

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****W 9****DATE:** March 24, 2005**TO:** Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Elizabeth A. Fuchs, Manager, Statewide Planning and Federal Consistency Division
Mark Delaplaine, Federal Consistency Supervisor

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-019-05
APPLICANT:	Department of the Air Force
LOCATION:	Vandenberg AFB, Santa Barbara Co.
PROJECT:	Construct Western Range Command Transmit Site
ACTION:	Concur
ACTION DATE:	3/3/2005

PROJECT #:	ND-021-05
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Naval Air Station Point Mugu, Ventura Co.
PROJECT:	Replace six deteriorating power poles
ACTION:	Concur
ACTION DATE:	3/11/2005

PROJECT #:	ND-022-05
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Naval Air Station, Point Mugu, Ventura Co.
PROJECT:	Construct an aviation display and ceremonial park
ACTION:	Concur
ACTION DATE:	3/3/2005

PROJECT #:	ND-024-05
APPLICANT:	National Park Service
LOCATION:	Solstice Canyon, Santa Monica Mountains National Recreation Area, Los Angeles Co.
PROJECT:	Replace a septic tank at park dormitory and TRW buildings
ACTION:	Concur
ACTION DATE:	3/2/2005

PROJECT #:	ND-025-05
APPLICANT:	Department of the Navy
LOCATION:	San Nicolas Island, Ventura Co.
PROJECT:	SSM-1 KAI Missile project test activities and support facility modifications
ACTION:	Concur
ACTION DATE:	3/15/2005

PROJECT #:	NE-028-05
APPLICANT:	CALTRANS
LOCATION:	Rincon Creek, Santa Barbara/Ventura County Border
PROJECT:	Rincon Creek Bridge Replacement and Route 150 Realignment
ACTION:	No effect
ACTION DATE:	3/1/2005

PROJECT #:	ND-029-05
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	Humboldt Bay and HOODS, Humboldt Co.
PROJECT:	Spring maintenance dredging and disposal
ACTION:	Concur
ACTION DATE:	3/15/2005

PROJECT #:	ND-032-05
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Los Angeles River estuary, Long Beach, Los Angeles Co.
PROJECT:	Maintenance dredging and disposal
ACTION:	Concur
ACTION DATE:	3/18/2005

PROJECT #:	ND-033-05
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Oceanside Harbor, San Diego Co.
PROJECT:	Maintenance dredging of Entrance, Oceanside, and Del Mar channels and beach disposal on Oceanside Beach south of municipal pier
ACTION:	Concur
ACTION DATE:	3/22/2005

PROJECT #:	ND-034-05
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Santa Ana River, Orange Co.
PROJECT:	Revised disposal location for lower Santa Ana River dredging
ACTION:	Concur
ACTION DATE:	3/21/2005

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March 3, 2005

Denise R. Caron
Chief, Conservation Environmental Flight
Department of the Air Force
30 CES/CEV
806 13th Street, Suite 116
Vandenberg AFB, CA 93437-5242

Subject: Negative Determination ND-019-05, Missile Flight Termination Ground System facility, Vandenberg AFB, Santa Barbara County.

Dear Ms. Caron:

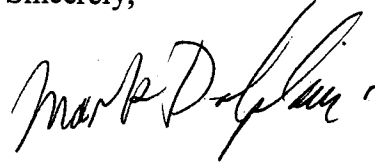
The Coastal Commission staff has reviewed the above-referenced negative determination from the Air Force to construct a Missile Flight Termination Ground System (MFTGS) facility on Vandenberg AFB. This facility will be used to transmit radio messages to launch vehicles that will cause the onboard receivers/decoders to activate flight termination functions in the event of a flight anomaly. The MFTGS primary support facility must meet line-of-site requirements for active launch pads, and a backup support facility is required whenever a primary site is taken out of commission to undergo improvements or repairs. The Air Force states that the proposed MFTGS primary and backup support facility is needed to support the Evolved Expendable Launch Vehicle program at Vandenberg AFB (concurrent with by the Commission in CD-049-98 and ND-102-03).

The proposed three-acre project site is located approximately 2.5 miles inland from the shoreline, on 13th Street one-third mile south of Watt Road on north Vandenberg AFB. The MFTGS facility will include: (1) concrete/asphalt pavement to support buildings, antennas, and roads/parking areas; (2) two command transmitter units, four omni antennas (100 feet high), and four directional antennas (31 feet high); (3) two generators and fuel storage tanks within two mobile buildings, a portable office/maintenance building, and a 1,000 gallon capacity underground septic system; (4) a 25-foot-long paved access road connecting the facility to 13th Street; and (5) installation of a 250-foot underground water line, a 1,200-foot overhead electrical power line on existing poles, and 3,600 feet of parallel underground fiber optic communications lines.

The project site is presently undeveloped but does not contain and is not near any environmentally sensitive habitat. Measures have been incorporated into the project to protect water quality, including implementation of best management practices to control runoff. No cultural or archaeological resources are located within the project site. The project site is within an area of Vandenberg AFB that is closed to the public for military security reasons. In

conclusion, the Commission staff agrees that the proposed MFTGS facility on Vandenberg AFB will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Douglas", written over a horizontal line.

(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

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March 11, 2005

Robert Wood
Deputy Public Works Officer
Naval Base Ventura County
ATTN: James Danza
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Subject: Negative Determination ND-021-05, power pole replacement at Naval Air Station
Point Mugu, Naval Base Ventura County.

Dear Mr. Wood:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to remove six deteriorated power line poles and replace them with new poles in the same holes. The project site is located in tidal salt marsh habitat on the south side of Mugu Lagoon, west of South "G" Avenue and north of South "I" Avenue. Work vehicles will use an existing dirt road that extends from South "I" Avenue to the project site. Vegetated areas adjacent to each of the poles will be covered with tarps. The existing poles will be held in place by a crane, cut at ground level, and swung away. The remaining stubs will be pulled from the ground, new poles inserted, and soil tamped down into the holes to stabilize the new poles. The existing power cables will then be attached to the new poles. The base ecologist will be present to supervise the removal and installation and to ensure that no permanent impacts occur to wetland vegetation. The work will occur in early August after the conclusion of the clapper rail nesting season, will take one to two days to complete, and will not affect any other listed species.

The Coastal Commission staff agrees with your conclusion that the proposed project will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR 930.35. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

(fol)

PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

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March 3, 2005

Robert Wood
Deputy Public Works Officer
Naval Base Ventura County
ATTN: James Danza
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Subject: Negative Determination ND-022-05, aviation display and park, Naval Air Station Point Mugu, Naval Base Ventura County.

Dear Mr. Wood:


The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to construct an aviation display and park immediately southeast of the intersection of North Mugu Road and 9th Street, in the community support area of the Naval Air Station Point Mugu. The project includes the installation of an E-2C Navy Airborne Early Warning Aircraft, mounted on a concrete slab foundation with sidewalks radiating outward from the plane to existing parking areas and the Mugu Road sidewalk. The site will be landscaped with drought tolerant vegetation, will serve as a ceremonial park for Navy ceremonies, and will showcase the history of the E-2C.

The one-half acre project site is comprised of a paved parking lot and vacant land between the lot and the Oxnard Drainage Ditch #2. Approximately 0.13 acres of this section includes mottled soil, which is a wetland indicator. However, water does not collect on the site, it is not a saltpanne, and vegetation is nearly non-existent. The soils at this site have no direct or indirect hydrologic connection to Mugu Lagoon or the ocean. The Navy concluded that the soil was likely placed on the site from a dredging project or construction of the adjacent drainage ditch in the 1960s. The project includes pavement removal, land leveling the entire site, and mitigating the fill of wetland soil at a 1:1 ratio using the Navy's Point Mugu LAG 4 mitigation bank. Erosion and pollution control measures will be in place to prevent adverse impacts to adjacent wetland in the Oxnard drainage Ditch #2.

The project site is located outside the coastal zone because it is on federal land (which is excluded from the coastal zone) and is inland of the coastal zone boundary as it crosses Naval Air Station Point Mugu. The proposed aviation display and park will not adversely affect wetlands, water quality, or marine resources within the coastal zone. We therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing

regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


(K.M.) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

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March 2, 2005

Woody Smeck, Superintendent
Santa Monica Mountains NRA
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4207

Subject: Negative Determination ND-024-05, septic tank replacement in Solstice Canyon, Santa Monica Mountains National Recreation Area, Los Angeles County.

Dear Mr. Smeck:

The Coastal Commission has reviewed the above-referenced negative determination for replacing a substandard 1,000-gallon septic tank located on Park Service property in Solstice Canyon. The Service proposes to install a 2,000-gallon concrete tank, connect to the existing and adequate leach field, and remove and reinstall a retaining wall that protects the septic tank area. The larger tank will meet health code standards for use levels at the Service's dormitory and TRW buildings in Solstice Canyon. The tank site is within an area dominated by non-native grasses and is not adjacent to any waterways. Construction activities will interrupt public use of the Rising Sun Trail as it crosses the project area, but as the work is scheduled to occur on two weekdays the effects on public access and recreation will be minor and temporary.

The Commission staff agrees that the proposed project will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Douglas", written over a circular stamp.

(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

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March 15, 2005

C.H. Kiwus, Commander
Public Works Department
Department of the Navy
Naval Base Ventura
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Attn: James Danza

RE: **ND-025-05**, Negative Determination, Navy, SSM-1/KAI Missile test, San Nicolas Island

Dear Commander Kiwus:

The Coastal Commission staff has reviewed the above-referenced negative determination for the testing of surface-to-surface missiles and modifications to existing testing facilities at San Nicolas Island. The proposal includes up to five missile tests, for purposes of evaluating dual launch performance, sea-skimming maneuvers, target discrimination, and simultaneous interception. On-shore facility improvements would be temporary and limited to existing developed facilities on the island. Environmental restrictions and monitoring of sensitive habitat areas potentially affected would be the same as for previously-authorized missile tests on the island. Chase planes would follow the missiles and could divert or terminate the missiles if they depart from their planned course and threaten sensitive areas.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." On February 14, 2001, the Commission concurred with a programmatic consistency determination for Navy training and missile testing activities on the Point Mugu Sea Range, which included testing and facility modifications at San Nicolas Island (CD-2-01). All existing and proposed new testing would comply with the terms of the Biological Opinion from the U.S. Fish and Wildlife Service and the Letter of Authorization from the National Marine Fisheries Service. In that previous review the Commission found:

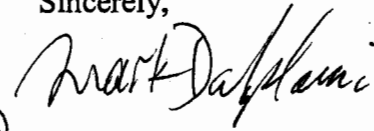
The proposed activities are within the range and scope of historic Navy activities conducted on the Sea Range. The primary coastal recourse concerns are effects on marine mammals found throughout the Sea Range, and sensitive nearshore and land-based sensitive wildlife habitats at San Nicolas Island and Pt. Mugu. To address these concerns, the Navy is coordinating with the National Marine Fisheries Service (NMFS) and the U. S. Fish and Wildlife Service. Through this coordination and the EIS process, and as summarized above, the Navy has committed to avoidance, minimization, mitigation and monitoring measures to assure the protection of important wildlife species, including: (1) assuring that activities on the Sea Range that could harass marine mammals do not occur when significant concentrations of marine

mammals are present; (2) monitoring launch activities on San Nicolas Island; (3) enhancing habitat for the western snowy plover, light-footed clapper rail, and island night lizard; (4) limiting effects on San Nicolas Island to previously disturbed areas; (5) population and density monitoring for a number of sensitive wildlife species; (6) training military personnel on wildlife issues; and (7) implementation of remedial measures, in the event monitoring efforts indicate listed species are not being protected. While a number of these measures are continuations of existing Navy mitigation and monitoring practices, for the purposes of this comprehensive Sea Range program they are being implemented within the context of two programmatic Biological Assessments, (one addressing overall Navy activities at Pt. Mugu, and the other overall activities on San Nicolas Island). In addition, at the request of the Commission staff the Navy has committed to submit all monitoring plans to the Commission staff, for its review prior to their finalization, and to provide regular monitoring results to the Commission staff on an ongoing basis as they become available. Moreover, the Commission staff has contacted NMFS and the U. S. Fish and Wildlife Service, which have not raised any major concerns over the Navy's proposal as long as the monitoring and other commitments remain in place. The Commission concludes that, with the monitoring and mitigation commitments the Navy has incorporated into the project, including the commitment to enable continuing Commission staff review of finalized monitoring plans and ongoing monitoring results, the project is consistent with the marine resources, environmentally sensitive habitat, and water quality policies (Sections 30230, 30240 and 30231) of the Coastal Act.

The Navy states: "Based on monitoring experience with other missile launches [at San Nicolas Island], temporary startle reactions may occur, but are not likely to cause any harm or otherwise affect the well-being of sensitive wildlife species." In addition, the Commission staff regularly reviews annual habitat monitoring reports published under these agreements and under the Navy's CD-2-01 commitments to provide the Commission staff with monitoring for all Sea Range testing.

In conclusion, the Coastal Commission staff agrees that the proposed project is the same as or similar to a consistency determination with which the Commission has previously concurred (CD-2-01), and does not raise any new issues warranting a new consistency determination. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

(for) 
PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

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March 1, 2005

Chuck Cesena
Environmental Planning
Caltrans, District 5
50 Higuera St.
San Luis Obispo, CA 93401-5415

RE: **NE-028-05**, Modifications to CC-007-95, Caltrans Route 150/Rincon Creek Bridge Replacement, Rincon Creek, Santa Barbara/Ventura County Border

Dear Mr. Cesena:

On March 8, 1995, the Coastal Commission concurred with Caltrans' consistency certification for the replacement of two bridges and roadway realignment on Route 150 east of Carpinteria in Santa Barbara and Ventura Counties (CC-7-95). The project also triggered the need for subsequent coastal development permits from the two counties; the counties approved the permits but on August 14, 1997, the Commission denied them on appeal (A-4-96-131 (Santa Barbara) and A-4-96-318 (Ventura)). The Commission never adopted findings; however the transcript from the permit hearing reveals that the Commission was concerned over the design speed and associated impacts from the particular design proposed. In response to the Commission's permit action, Caltrans scaled back the project from a 40 mph design speed to a 35 mph design speed, which further reduced the project's environmental impacts. In its environmental reevaluation, Caltrans documented the reduced impacts, updated the project's mitigation measures, and reinitiated consultation with resources agencies. Caltrans states:

Following denial of the coastal development permit on the D-Mod. Alternative by the Coastal Commission, Caltrans met with elected officials and members of the community to discuss the project's design. As a result of the meeting, Caltrans again processed a Design Exception and changed the proposed design speed to 55kph (35mph) which, along with the other features of the previous design, became known as the Abbott's D-Modified Alternative. This design would allow for smaller curve radii resulting in reduced impacts to biological resources, a private residence, and farmland, as well as help preserve the character of the existing road.

The current proposal reduces agricultural impacts by 0.4 acres, eliminates the need to remove 9 mature native trees (an approximately 33% reduction), slightly reduces (by 0.16 acres) wetland impacts, California red legged frogs are unlikely to be affected (but Caltrans will still perform surveys and keep construction equipment out of stream areas), and while the historic (man-made) barrier to steelhead migration remains downstream at the mouth of Rincon Creek, long-term planning continues to remove the barrier, as it had committed to previously, Caltrans will

still reconfigure the stream gradient under and adjacent to the bridges to improve steelhead passage, which will hopefully be restored in the future. All the other previous mitigation commitments remain incorporated into the project.

Under the federal consistency procedures (15 CFR Section 930.65), the Commission reviews project modifications and any changed circumstances to determine whether a previously-concurred with activity remains consistent with the Coastal Act, or whether the modifications/changes render the project: (1) substantially different than originally described; and (2) no longer consistent with the applicable Coastal Act policies. Given the above project modifications, the project's effects on coastal resources has been reduced compared to the project the Commission initially concurred with in its federal consistency review. Caltrans has also modified the project in response to the Commission's previous permit denials to reduce its environmental effects (and design speed).

The project may still need County coastal development permits; this letter addresses federal consistency procedures only and does not obviate the need for any legally required County-issued coastal development permits (which would be appealable to the Commission).

Nevertheless, for federal consistency purposes, the project remains consistent with the applicable Coastal Act policies, and no new consistency certification is therefore needed. If you have any questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
Tami Grove (CCC Caltrans Liaison)
Corps of Engineers, Los Angeles District (Mark Cohen)

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March 15, 2005

Thomas R. Kendall
Chief, Planning Branch
U.S. Army Corps of Engineers
ATTN: Tamara Terry
333 Market Street, 7th Floor
San Francisco, CA 94105-2197

Subject: Negative Determination ND-029-05, Humboldt Harbor Spring Maintenance Dredging and Disposal

Dear Mr. Kendall:

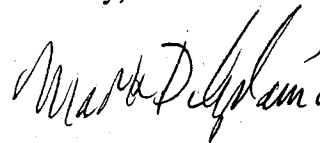
The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to conduct annual spring maintenance dredging of the Humboldt Harbor Bar and Entrance Channels. The Corps' hopper dredge will remove approximately one million cubic yards of shoaled material that has accumulated in the Bar and Entrance Channels over the past winter. Physical, chemical, and biological testing of sediments from the subject navigation channels was conducted in January 2005. All the predominately sandy dredged material is suitable for disposal at the Section 102 designated Humboldt Open Ocean Disposal Site (HOODS) and will be dredged and placed at that site during the period between March 17 and April 15, 2005.

The Commission concurred with a consistency determination (CD-005-04) for 2004 spring and fall maintenance dredging at Humboldt Bay. In that concurrence, the Commission referenced its long history of reviewing the Corps' dredging and disposal operations at Humboldt Bay. The Commission's primary concern in recent years is the potential adverse effect on local sand supply, beach width, and public recreation from disposal of sandy dredged materials at the HOODS site, located outside the littoral system. In CD-005-04, the Corps committed to continue implementing its ongoing shoreline monitoring program along the north and south spits of Humboldt Bay. Should that monitoring indicate that that adverse shoreline erosion is occurring, the Corps will reconsider its disposal at HOODS. The Commission also found that given the monitoring results to date, it is not yet clear whether loss to the littoral system of the material dredged from Humboldt Bay is significant to the local beaches or shoreline, due to the amount of natural sedimentation into Humboldt Bay, as well as the healthy delivery of sediment to the south spit by the Eel and Mad Rivers. However, as long as the monitoring program continues, there will be an early warning of any shoreline erosion that may occur. If it does, the Corps will be able to revise its disposal practices to keep more sandy material in the littoral cell. As a part of the subject negative determination, the Corps will continue to implement its shoreline monitoring program at Humboldt Bay.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to numerous individual spring and fall maintenance dredging operations previously concurred with by the Commission (e.g., CD-005-04, ND-043-04, CD-045-98, ND-024-98), thereby qualifying it for review under the negative determination process.

The proposed maintenance dredging and disposal activities will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Douglas".

(for)

PETER M. DOUGLAS
Executive Director

Cc: North Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

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March 18, 2005

Ruth B. Villalobos
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Randy Tabije
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-032-05, Los Angeles River Estuary Maintenance
Dredging, Long Beach, Los Angeles Co.

Dear Ms. Villalobos:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to sidecast dredge approximately 26,000 cu.yds. of material from a segment of navigation channel located at the mouth of the Los Angeles River in the City of Long Beach. The Corps would use a clamshell or backhoe dredge to move the shoaled materials out of and alongside the navigation channel. Sediments transported down the Los Angeles River in recent years and in particular, this past winter, have settled within the river's estuary and the navigation channel, effectively blocking Catalina Island ferries from entering the adjacent Queens Way Marina. Currently, ferry operations are using a temporary berth across the river next to the Queen Mary recreation complex. This temporary situation is causing economic losses and adversely affecting public recreation (trips to Catalina Island). While the Corps is responsible for maintaining a navigation channel within the estuary to provide watercraft access to the marina, authorized federal channel depths and widths have yet to be established. Nevertheless, the Corps is currently designing a large maintenance dredging and disposal project for the Los Angeles River Estuary, but in the interim proposes to undertake a minimal amount of maintenance dredging in order to clear a 125-foot-wide and 11-foot-deep (mean lower low water) navigation channel to the marina to support ferry operations.

The sediments proposed for sidecasting were tested for physical, chemical, and biological suitability for unconfined ocean disposal. The sediments are predominately sands (93% by dry weight), with a sand content normally suitable for upland and/or nearshore beach replenishment. However, the sediment chemistry test results indicate minor contamination from several chemical constituents attached to fine sediments, and the bioassay test results indicate an unidentified source of contamination adversely affecting the tested marine species. Given these test results and the need for further analysis to identify the source constituent causing the bioassay results, the Corps and reviewing agencies determined that the proposed dredged materials cannot at this time be deemed suitable for beach replenishment. Instead, the Corps proposes to sidecast the minimal volume of sediments from the shoaled navigation channel needed to allow the ferry to operate. Given this minimum volume, and the high sand content,

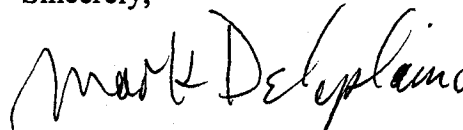
this temporary action will not result in significant adverse effects to water quality or marine resources at and adjacent to the project site.

The Corps has committed to mitigation measures that will minimize project impacts during the estimated ten-day-long dredging period. Work will occur 24-hours per day, dredging will not take place when water currents in the estuary exceed one mile per hour, dredging equipment will operate in a controlled manner to minimize resuspension and spillage of sediments, turbidity levels will be monitored during operations, and dredging activity will be modified and/or suspended should turbidity levels exceed project monitoring standards.

The Commission notes that this project is the latest in a series of dredging operations in the Los Angeles River Estuary that spotlight ongoing problems associated with managing contaminated sediments in the nearshore waters of San Pedro Bay. Given the test results available at this time, the previously-mentioned larger-scale dredging project now under design by the Corps for the estuary (estimated at over 600,000 cu.yds.) will likely involve sediments potentially contaminated to a larger degree than those in the subject sidecasting project. A disposal location for these contaminated sediments must be selected, must have undergone review by the Los Angeles Region Contaminated Sediments Task Force (which includes the Commission's water quality staff), and must be submitted (along with the necessary test results) with the Corps' consistency determination to the Commission for that project. (It is not appropriate for the Corps to simply provide a list of potential disposal locations, as was the case initially with this negative determination.)

In conclusion, the Commission staff agrees that the proposed sidecast dredging project in the Los Angeles River Estuary will not adversely affect coastal resources, and that timely review at this time is appropriate to maintain an open navigation channel. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: South Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office
Steven John, EPA
Heal the Bay

CALIFORNIA COASTAL COMMISSION

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March 22, 2005

Ruth Villalobos
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Larry Smith
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-033-05, Maintenance Dredging of Oceanside Harbor, San Diego Co.

Dear Ms. Villalobos:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to dredge between 183,000 and 262,000 cu.yds. of sandy material from Oceanside Harbor (Entrance, Oceanside, and Del Mar Channels) and dispose of it on Oceanside Beach, south of the municipal pier commencing at Tyson Street. Dredging and disposal is scheduled to commence on April 18 and last approximately two weeks. This project is similar to projects previously approved by the Commission at this location. In 1990, the Commission concurred with a consistency determination for a six-year dredging program for Oceanside Harbor (CD-008-90) that included beach disposal. In 1994, the Commission concurred with another consistency determination for a similar six-year maintenance dredging program (CD-053-94). Beginning in 2000, the Commission staff concurred with annual negative determinations for one-year maintenance dredging and beach disposal programs at Oceanside Harbor (ND-075-00, ND-016-01, ND-008-02, ND-009-03, and ND-020-04).

The proposed project will not adversely affect water quality, sand supply, beach recreation, or habitat resources of the coastal zone. The project includes the same environmental commitments included in previous consistency and negative determinations for Oceanside Harbor maintenance dredging. The Corps' sediment analysis concludes that the dredged material consists primarily of clean sand that is suitable for beach replenishment, either by direct placement on receiving beaches or by placement in the nearshore zone. U.S. EPA agrees with this conclusion. Dredging will not adversely affect water quality because the sediments are not contaminated and these sands will only generate short-term and localized increases in turbidity. The project will improve beach recreational opportunities and will not adversely affect regional sand supply. Dredging and disposal will not adversely affect California least tern foraging or benthic and sandy beach habitats due to the short-term nature of the project.

In conclusion, 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 Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

(for)

PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

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March 21, 2005

Ruth Villalobos
Chief, Planning Division
Corps of Engineers
ATTN: Hayley Lovan
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-034-05, Modifications to Disposal Location for Lower Santa Ana River Dredging, Newport Beach, Orange Co.

Dear Ms. Villalobos:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to modify the disposal location for sediments dredged as a part of the Lower Santa Ana River Reaches 1 and 2 dredging project. The Corps is conducting this dredging and disposal project consistent with previous consistency and negative determinations approved by the Commission and Executive Director for the Santa Ana River Mainstem and Lower River projects (CD-029-88, ND-111-00, and ND-026-02). The proposed action entails moving the nearshore disposal site approximately one-half mile upcoast from the currently-used site (as identified in ND-111-00) to a location offshore of and just south of the mouth of the Santa Ana River. The proposed disposal site is 1,100 feet wide (perpendicular to the shoreline) and 1,500 feet long (parallel to the shoreline) in water depths ranging from -12 to -30 feet mean lower low water (MLLW). Dredging of clean sands from the Lower Santa Ana River channel and placing these materials in the nearshore zone off Newport Beach is consistent with the aforementioned consistency and negative determinations.

The Corps is proposing this project change in order to reduce the distance between the Lower Santa Ana River dredging site and the previously-designated nearshore disposal site. Extreme weather conditions during the last several months (including high waves and ocean currents and substantial flood flows in the Santa Ana River) have made it difficult to maintain in proper working condition the dredge discharge pipelines between the river mouth and the nearshore disposal site. Moving the disposal site closer to the river mouth will increase the efficiency of dredge and disposal operations and help to ensure completion of the dredging project in a timely manner.

The Corps notes that the Supplemental Environmental Assessment supporting the aforementioned ND-111-00 (Lower Santa Ana River dredging and disposal) stated that scattered reefs occur in the vicinity of the Santa Ana River mouth, and that most of these reefs occur in water depths of -25 to -35 MLLW. The proposed disposal site extends from -12 to -30 feet

MLLW and sand placed within this site may temporarily cover portions of those reefs until offshore waves and currents disperse the sand up or down coast and onto the shoreline. This temporary effect within the dynamic physical conditions offshore of the Santa Ana River mouth would not create any permanent, adverse effect on reefs adjacent to the disposal site. In addition, the disposal operation is designed to avoid placing dredged materials directly on the scattered reefs. The dredged materials were previously tested and found suitable for unconfined ocean disposal at this site. The Corps will continue to implement all previously-agreed upon mitigation measures for the Lower Santa Ana River project to ensure that disposal operations will not adversely affect coastal resources, including endangered species, public access and recreation, and water quality. Regarding the latter, natural turbidity resulting from storm events, wave action, and flood discharges from the Santa Ana River will mask most turbidity effects arising from the proposed disposal of sandy materials in the nearshore zone.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission staff agrees that the proposed project modification and its effects on coastal zone resources are the same as or similar to disposal operations previously concurred with by the Commission for the Lower Santa Ana River project. We therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: South Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office