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

F 3

DATE: **September 20, 2006**

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-053-06
APPLICANT:	Department of the Navy
LOCATION:	Offshore of Ventura County
PROJECT:	Visual test site
ACTION:	Concur
ACTION DATE:	9/5/2006

PROJECT #:	ND-054-06
APPLICANT:	Bureau of Land Management
LOCATION:	Stornetta Ranch, Mendocino Co.
PROJECT:	Livestock exclusion fence
ACTION:	Concur
ACTION DATE:	8/28/2006

PROJECT #:	ND-056-06
APPLICANT:	Department of the Navy
LOCATION:	Naval Air Station North Island, Coronado, San Diego Co.
PROJECT:	Emergency quaywall repairs
ACTION:	Concur
ACTION DATE:	9/5/2006

PROJECT #:	ND-061-06
APPLICANT:	Department of the Navy
LOCATION:	Offshore of San Clemente Island
PROJECT:	MK 54 Torpedo testing
ACTION:	Concur
ACTION DATE:	9/1/2006

PROJECT #:	ND-064-06
APPLICANT:	National Park Service
LOCATION:	Giacomini Wetland, Tomales Bay, Marin Co.
PROJECT:	Habitat improvements
ACTION:	Concur
ACTION DATE:	8/31/2006

PROJECT #:	ND-065-06
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Bear Valley, Glen, and Rift Zone Trail culvert replacement
ACTION:	Concur
ACTION DATE:	9/12/2006

PROJECT #:	ND-070-06
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	South San Diego Bay
PROJECT:	Comprehensive Conservation Plan
ACTION:	Concur
ACTION DATE:	9/13/2006

PROJECT #:	ND-071-06
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Bolsa Chica Lowlands, Orange Co.
PROJECT:	Relocation of two portable administrative buildings
ACTION:	Concur
ACTION DATE:	9/13/2006

Mark

STATE OF CALIFORNIA – THE RESOURCES AGENC

ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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September 5, 2006

Robin Skinner
Manager, Env. Safety and Health
Naval Facilities Engineering Service Center
ATTN: Jill Lomeli
1100 23rd Avenue
Port Hueneme, CA 93043-4370

Subject: Negative Determination ND-053-06 (Visual test Site, offshore Ventura County)

Dear Mr. Skinner:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to install and operate for five years a Visual Test Site at a location approximately four nautical miles offshore of Ventura County to train Navy remote operated vehicle (ROV) operators in object identification and cable tracking skills. The project consists of laying approximately three nautical miles of 1.5-inch-diameter non-energized cable on the seafloor in water depths between 120 and 240 feet. Two anchors made from three-inch chain links will secure the cable to the seafloor, and three steel shapes will also be placed on the seafloor in the general test site area. The seafloor in the test area is comprised of silts and sands, no rocky habitat is present, and no sensitive habitat or species would be disturbed by the project. Navy ROV training would occur on three different occasions for periods of approximately ten days each over a three month period each year for five years. A notice to mariners will be issued when ROV training takes place. The cable, anchors, and steel shapes will be removed from the seafloor at the end of the five-year test period.

The Commission staff agrees that the proposed Visual Test Site project offshore of Ventura County will not adversely affect coastal 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,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

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

STATE OF CALIFORNIA – THE RESOURCES AGENC ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION
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August 28, 2006

Rich Burns
Manager, Ukiah Field Office
U.S. Bureau of Land Management
2550 N. State Street
Ukiah, CA 95482

Subject: Negative Determination ND-054-06 (Livestock exclusion fence, Stornetta Public Lands, Point Arena, Mendocino Co.)

Dear Mr. Burns:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to install a fence to exclude livestock grazing from habitat used by the federally endangered Point Area mountain beaver, located near the end of Miner Hole County Road on the Stornetta Public Lands. The project site contains the only known population of Point Arena mountain beaver within the grazed areas on the Stornetta Public Lands and installation of the exclusion fence is supported by the U.S. Fish and Wildlife Service. Two segments of fence (totaling 400 feet in length) will intersect with an existing livestock fence to the north and with dense brush stands to the south, and will prevent livestock from trailing through mountain beaver habitat on an existing jeep trail. The fence segments will block the jeep trail at two locations in order to prevent livestock from entering the area and trampling mountain beaver burrows; two gates will be included at the trail crossing to allow Stornetta ranch employees continued use of the trail. The proposed fence is similar to existing livestock fences in the area and would be comprised of steel and wood posts supporting three strands of wire, the lowest of which would be 18 to 20 inches above the ground to allow deer movement under the fence. Visitors to the Stornetta Public Lands who park at the end of Miner Hole County Road, and who intend to hike west towards the shoreline or the Point Arena Lighthouse, will need to walk above the fence to the south (a detour of approximately one-quarter mile) in order to bypass the fence and the protected habitat area.

The Commission staff agrees that the proposed livestock exclusion fence will not adversely affect coastal resources. The fence will protect habitat that supports the endangered Point Arena mountain beaver and will require only a slight trail detour for visitors to this portion of the Stornetta Public Lands. 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: CCC – North Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

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September 5, 2006

Commander G.A. Shephard
Department of the Navy
Naval Air Station North Island
Public Works Office
Box 357040
San Diego, CA 92135-7040

Subject: Negative Determination **ND-056-06**, Emergency Quaywall Repair at Naval Air Station North Island - San Diego Bay, San Diego County

Dear Commander Shephard:

The Commission staff has reviewed the above-referenced negative determination for the emergency repair of the quaywall at Naval Air Station North Island (NASNI) in San Diego Bay. The Navy is seeking an after the fact authorization through the negative determination process for the following activities conducted between September 2005 and April 2006:

- Placement of approximately 12,000 cubic yards of fill materials at the toe of the existing quaywall;
- Installation of tie-backs on existing timber pile caps;
- Installation of tie rods to the top of the quaywall.

The Navy states that the emergency repairs were necessary because after discovering cracks in the quaywall and performing various investigations on its condition in June and July of 2005, the Navy determined that the structural integrity of the quaywall would be compromised without immediate remedial action. The original quaywall was constructed in the 1940s and was last repaired in the late 1980s to prevent tidal erosion of soils through the joints of the two concrete sheet piles that comprise the wall. The recent emergency repairs were initiated because of severe cracking on the concrete cap that ties the two sheet pile walls together. The Navy determined that this cracking coincided with an area where the bay bottom was 10 to 15 feet deeper than the typical bottom elevation. The Navy has speculated that this erosion was due to propeller wash associated with the tug boat assisted arrivals and departures of the aircraft carriers that berth at the quay which have, over time, led to a loss of the passive soil resistance that helped support the quaywall.

In addition to the repair work listed above, the Navy is currently working to plan, design and obtain necessary funding for a more permanent solution to the compromised quaywall. This process is anticipated to take between 9 and 20 months and will necessitate the submittal of a subsequent consistency determination. This submittal will include the results of the comprehensive sediment testing that is currently being conducted on the fill material as well as

an analysis of the disposal and beneficial reuse options that are available to the Navy based on these sediment testing results.

The emergency repairs described above have not significantly affected coastal uses or resources. The project is located in an area currently used by the Navy, which restricts public access due to military security requirements. The proposed project will not change that restriction. In addition, the project did not and will not significantly affect marine habitat or water quality. The Navy maintains that the placement of fill materials associated with this project resulted in minimal increases in turbidity. Specifically, the Navy states that:

> *...the area of influence was determined to be highly localized and the duration the turbidity was present was very limited. The placement of fill was performed while monitoring surface turbidity and a surface boom was placed approximately 120 feet from the quaywall to serve as a gauge to slow or stop the placement of fill if turbidity were visible at the boom. Since the area had been previously dredged, no habitat type conversion occurred because the temporary raising of the seafloor to a –35 foot depth would still be considered deep water habitat that would serve essentially the same species that would be found at –55 foot depths. No special aquatic sites occur in this previously dredged area, and there are no threatened or endangered species that would be affected by the project.*

Additionally, the Navy coordinated with numerous local, State and Federal agencies to ensure that the emergency repair activities described above were the least environmentally damaging alternative available to address the threat of structural failure of the quaywall. These agencies included the Army Corps of Engineers' Los Angeles and San Diego Offices, San Diego Regional Water Quality Control Board, National Marine Fisheries Service, Fish and Wildlife Service, California Department of Fish & Game and the California Coastal Commission.

In conclusion, the Commission staff **agrees** that the emergency repair activities did 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 continue to keep us apprised as to the status of the longer term solution for the quaywall and feel free to contact Cassidy Teufel at (415) 904-5502 should you have any questions regarding this matter.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
California Department of Water Resources
Governor's Washington, D.C., Office
U.S. Army Corps of Engineers, Los Angeles District

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
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September 1, 2006

N.C. Castle
Deputy Program Manager
Undersea Weapons Program Office (PMS 404)
Department of the Navy
Program Executive Officer (Submarines)
614 Sicard St. SE
Washington Navy Yard DC 20376-7004

Attn: Tom Vars/Ellen Peoples

RE: **ND-061-06**, Negative Determination, Navy, MK54 torpedo testing, Shore Bombardment Area (SHOBA), offshore San Clemente Island

Dear N.C. Castle:

The Coastal Commission staff has reviewed the above-referenced negative determination for a 1-2 day test (during a 4 day period, to occur during August-October 2006) of the MK 54 torpedo, 1-4 miles off the southwest end of San Clemente Island, in a historically used Navy testing area known as the Shore Bombardment Area (SHOBA). The Commission staff concurred with previous Navy torpedo testing in this area in ND-26-04, and the proposed project would involve fewer tests than the 2004 tests (4 tests versus 15 previous tests); however due to the introduction of active acoustics (from a surface ship) to track the torpedoes, the Commission staff had several questions about the current proposal and the measures for monitoring and protecting marine mammals (and sea turtles).

The Navy has agreed to provide similar marine mammal protection measures and preclusion zones similar to those that it agreed to in its settlement agreement with environmental organizations for the more extensive, multi-ship and multi-nation "RIMPAC"[1] training and testing exercises recently proposed and conducted offshore of the Hawaiian islands. These measures include extensive monitoring, including aerial surveys and passive acoustic monitoring, training, observation of 1000 meter, 500 meter, and 200 meter radii (for, respectively, reducing active sonar transmissions levels by 6 dB, 10 dB, and cessation of active transmissions), and notifying NOAA in the event of any unusual marine mammal behavior, including but not limited to strandings. The Navy also predicts that the only marine mammals expected to be affected in the proposed SHOBA testing area would be dolphins and sea lions.

[1] Rim of the Pacific, 2006

In addition, in conversations with the Commission staff, the Navy has clarified that it will remove the target (i.e., simulated skeleton submarine) and any anchors and chains for buoys at the conclusion of the exercise, and that no live torpedoes would be fired. In those conversations, recognizing the short duration of the testing and the Navy request for an expedited authorization, the Commission staff agreed to concur with the Navy's negative determination, "provided that the mitigation measures discussed in the Navy's negative determination are adhered to, including marine monitoring and avoidance/minimization measures as described in the Navy's submittal." The Commission staff also strongly urged the Navy to agree to provide the Commission staff with a summary of any measures taken during the exercise to avoid or reduce effects on marine mammals, any observed marine mammal reactions to the sonar, and any information being provided to the National Marine Fisheries Service in the event of any marine mammal strandings.

Based on these commitments and understandings, 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 C.F.R. Section 930.35. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

(for) PETER M. DOUGLAS
Executive Director

cc: Delphine Lee
Navy Region Southwest
Environmental Department N45RH
33000 Nixie Way, Bldg 50, Suite 326
San Diego, CA 92147-5110

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
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August 31, 2006

Don Neubacher
Superintendent
National Park Service
Point Reyes National Seashore
Point Reyes, Ca 94956

Re: **ND-064-06**, National Park Service Negative Determination for 2006 Habitat Improvements, Giacomini Wetland, Marin County

Dear Mr. Neubacher:

The Commission staff has reviewed the above-referenced negative determination for habitat improvements at the Giacomini Wetland upstream of Tomales Bay. The improvements would consist of expansion of a freshwater marsh by excavating 0.3 acres of former fill, creation of one acre of high tide wildlife refugia, installation of 1061 linear feet of temporary fencing to keep cows away from wetland habitat, and selected West Pasture revegetation with native wetland, riparian, and upland species, where appropriate.

The restoration project will benefit sensitive habitat and will not adversely affect coastal resources or public access. The Park Service is also planning a longer term, more extensive restoration project for the wetland complex, which should be published within the next two years. The proposed activities are compatible with the Park Service's goals for the longer term restoration.

The Commission staff **agrees** that the proposed restoration project 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 Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
U.S. Army Corps of Engineers, San Francisco District

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *GOVERNOR*

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September 12, 2006

Don L. Neubacher
Superintendent
Point Reyes National Seashore
ATTN: Ed Walls, Project Manager
Point Reyes, CA 94956

Subject: Negative Determination ND-065-06 (Storm damaged culvert replacement projects, Point Reyes National Seashore, Marin Co.)

Dear Mr. Neubacher:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to replace three failed culverts on the Bear Valley, Glen, and Rift Zone trails with bridge or arch culverts. The three proposed projects are designed to meet NOAA Fisheries and California Department of Fish and Game fish passage guidelines for active channel width, and would restore or enhance natural hydrologic processes, greatly improve fish passage, and accommodate future high water flows at these trail crossings. Standard best management practices will be implemented at each site to minimize anticipated minor, short-term construction impacts on soils and vegetation. Construction activities will also affect park visitors at these locations, but these noise and access impacts will be temporary and minor in nature. Construction is scheduled to occur during October and November 2006.

The Commission staff agrees that the proposed culvert replacement projects at Point Reyes National Seashore will not adversely affect coastal 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,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

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

STATE OF CALIFORNIA – THE RESOURCES AGENCY

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September 13, 2006

Andrew Yuen
Project Leader
U.S. Fish and Wildlife Service
San Diego National Wildlife Refuge Complex
6010 Hidden Valley Road
Carlsbad, CA 92011

RE: **ND-070-06** Negative Determination, Fish and Wildlife Service, San Diego Bay National Wildlife Refuge Comprehensive Conservation Plan, San Diego County

Dear Mr. Yuen:

The Coastal Commission staff has received the above-referenced negative determination for the Comprehensive Conservation Plan (CCP) for the San Diego Bay National Wildlife Refuge (NWR). The U.S. Fish and Wildlife Service (FWS) has prepared a Final Comprehensive Conservation Plan and Environmental Impact Statement, a programmatic document that will direct restoration work over a 15-year period in two areas: the Sweetwater Marsh Unit and the South San Diego Bay Unit. The FWS has created the CCP in order to provide managers with a 15-year strategy to achieve the goals of the Refuge, and to outline broad management direction for conserving a) wildlife and their habitats and b) recreational opportunities for the public. During subsequent project level planning (step-down planning), the FWS would propose additional projects that may require separate consistency determinations. In the Sweetwater Marsh Unit, the FWS would enhance and restore habitat in tidal wetlands and native upland habitat; enhance and maintain 33 acres of high quality nesting sites; and improve opportunities for wildlife observation, photography, environmental education and interpretation. In the South San Diego Bay Unit, the FWS would restore habitat in tidal and freshwater wetlands, and uplands; manage nesting sites; manage general habitat; and enhance public use opportunities.

In addition, to ensure that the CCP is implemented over the coming years, such that it remains consistent with the California Coastal Management Program, the FWS has committed to provide the Commission's Executive Director with an annual work plan, and to meet with Commission staff to discuss how project implementation and mitigation measures will ensure protection of coastal resources. The FWS has also committed to submit additional consistency and/or negative determinations to the Commission for any future CCP projects that hold the potential to adversely affect coastal zone resources. These commitments will be added to the Final CCP/EIS Record of Decision.

With these commitments, the Commission staff **agrees** that the proposed CCP will not adversely affect coastal resources, and we therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Diane Livia at (415) 904-5250 should you have any questions regarding this matter.

Sincerely,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District Office
Governor's Washington D.C. Office

STATE OF CALIFORNIA – THE RESOURCES AGENC

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September 13, 2006

Jack Fancher
Bolsa Chica Project Manager
U.S. Fish and Wildlife Service
Ecological Services
6010 Hidden Valley Road
Carlsbad, CA 92011

Subject: Negative Determination ND-071-06 (Relocation of two portable administrative buildings at Bolsa Chica Lowlands, Orange County)

Dear Mr. Fancher:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service proposes to permanently relocate two portable administrative buildings from their present location at the Bolsa Chica Lowlands restoration project construction headquarters (near the ocean inlet on the edge of the Huntington Mesa) to an existing pad within the restoration project property (near the dead end of Graham Street on the northeastern inland boundary of the project). The Service also proposes to install underground water and power utilities from existing stub ends at the end of Graham or Bankton Streets; the existing holding tank and bi-monthly pump-out service would be used for waste water disposal. The existing dirt pad and driveway were created within an upland area at the site of a PCB remediation project on the former Fieldstone property, which was later incorporated into the Lowlands restoration project lands. The pad and driveway are currently barren (all non-native vegetation was removed during site remediation and landscaping will not occur) and no biological resources would be affected by placing the portable buildings on the site. Once the adjacent lowlands have muted tidal influence restored, the upland pad and driveway will be surrounded by wetland vegetation, predominantly pickleweed.

The buildings will be used by the Bolsa Chica Lowlands land management agency and will support the administrative duties of the Lowlands manager (e.g., management of the restoration project lands, preparation of a public access plan for project lands, site security); in addition, a project volunteer and project resource monitoring personnel will periodically use the buildings. The Service states that administrative operations and occasional vehicle traffic to and from the site would not disrupt wildlife within the adjacent restored wetland. The dirt driveway to the pad will continue to be controlled by a locked gate through the oilfield security fence; no public access to this site currently exists nor is future public access envisioned at this location within the Lowlands due to its location inside the oil field security fence. The 11-foot-high buildings will not alter any public views to or across the Lowlands.

The Service states that other alternative potential building relocation sites exist within the Lowlands but are seriously flawed by their proximity to oil field operations and/or their distance to utility connections and access gates. Offsite locations away from the Lowlands for land manager work space may exist at some distance and with added costs and increased management inefficiencies, and were therefore not further investigated. However, the Service notes that because the subject buildings are portable, they could easily be moved to another site should alternative land management support facilities (possibly in combination with a Bolsa Chica Lowlands interpretive facility) be established at a future date.

The Commission staff agrees that the proposed relocation of two portable administrative buildings to an existing upland pad near the northeastern boundary of the Bolsa Chica Lowlands restoration project will not adversely affect coastal 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,

Mark Delaney

(for) PETER M. DOUGLAS
Executive Director

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