

CALIFORNIA COASTAL COMMISSION

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



Th 17

DATE: September 20, 2007

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Alison Dettmer, Deputy Director
Consistency Division
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

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

PROJECT #:	ND-039-07
APPLICANT:	Bureau of Land Management
LOCATION:	Point Arena, Mendocino Co.
PROJECT:	Non-native pine removal
ACTION:	Concur
ACTION DATE:	8/15/2007

PROJECT #:	ND-044-07
APPLICANT:	NOAA
LOCATION:	Pescadero Marsh, San Mateo Co.
PROJECT:	Temporary weir
ACTION:	Concur
ACTION DATE:	8/17/2007

PROJECT #:	ND-050-07
APPLICANT:	USFWS
LOCATION:	Seal Beach NWR, Orange Co.
PROJECT:	Culvert replacement
ACTION:	Concur
ACTION DATE:	9/5/07

PROJECT #:	ND-051-07
APPLICANT:	USFWS
LOCATION:	Hookton Slough, Humboldt Co.
PROJECT:	Dike repair
ACTION:	Concur
ACTION DATE:	9/6/07

PROJECT #:	ND-053-07
APPLICANT:	U.S. Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Temporary Lodging Facilities
ACTION:	Concur
ACTION DATE:	8/30/07

PROJECT #:	ND-055-07
APPLICANT:	NMFS
LOCATION:	Southwest Fisheries Science Center, La Jolla, San Diego Co.
PROJECT:	Dewatering well installation
ACTION:	Concur
ACTION DATE:	8/30/07

PROJECT #:	ND-057-07
APPLICANT:	GGNRA
LOCATION:	Sutro Historic District, San Francisco
PROJECT:	Parking lot, overlook and trailhead
ACTION:	Concur
ACTION DATE:	9/12/07

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August 15, 2007

Rich Burns
Field Manager
Bureau of Land Management
ATTN: Jonna Hildenbrand
2550 N. State Street
Ukiah, CA 95482

Subject: Negative Determination ND-039-07 (Bureau of Land Management, beach pine and non-native pine removal at Stornetta Public Lands, Point Arena, Mendocino Co.)

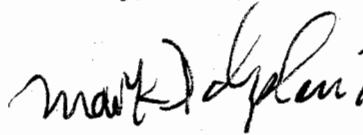
Dear Mr. Burns:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes a multi-year program to remove beach pine and non-native pine trees to maintain the early successional coastal prairie across approximately 210 acres on the southern third of the BLM's Stornetta Public Lands. This action will help to maintain the western dog violet which is the larval food for the endangered Behrens silverspot butterfly. Pine trees less than 20 feet in height which are encroaching into the coastal prairie will be cut at ground level and stacked to provide wind shelter for the butterflies. In addition, selected groups of pine trees less than 20 feet in height will be retained in clumps or rows throughout the project area to maintain wind-protected areas for the butterfly. The existing tall stands of pine trees (those greater than 20 feet in height) found within the project area will remain undisturbed. The proposed action is a continuation of small pine tree removal at this location, undertaken in past decades to maintain the coastal prairie for livestock grazing operations on the Stornetta Ranch. The project area will continue to be grazed by the Stornetta Ranch under terms of the 2004 transfer of lands from Stornetta Ranch to the BLM (ND-008-04). The proposed activity will occur after October 1 of each year and will be coordinated with the U.S. Fish and Wildlife Service to minimize disturbance to the butterfly and its habitat. The project area is not visible from State Highway 1 but can be observed from one stretch of Lighthouse County Road. However, the proposed action will not adversely affect scenic views to or from the coastal zone, is similar to previous small pine tree removal on this property, and is consistent with the Stornetta Public Lands Resource Management Plan (CD-066-06).

The Commission staff agrees with the BLM that the proposed action will not adversely affect coastal resources. We therefore **concur** with your negative determination for the project made

pursuant to Section 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". The signature is written in a cursive, somewhat stylized font.

(for) PETER M. DOUGLAS
Executive Director

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

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August 17, 2007

Patrick Rutten
Supervisor
NOAA Restoration Center, Southwest Region
National Marine Fisheries Service
777 Sonoma Avenue, Room 219-A
Santa Rosa, CA 95404-6528

RE: ~~ND-044-07~~ Negative Determination, NOAA, Temporary Weir at Butano Channel at Pescadero Marsh, San Mateo County

Dear Mr. Rutten:

The Coastal Commission has reviewed the above referenced negative determination. The National Oceanic and Atmospheric Administration Restoration Center, Southwest Region (NOAA-RC) proposes to construct and install a temporary weir in Butano Channel, Pescadero Marsh, located 14.5 miles south of Half Moon Bay, in San Mateo County. The purpose of the weir is to restrict run-off from Butano Channel in order to examine the effects this has on water quality in adjacent Butano Creek and Pescadero Lagoon during the natural breaching of the lagoon and subsequent low tides. The NOAA-RC suspects that fish-die-offs that have taken place in the lagoon could be caused by water quality problems, and expects to determine if water influx from Butano Creek is the source of lethal conditions in the lagoon. The weir would be made of inflatable bladders filled with sand and water, and stacked in place, horizontally across the channel, to form a temporary dam. It would be 45 feet wide to fill the channel bank-to-bank, and rise to a height of 4 to 5 feet in order to be level with the surrounding floodplain. The weir would be in place for approximately 2 months, and the NOAA-RC would entirely remove it when that period is over.

The NOAA-RC submitted a negative determination for this activity in late 2006 (ND-081-06). That attempt failed, and the results regarding water quality were inconclusive. The bar of the lagoon was breached early on November 25, 2006, and the weir failed that night. The NOAA-RC believes a large and heavy piece of debris collided with the weir, causing the failure. In the current attempt to install the temporary weir, which is the subject of this negative determination, the NOAA-RC proposes various improvements to correctly place and secure the tubes: a) install the weir prior to bar closure, at low tide; b) substitute sand for sediment as fill for the individual tubes; and c) install the tubes such that the ends are flush with the banks of the creek.

The NOAA-RC would construct and put the weir in place with hand crews, which will access the site on foot via existing roads or trails, and which would use best management practices (BMP) to minimize disturbance to the banks of Butano Channel. The BMPs include but are not limited to fish exclusion and the use of experienced personnel. The NOAA-RC would monitor the weir for structural integrity daily using the volunteer services of a local recreational

steelhead fishing group. The California Department of Parks and Recreation would monitor water quality upstream of the weir and downstream in Pilarcitos Lagoon to evaluate the effectiveness of the weir in preventing the fish die-offs. The water monitoring would span the four weeks prior to breaching of the bar and four weeks afterward.

The NOAA-RC has determined that the proposed project would occur within the coastal zone, and has conducted an analysis of the effects on the coastal zone. Building the weir may have temporary effects on aesthetics (visual quality) and natural resources. The project would not affect traffic or access to the coastal zone. The temporary weir would be visible to visitors on trails in some areas of the State Park and Natural Preserve, but will not create significant adverse effects on scenic views of Butano Marsh and surrounding areas.

The Commission staff agrees that the proposed temporary weir in Butano Channel at Pescadero Marsh will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35. If you have questions, please contact Diane Livia of the Coastal Commission staff at 415-904-5250 or dlivia@coastal.ca.gov.

Sincerely,

(for) Mark Douglas
PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office, CCC

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September 5, 2007

Kirk Gilligan
Refuge Manager
Seal Beach National Wildlife Refuge
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Re: **ND-050-07** USFWS, NASA Island Road Culvert Replacement Project, Orange County

Dear Mr. Gilligan:

The Coastal Commission has reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service (Service) proposes to replace two corroded, corrugated, metal culverts with polyethylene culverts, located on NASA Island Road on the Seal Beach National Wildlife Refuge (NWR) in Orange County. Each culvert would measure 36 inches by approximately 60 feet. The Refuge is located entirely within the boundaries of the Naval Weapons Station Seal Beach, where NASA Island road leads to a protected and managed Least tern nesting site. The culverts allow for tidal flow between the marsh habitat in the southern portion of Anaheim Bay and the marsh habitat to the north of NASA Island Road. Should the culverts continue to corrode, the tidal flow will be restricted and the road may collapse.

The culverts were originally installed to improve tidal circulation within the upper reaches of Anaheim Bay following construction of NASA Island Road. The corrosion of the culverts has resulted in a reduction in the volume of tidal waters flowing through the culverts. In addition, rip rap originally placed around the culvert openings has been moved out of place by wave action, resulting in erosion that could ultimately affect the roadbed.

The Service would construct coffer dams or temporary dikes with sandbags to keep the pipe foundations free of water during installation of the culverts. Backfill material needed for installation would come from existing stock piles of earthen material located on the Naval Weapons Station. The Service would install two 36-inch 60 foot polyethylene culvert pipes at two locations on NASA Island Road at the same invert elevations as the existing, corroding pipes, and collect scattered rip-rap from the immediate area and replace it near each culvert. Construction staging would take place in a parking area located between the two culvert sites. The Service would start work in fall of 2007 and expects construction to take less than two weeks to complete.

The limits of disturbance to surrounding wetlands would be confined to the existing footprint of the culverts and include adjacent wetland, amounting to approximately 40 sq. feet. The Service expects rapid recovery of this habitat by daily tidal action. Construction and installation

would take place after all nesting and rearing activity by federally listed endangered California least tern and State endangered Belding's savannah sparrow. The Refuge Manager would monitor the site to ensure that no federally listed endangered little-footed clapper rails are present within the construction zone.

The Commission staff agrees that the proposed project at NASA Island Road will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35. If you have questions, please contact Diane Livia of the Coastal Commission staff at 415-904-5250 or dlivia@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "mark D Douglas". The signature is written in a cursive, somewhat informal style.

(FOI) Peter Douglas
Executive Director

cc: South Coast District Office, CCC

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September 6, 2007

Aldaron Laird
Environmental Planner
Humboldt Bay National Wildlife Refuge
980 - 7th Street, Suite K
Arcata, CA 95521

RE: **ND-051-07** USFWS, Hookton Slough Dike Repair, Humboldt County

Dear Mr. Laird:

The Coastal Commission has reviewed the above reference negative determination. The U.S. Fish and Wildlife Service (Service) proposes to repair 3,600 linear feet of the east side of an existing dike bank on Hookton Slough in Humboldt Bay. The Service repaired 4,100 feet of a more northerly section of the same dike bank in 2006. The dike forms the western boundary of the Salmon Creek Unit of the Refuge, and is currently severely eroded. Due to the New Year's Day storm of 2006, the eroded reaches of the dike are subject to wave and wind erosion as well as undercutting by the slough itself, and are in imminent danger of failing. The dike prevents tidewater inundation of the 1,081 acres of fresh water wetlands on the inland side of the bay where Highway 101 is located. Farmers created these wetlands for agricultural purposes in the 19th century, and the lands have subsided up to 6 feet below sea level. Today, due to the past restoration efforts of the Service, the fresh water wetlands provide crucial foraging for Aleutian geese, and are an important part of existing infrastructure on Humboldt Bay. Should the dike fail, the fresh water wetlands and possibly Highway 101 would be inundated.

The Service would place approximately 15,726 cu. yds. of rock riprap along 3,600 linear feet of Hookton Slough. Using an excavator, the Service would shape the eroded surface of the levee to a slope of 1 foot vertical to 1.75 feet horizontal, excavate a toe trench a minimum of 2 feet deep, lay filter fabric in the trench and on the slope, and finally, place 3-foot diameter riprap in the trench and 18-inch diameter riprap on the dike slope. The Service used the same process to repair 4,100 feet of this dike in 2006. The excavation of the toe trench along the 3,600 feet of dike to be repaired would affect approximately 0.53 acres of intertidal mudflat, and riprap would cover approximately 1.87 acres of bank below Mean High Water elevation (6.24 feet above Mean Lower Low Water). The mudflats support benthic organisms, and birds and fish that forage in this area. These mudflats formed as the existing dike eroded. The Service would place the proposed riprap within the original footprint of the dike. This would result in no net loss of habitat.

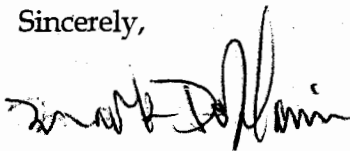
The alternative to repairing the dike is to allow it to breach, thereby inundating the fresh water wetlands, and creating a sub-tidal habitat where there is currently fresh water habitat. The benefits of protecting the adjacent fresh water wetlands from tidal inundation make repair of this dike the least environmentally damaging alternative. The Commission has previously found repair to this dike to be an allowable use for restoration purposes (CD-001-82 and CD-077-99).

The public currently has access to this area. The proposed project would restrict access to the section of the dike under repair for the duration of construction, only. Maintaining the dike maintains public access, as access would be lost should the dike fail.

The Service would implement the following measures to minimize effects of construction equipment: refuel and wash equipment only at upland staging areas or where wash water cannot flow into wetlands; place or store construction materials, debris or waste where it will not enter wetlands; operate all equipment on the roadway surface on top of the dike on dry ground only; excavate and place riprap only when tide water is not present; place filter fabric on the re-sloped dike bank and then overlay with rock riprap to reduce erosion; and perform all activities during the fall before October 15, 2007.

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 Coastal Commission staff agrees that the proposed repair of the dike on Hookton Slough would not adversely affect coastal zone resources and can be considered the same as or similar to previous consistency and negative determinations with which we previously concurred. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Diane Livia of the Coastal Commission staff at 415-904-5250 or dlivia@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,



(PDM) Peter Douglas
Executive Director

cc: North Coast District CCC

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August 30, 2007

S.W. Norquist
Head, Natural Resources Department
Marine Corps Base Camp Pendleton
ATTN: Colleen Eckenroad
Box 555008
Camp Pendleton, CA 92055-5008

Re: **ND-053-07** U.S. Marine Corps Negative Determination, Temporary Lodging Facilities, Marine Corps Base Camp Pendleton, San Diego Co.

Dear Mr. Norquist:

On April 18, 2007, we objected to your negative determination (ND-005-07) for a combined project: the construction of Temporary Lodging Facilities (TLF) and the Extension of San Jacinto St., in the southern portion of Marine Corps Base Camp Pendleton (and in the Wire Mountain Housing area, east of I-5). In our response letter we indicated that any concerns we had were related to the Temporary Lodging Facilities and Extension of San Jacinto St., and not to the Temporary Lodging Facilities. We further agree that if the projects were separated we could concur with the Temporary Lodging Facilities project. The project is a 3-story, 69-guest room facility with a 105 vehicle parking lot.

The Marine Corps has submitted a revised negative determination for just the Temporary Lodging Facilities. As we stated earlier, we agree with the Marine Corps that, with the measures included to protect water quality, and because it would be located within existing developed and previously disturbed areas and outside the coastal zone, the Temporary Lodging Facilities would not affect public views, public access and recreation, traffic, or other 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 Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine", written over a printed name.

(for) PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
Army Corps, Los Angeles District

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August 30, 2007

Mark Eberling
National Oceanic and Atmospheric Administration
Western Administrative Support Center
7600 Sand Point Way, N.E.
Seattle, WA 98115-0070

Re: **ND-055-07** National Marine Fisheries Service (NMFS) Southwest Fisheries Science Center dewatering, La Jolla, San Diego

Dear Mr. Eberling:

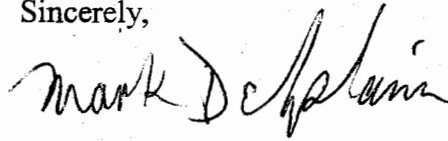
On July 23, 2007, we received NMFS' negative determination for the installation of a dewatering well underneath its Southwest Fisheries Science Center on Scripps/UCSD land in northern La Jolla, San Diego. The dewatering is intended to respond to one of a number of geologic hazards contributing to bluff instability beneath and seaward of the structure. The hazards threatening the Science Center include bluff erosion at the toe, blufftop erosion, earthquakes, landsliding, erosion from upland water runoff and infiltration, and sea level rise. NMFS is aware the proposed dewatering will not eliminate the risks to the structure from the multiple threats; the dewatering is intended as a stopgap measure to guard against water intrusion from water pipe leaks or ruptures.

The project includes installing a well under the east side of the building (8-10 ft. diameter, 80 ft. deep), installing hydraugers (2 in. in diameter, gently sloping at about 6 degrees radiating out from the well in all directions), and excavation of 180 cu. yds. of material to be transported offsite to an appropriate dump site. NMFS has agreed to prepare a storm water pollution prevention plan and implement Best Management Practices to address water quality issues. NMFS has also agreed to recycle for landscaping purposes any water collected in the well (most of the landscaping is drought resistant). The only concern raised by the project is the potential for the hydrauger dewatering pipes to become exposed with continued blufftop erosion. If that occurs, NMFS has agreed to remove any pipes visible and protruding from the bluff.

Ultimately, due to the numerous hazards the building may need to be all or partially removed and relocated. Nevertheless, unlike some of the other temporary solutions previously considered by NMFS (e.g., a seawall at the base of the bluff), the proposed dewatering would not itself pose risks to coastal resources.

With its commitments, we agree with NMFS that the proposal would not contribute to geologic hazards, or adversely affect scenic public views, public access and recreation, or other 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 Mark Delaplaine at (415) 904-5289 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
Milt Phegley, UCSD

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September 12, 2007

Brian O'Neill
General Superintendent
Golden Gate National Recreation Area
ATTN: Steve Ortega
Fort Mason
San Francisco, CA 94123

Subject: Negative Determination ND-057-07 (Merrie Way parking lot, overlook, and trailhead construction, Sutro Historic District, GGNRA, San Francisco)

Dear Mr. O'Neill:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to reconfigure the existing Merrie Way parking lot, enhance the existing visitor overlook, and upgrade parking along El Camino del Mar, located within the Sutro Historic District of the Golden Gate National Recreation Area (GGNRA) in San Francisco. The Commission previously concurred with consistency determination CD-028-94 by the NPS for a Comprehensive Design Plan (CDP) for the GGNRA's Sutro Historic District. Included in that CDP was a conceptual plan for the reconfiguration of the Merrie Way parking lot, parking along El Camino del Mar, and public access trails. In that consistency determination, the NPS committed to submit detailed plans for parking and trails projects to the Commission at a future date for additional federal consistency review.

The NPS proposes the following public access and recreation projects in the subject negative determination:

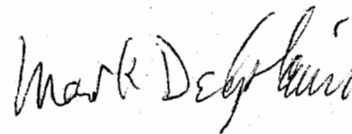
- Reconfigure the Merrie Way parking lot to accommodate 130 vehicles and five tour buses. The terraced lot will match the existing slope, landscaped medians will be planted with coastal dune vegetation propagated from seed gathered at nearby Land's End, and a subsurface filtering system will reduce stormwater runoff. The entrance to the lot will be relocated closer to the intersection of Point Lobos Avenue and El Camino del Mar to improve public safety and traffic flow.
- The existing scenic overlook at the edge of the bluff at the parking lot will be enhanced and tie into the Coastal Trail trailhead. The overlook, trailhead, and a small seating/gathering area will be universally accessible and will incorporate new interpretive and informational signage.

- Parking along El Camino del Mar will be upgraded to improve vehicular and pedestrian safety, and will include a universally accessible trailhead entrance to the California Coastal Trail at Seal Rock Drive.

The NPS incorporated extensive public participation in the planning effort to develop the proposed parking and access projects, including numerous meetings with neighborhood and environmental groups and distribution of a quarterly newsletter. The proposed projects will generate temporary construction impacts but the NPS states that clearly identifiable public information coordinators will be on-site during construction to engage the public, answer questions, and direct visitors. The NPS will continue to attend neighborhood meetings and publish additional editions of its project information newsletter during the construction period. The existing parking lot will be closed for up to three months, but signage will direct visitors to convenient nearby parking spaces on El Camino del Mar. The project contractors, with NPS oversight, will adhere to the filed Stormwater Pollution Prevention Plan and implement necessary measures to minimize dust and runoff from the project site.

In conclusion, the Commission staff agrees with the NPS that the proposed project is consistent with the Comprehensive Design Plan concurred with by the Commission in 1994, does not raise any new coastal resource issues, and will not adversely affect public access or recreation in the project area. We therefore **concur** with your negative determination for the project made pursuant to Section 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,



(sod) PETER M. DOUGLAS
Executive Director

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