Esperance, FWS  
North Coast Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
V AND TDD (415) 904-5200



February 11, 1997

Robert Hexom  
Department of the Navy, Southwest Division  
Naval Facilities Engineering Command  
1220 Pacific Highway  
San Diego, CA 92132-5190

RE: ND-008-97, Negative Determination, Modification to Pier Repair and Facility Safety Improvement Projects, Point Loma, San Diego

Dear Mr. Hexom:

The Commission has received the above referenced negative determination for modifications to a previously concurred with project for pier repair and facility improvements. The project is located at and adjacent to Pier 180 at the Navy Fleet and Industrial Supply Center, on the Point Loma Peninsula. The Commission concurred with the original project (CD-078-96) in August, 1996. In that determination, the Navy stated that no work would be undertaken during least tern nesting season (April 1-September 15); ND-008-97 requests that land based work be allowed during the least tern nesting season.

The proposed land based work will not negatively affect any least tern nesting area. In-water work, affecting foraging areas for the least tern, will not be undertaken during the nesting season, as agreed to in CD-078-96.

Further, the project modifications will not affect any other resources of the coastal zone in a manner different than the original project. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Douglas".

Peter M. Douglas  
Executive Director

cc: San Diego Coast Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
TELEPHONE AND TDD (415) 904-5200



January 29, 1997

Charles Rairdan  
Environmental Resources Branch  
Los Angeles District, Corps of Engineers  
P.O. Box 2711  
Los Angeles, CA 90053-2325

RE: ND-009-97, Negative Determination, Army Corps, U.S./Mexican Border Fence,  
San Diego

Dear Mr. Rairdan:

The Coastal Commission has received the above-referenced negative determination for the construction of additional fencing along the U.S./Mexican border. The negative determination covers three phases of border fencing, only the second of which is of potential concern to us at this time. The first phase has already been concurred with, in ND-118-96 (located east of the International Wastewater Sewage Treatment Plant (IWTP)). The third phase is well outside the coastal zone in Otay Mesa. The second phase is immediately west of the IWTP, and would be a bollard style fence, 0.6 miles in length and parallel to existing fencing at the border. The bollard style consists of 12 ft. high concrete poles, 12 inches in diameter, with 5 inches of space between each column. The columns would be embedded in a concrete base, and would be topped with wire mesh.

The fencing would be located in already disturbed areas, and the alignment has been selected to avoid any effects on environmentally sensitive habitat, including two small ephemeral ponds in the project vicinity. An intermittent ephemeral stream traverses the area to be fenced; however the fence will contain a 100 ft. wide gap to avoid affecting the stream. The area is not visually sensitive. Archaeological effects would be avoided and the Corps is coordinating with the State Historic Preservation Officer.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. We, therefore, **concur with** the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



PETER M. DOUGLAS  
Executive Director

cc: San Diego Area Office  
OCRM  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
Department of Water Resources  
Governor's Washington D.C. Office

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## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
TELEPHONE AND TDD (415) 904-5200



January 24, 1997

A. Cozakos  
Head, Environmental Department  
Department of the Navy  
Navy Public Works Center  
2730 McKean St., Suite 1  
San Diego, CA 92136-5294

RE: **ND-10-97** Negative Determination, Navy, Oily Waste Collection System, Naval Amphibious Base, Coronado

Dear Mr. Cozakos:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of an oily waste collection system used to collect oily waste and bilge water from existing piers at the Naval Amphibious Base in Coronado.

The project consists of replacing single-wall piping with double wall piping. The Navy monitors the piping system continuously, and if a release occurs into the secondary containment system, the system will be shut down for repairs. Thus, the double wall system which will decrease the risks of accidental spills into the marine environment compared with the existing situation. A small amount of excavation of material which has accumulated along the existing seawall will occur; however no sensitive marine resources will be affected and no excavation will occur within the marine environment. In addition, no excavation will occur within the least tern nesting season.

We agree with the Navy that the project will not affect any coastal zone resources, and we therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

*(for) Mark Delaplaine*  
PETER M. DOUGLAS  
Executive Director

cc: San Diego Area Office  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office  
Army Corps, San Diego Field Office

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