

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
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F 10

ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT
FOR THE
MAY 16, 2014 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

NEGATIVE DETERMINATIONS		
APPLICANT	PROJECT	LOCATION
ND-0004-14 U.S. Army Corps of Engineers	Modification to restricted area boundaries Action: Concur, 4/10/2014	San Nicolas Island offshore waters, Ventura County
ND-0007-14 U.S. Navy	Maintenance dredging with LA-5 disposal Action: Concur, 4/23/2014	Piers J/K and Carrier Wharf L/M/N/O/P, Naval Air Station North Island, Coronado San Diego County
ND-0008-14 Bureau of Land Management	Jurisdiction Transfer Action: Concur, 4/24/2014	Trinidad Head, Trinidad Humboldt County



ND-0009-14 Bureau of Land Management	Road Improvements Action: Concur, 4/24/2014	Samoa Dunes Humboldt County
ND-0010-14 U.S. Coast Guard	Fluorescein Dye Deployment Exercise Action: Concur, 4/28/2014	Offshore San Diego County
ND-0011-14 U.S. Army Corps of Engineers	Six-Year Maintenance Dredging Program Action: Concur, 4/29/2014	Morro Bay, San Luis Obispo County

NO EFFECTS DETERMINATION		
APPLICANT	PROJECT	LOCATION
NE-0004-14 Los Angeles Regional Interoperable Communications System Authority (LA-RJCSA)	Federal Funding for Broadband Public Safety Network Action: No Effect, 4/24/2014	Los Angeles County



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DATE: May 12, 2014

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Alison Dettmer, Deputy Director
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-0004-14
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	San Nicolas Island offshore waters, Ventura Co.
PROJECT:	Modifications to restricted area boundaries
ACTION:	Concur
ACTION DATE:	4/10/2014

PROJECT #:	NE-0004-14
APPLICANT:	Los Angeles Regional Interoperable Communications System Authority (LA-RICSA)
LOCATION:	Los Angeles Co.
PROJECT:	Federal Funding for Broadband Public Safety Network
ACTION:	No Effect
ACTION DATE:	4/24/2014

PROJECT #:	ND-0007-14
APPLICANT:	Navy
LOCATION:	Piers J/K and Carrier Wharf L/M/N/O/P, Naval Air Station North Island, Coronado, San Diego Co.
PROJECT:	Maintenance dredging with LA-5 disposal
ACTION:	Concur
ACTION DATE:	4/23/2014

PROJECT #:	ND-0008-14
APPLICANT:	Bureau of Land Management
LOCATION:	Trinidad Head, Trinidad, Humboldt Co.
PROJECT:	Jurisdiction Transfer
ACTION:	Concur
ACTION DATE:	4/24/2014

PROJECT #:	ND-0009-14
APPLICANT:	Bureau of Land Management
LOCATION:	Samoa Dunes, Humboldt Co.
PROJECT:	Road Improvements
ACTION:	Concur
ACTION DATE:	4/24/2014

PROJECT #:	ND-0010-14
APPLICANT:	Coast Guard
LOCATION:	Offshore San Diego Co.
PROJECT:	Fluorescein Dye Deployment Exercise
ACTION:	Concur
ACTION DATE:	4/28/2014

PROJECT #:	ND-0011-14
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Morro Bay, San Luis Obispo Co.
PROJECT:	Six-Year Maintenance Dredging Program
ACTION:	Concur
ACTION DATE:	4/29/2014

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April 10, 2014

Edward Keller, Chief
Environmental Section A
U.S. Army Corps of Engineers
San Francisco District
Attn: Justin Kosta
1455 Market Street
San Francisco, CA 94103-1399

RE: **ND-0004-14** Negative Determination, U.S. Army Corps of Engineers, 2014 Humboldt Bay Maintenance Dredging, with Disposal at HOODS

Dear Mr. Keller:

On April 16, 2013, the Coastal Commission (Commission) staff concurred with the U.S. Army Corps of Engineers' (Corps') negative determination (ND-022-13) for the Spring 2013 Humboldt Bay Maintenance Dredging, with disposal at the historically used Humboldt Open Ocean Disposal Site (HOODS), 3.1 miles offshore of the South Spit. On February 13, 2014, the Corps submitted the subject, similar negative determination for 2014 Spring Maintenance Dredging, which would commence between May 29 and June 1, 2014, take approximately 2 weeks, and involve dredging of up to 1.5 million cu. yds. from the Humboldt Bay Bar and Entrance Channels, with disposal at HOODS (within the Quadrants and Cells deemed appropriate by EPA in its letter to the Corps of February 12, 2014).

The Commission and its staff have authorized numerous Corps Humboldt Bay Spring and Fall Maintenance Dredging Episodes, including Consistency and Negative Determinations ND-022-13, ND-002-12, ND-007-07, CD-017-06 (a 4-Year authorization), ND-016-06, ND-035-05, ND-029-05, CD-005-04, ND-043-04, CD-045-98 (a 5-Year authorization), ND-024-98, ND-021-98, ND-128-97, ND-017-97, ND-091-96, ND-017-96, ND-061-95, ND-010-95, CD-064-94, CD-005-94, CD-048-93, CD-001-93, CD-089-92, ND-077-92, ND-018-92, CD-021-91, CD-001-91, and CD-031-90. These projects involved disposal at HOODS (in early years called "IODS").

Prior to these activities, the Commission authorized Corps maintenance dredging with disposal at SF-3 (located one mile offshore) and/or a nearshore site, in, as follows: CD-003-90 (SF-3), CD-026-89 (nearshore, south spit), CD-045-88 (nearshore, south spit), CD-031-88 (SF-3), CD-019-88 (SF-3), CD-021-87 (SF-3), CD-005-87 (SF-3), and CD-018-85 (SF-3). SF-3 was designated as an interim site, and its designation expired in December 1988, primarily due to concerns raised by mounding at the site, which adversely affected navigation. The alternative south spit nearshore site had the advantage of retaining sand in the littoral system, and was used twice for this reason. However, because it raised resource concerns related to commercial fishing, its use ceased after the two events in 1988-1989.

Also, on November 28, 2011, the Corps submitted to the Commission staff a consistency determination for a 5-year Maintenance Dredging Program for Humboldt Bay, which included a "demonstration" disposal in a newly consider nearshore area offshore of the Bay's North Spit (CD-055-11). The Commission has not yet acted on this consistency determination, and, based on mutual agreement between our agencies, the Corps extended the time period for Commission review of that proposal. As we noted in our April 16, 2013, concurrence with last year's subsequently-submitted negative determination for a single season of dredging (ND-022-13), concurrence with a longer-term program (and one which included nearshore disposal) necessitated additional interagency coordination and resolution of concerns raised by state resource agencies over the habitat effects from nearshore disposal and over longfin smelt, which are entrained in San Francisco Bay during Corps maintenance dredging activities, and which could also be entrained during Humboldt Bay dredging events. Our 2013 concurrence letter indicated that:

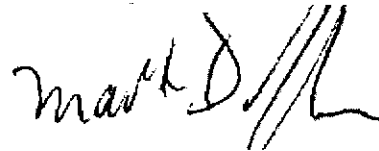
... we understand and fully expect that the Corps will follow through with its expressed commitment to engage in further discussions with CDFG [now CDFW] and the other agencies in an attempt to resolve the concerns that have been raised.

The 2014 dredging would be almost identical to the 2013 dredging. The material has been tested and is suitable for open ocean disposal. The material is also suitable for beach replenishment, which is why the Corps' pending 5-Year Plan included consideration of a demonstration nearshore disposal. This consideration was, in part, a response to historic Commission-expressed concerns over the need for shoreline monitoring and, if possible, implementing beach nourishment if the north or south spit is eroding. However, as we noted in our most recent concurrence last year (referenced above), further efforts and coordination with resource agencies will be needed before the nearshore disposal can be analyzed for consistency with the Coastal Act.

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 or its Executive Director listed above, thereby qualifying it for review under the negative determination process.

With the understanding that the Corps will: (1) continue its discussions with the California Department of Fish and Wildlife and other resource agencies concerning habitat effects, including longfin smelt monitoring and mitigation efforts in Humboldt and San Francisco Bays; and (2) continue shoreline monitoring and consideration of demonstration nearshore disposal options, we **agree** with your determination for this year's spring maintenance dredging that the proposed project would be similar to previously concurred with activities, and we **concur** with your negative determination made pursuant to 15 CFR 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,

A handwritten signature in black ink, appearing to read "mark D. L.", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: North Coast District Office
CDFW (Bay Delta and Marine Regions)
RWQCB (SF Region)
EPA (Region 9)

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April 24, 2014

Patrick J. Mallon
Executive Director
LA-RICSA
2525 Corporate Place, Suite 200
Monterey Park, CA 91754

Subject: No-Effects Determination NE-0004-14 (Federal Funding for Public Safety Broadband Network, Los Angeles County)

Dear Mr. Mallon:

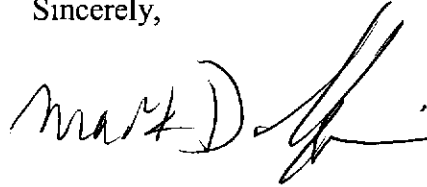
The Coastal Commission staff has reviewed the above-referenced no-effects determination. The Los Angeles Regional Interoperable Communications System Authority (LA-RICSA) proposes to construct a public safety broadband network to provide emergency responders in Los Angeles County with a county-wide, high-speed broadband network dedicated to public safety. The project will be funded through a grant from the National Telecommunications Information Administration (NTIA) in the Department of Commerce and with some local matching funding. Project communication equipment will be installed at 231 sites that are primarily existing public safety facilities or communications sites. Fifteen of the sites are located within the coastal zone.

The NTIA has requested confirmation from the LA-RICSA that the proposed communications project is consistent with the California Coastal Management Program (CCMP) prior to completing the Environmental Assessment (EA) for the project and making a final decision on project funding. The EA will acknowledge the need for and requires that coastal development permits (CDPs) be obtained by the LA-RICSA prior to construction of those project facilities located in the coastal zone. Application and processing of the CDPs will involve the Coastal Commission and/or local governments, depending on the location of the project sites. However, this application process cannot begin until the NTIA completes the EA, issues a Finding of No Significant Impact, and makes a decision to release the federal funding. To move this process forward, the LA-RICSA is requesting concurrence with its no-effects determination that the federal funding of the project is consistent with the CCMP.

The Commission staff **agrees** that the proposed federal funding of the broadband communications network will not adversely affect coastal resources and it consistent with the CCMP. This concurrence does not provide for the construction of any project facilities; that action will require the LA-RICSA to first obtain CDPs from the Commission and/or local

governments for each of the 15 project sites in the coastal zone. 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 D. Lester", with a stylized flourish at the end.

(for)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District
CCC – South Central Coast District

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April 23, 2014

Chris Stathos
Department of the Navy
Commanding Officer
Naval Base Coronado
Box 7033
San Diego, CA 93132

Re: **ND-0007-14**, Navy, Negative Determination, Maintenance Dredging, Piers J/K and Carrier Wharf L/M/N/O/P, Naval Air Station North Island, Coronado, San Diego Co.

Dear Mr. Stathos:

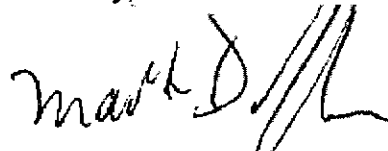
The Navy has submitted a negative determination for the dredging of approximately 17,995 cubic meters (cu m) of sediments to maintain existing dredged depths at Piers J/K and Carrier Wharf L/M/N/O/P at the Naval Air Station North Island (NASNI) in Coronado. Of that total, 16,036 cubic meters (cu m) (90%) has been tested and is suitable for open ocean disposal and would be disposed at the EPA-approved offshore dredge disposal site LA-5, 5.4 nautical miles (n mi) offshore of Pt. Loma. The remaining 10% (1959 cu m) of unsuitable material would be disposed at an approved upland site, after being dewatered and temporarily stored at NASNI and dewatered (in a manner not allowing runoff water to reach San Diego Bay waters).

As the Navy notes, the dredging and disposal would be similar to past Commission and Commission staff concurrences with Navy San Diego Bay nuclear carrier channel deepening and maintenance dredging projects (e.g., CD-089-99 and ND-036-07). The Navy has tested the sediments; the material proposed for disposal at LA-5 meets established testing standards for open ocean disposal. The sediments ranged from 24-56% sand; thus, the material does not contain sufficient sand content to be suitable for beach or nearshore disposal. The project includes *Caulerpa taxifolia* surveys, biological monitors, and use of a clamshell dredge to minimize turbidity. Eelgrass does not grow at dredge site water depths.

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." We **agree** that the proposed activities are the same as or similar to previous consistency and negative determinations for Navy San Diego Bay dredging (with disposal at LA-5) activities with which we have

concurred. 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,

A handwritten signature in black ink, appearing to read "Mark D. Lester", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: San Diego District Office
Army Corps, L.A. District (Robert Smith)
EPA Region IX (Allen Ota)

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April 24, 2014

Lynda Roush
Field Manager
Arcata Field Office
Bureau of Land Management
ATTN: David Fuller
1695 Heindon Road
Arcata, CA 95521

Subject: Negative Determination ND-0008-14 (Trinidad Head Light Station jurisdiction transfer,
Trinidad, Humboldt County)

Dear Ms. Roush:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to accept the transfer of 12.97 acres of land currently under the jurisdiction of the U.S. Coast Guard on Trinidad Head. The property was withdrawn for use by the Coast Guard in 1866 and 1902 for construction and operation of a lighthouse. The lighthouse station contains a 25-foot-tall lighthouse, a navigation system, and associated equipment. Under the proposed action, the BLM would own and manage the property and the light station building but the Coast Guard would continue to operate the light. Upon the change of jurisdiction, the Coast Guard would submit a right-of-way application for continued use and maintenance of the navigation system and associated equipment located on the property in a way that would not disrupt public recreation or historic purposes. The proposed transfer will not affect coastal resources. The land is currently in federal ownership and the proposed transfer will not change this status. The BLM intends to work with the local community and develop a plan for maintaining the historic lighthouse, any other historic uses of the property, and improving public access and recreation at the light station property. The BLM will submit a consistency or negative determination for that plan to the Commission at a later date.

In conclusion, the Coastal 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 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 DeH...", with a stylized flourish at the end.

(for)

CHARLES LESTER
Executive Director

cc: CCC -- North Coast District

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April 24, 2014

Lynda Roush
Field Manager
Arcata Field Office
Bureau of Land Management
ATTN: David Fuller
1695 Heindon Road
Arcata, CA 95521

Subject: Negative Determination ND-0009-14 (Road Improvements at Samoa Dunes Recreation Area, Humboldt County)

Dear Ms. Roush:

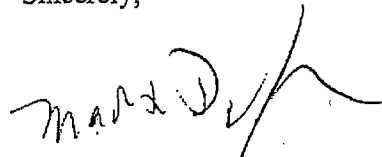
The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to undertake road maintenance and improvement work at the Samoa Dunes Recreation Area on the north spit of Humboldt Bay. The proposed projects are as follows:

- Pulverize, widen by up to four feet and pave 0.12 miles along Samoa Dunes Road beginning at the entrance to the Coast Guard access road.
- Apply sealant to 0.87 miles along Samoa Dunes Road from the Coast Guard access road to the Cypress Grove Jetty parking area.
- Widen by up to four feet and pave 0.54 miles of the North Jetty Loop Road from Samoa Dunes Road to the Cypress Grove Jetty parking area.
- Widen by up to four feet, pave, and seal 0.16 miles of Bunker Road.
- Provide traffic calming measures such as speed tables.
- Provide safety enhancement and signage, including realignment of the intersection of the Coast Guard entrance driveway and Samoa Dunes Road.
- Resurface parking areas.

All roadway widening projects will only occur within the existing disturbed areas of roadway rights-of-way and will not extend into or affect wetlands, environmentally sensitive habitats, or areas supporting rare plants. The proposed roadway projects will improve public safety in the recreation area and construction best management practices will be implemented to protect water quality and sensitive habitat in the vicinity of project areas. The improvement projects will require temporary road closures but these will be carried out in a manner that will strive to minimize impacts to public access. These measures include night work when the area is closed to the public, scheduling work segments so that alternative access is available, and limiting closures to one lane with controlled traffic.

In conclusion, the Commission staff agrees that the proposed roadway maintenance and improvement projects 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,



(for)

CHARLES LESTER
Executive Director

cc: CCC - North Coast District

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April 28, 2014

Captain Sean M. Mahoney
Captain of the Port, Sector San Diego
U.S. Coast Guard
2710 North Harbor Drive
San Diego, CA 92101

Re: **ND-0010-14**, U.S. Coast Guard Negative Determination for Proposed Fluorescein Dye Deployment Exercise, San Diego County.

Dear Captain Mahoney:

The Coastal Commission staff has reviewed the above-referenced negative determination¹ for the proposed deployment of fluorescein dye mixture in the U.S. Coast Guard (USCG) National Preparedness for Response Exercise Program (NPREP) oil spill response exercise that will be conducted offshore San Diego on May 21-22, 2014. The purpose of this NPREP exercise is to improve California's response capabilities and to protect the State's coastal and marine resources from an offshore oil spill.

In this exercise, a non-toxic fluorescein dye mixture (1 cup of dye per 300 gallons of water) will be deployed from a small boat onto the ocean surface. The dye will color the seawater green, and serve as a target for the U.S. Air force aircraft C-130 to spray fresh water to simulate dispersant application on an oil spill. An estimated total of 9,000 gallons of dye and water mixture (containing less than 2 gallons of dye) could be deployed during this exercise.

The USCG's negative determination addressed potential impacts to recreation and public access. The proposed target area is approximately 24 miles from shore, away from public access points, popular water-oriented recreational activities, and water trails. The U.S. Coast Guard will issue a Broadcast Notice to Mariners informing all mariners about the exercise and the deployment of the fluorescein dye mixture offshore. Deployment of the dye mixture will only take place when the target area is clear of boating traffic. With these measures in place, the proposed deployment of fluorescein dye mixture will not adversely impact public access or recreation at the shoreline or in ocean waters.

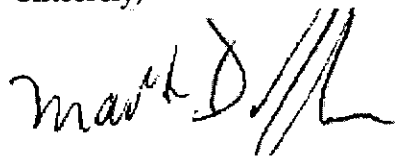
The USCG's negative determination also addressed potential impacts to marine resources, including marine mammals and seabirds. The USCG consulted with the National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) to determine potential impacts. According to the USCG, no observable amounts of dye would likely reach any shoreline or bird foraging areas. The dye is not persistent, and will diffuse quickly into the water column. The USCG states that the dye will

¹ USCG Negative Determination – Oil Spill Response Exercise. March, 28 2014. Document 16475.

only be released when the area is clear of marine mammals. Thus, the USCG has determined that the exercise will not adversely impact marine resources or sensitive habitats.

The Coastal Commission staff **agrees** with your conclusion that the proposed fluorescein dye deployment exercise will not adversely affect coastal resources. In addition, 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." We **agree** that the proposed activities are the same as or similar to previous negative determinations for Coast Guard fluorescein dye exercises (e.g., ND-018-11) with which we have concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Jonathan Bishop, Oil Spill Program Coordinator, at (415) 904-5247 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc (via email):

Sherilyn Sarb, CCC San Diego District Office
Samantha Leon, USCG
James Hubbard, USCG
James Dupureur, USCG
Elizabeth Petras, NOAA
Carol Roberts, USFWS
Sandy Vissman, USFWS
Chris Thixton, OSPR
Jack Prescott, OSPR
Bradly Chapman, Chevron

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April 29, 2014

Josephine R. Axt, Ph.D.
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Kenneth Wong
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017

Subject: Negative Determination ND-0011-14 (Six-Year Maintenance Dredging Program for Entrance and Navy Channels, Morro Bay Harbor, San Luis Obispo County)

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to renew the existing six-year maintenance dredging program (ND-038-08) at Morro Bay Harbor for another six-year period extending through the year 2019. However, the proposed six-year maintenance dredging and disposal program supported by negative determination ND-0011-14 only covers dredging within the Entrance Channel and the Navy Channel; it does **not** include dredging of the Morro Channel within the inner harbor. The Corps will submit a separate negative determination in summer 2014 for a six-year maintenance dredging program for the Morro Channel. The proposed maintenance dredging of the Entrance and Navy channels would mirror the maintenance work which occurs annually at Morro Bay Harbor and would maintain these channels to their authorized depth and configuration. In the subject negative determination, the Corps proposes to annually dredge up to 250,000 cubic yards of clean sand from these channels. The primary disposal site for the dredged materials is the nearshore site off Morro Bay State Park, immediately downcoast of the harbor entrance and historically used by the Corps for disposal of Morro Bay Harbor sediments. The surfzone at Morro Strand State Beach upcoast of the harbor entrance is the alternate project disposal site. Project dredging would take place during a 30-45 day period between March 1 and September 15 each year, which adheres to the historic dredging schedule at Morro Bay.

As with previous maintenance dredging and disposal projects at Morro Bay, proposed disposal at Morro Bay State Park is restricted to nearshore areas (i.e., in waters seaward of the surf break between the -20 and -40 foot mean lower low water contour line) to avoid affecting the nesting activities of the endangered Western snowy plover. This restriction also protects grunions and

minimizes potential effects on recreational beach use. Physical and chemical testing undertaken by the Corps confirms that the Entrance Channel and Navy Channel sediments are suitable for placement at either the southern near-shore or northern surf-zone disposal sites. On January 22, 2014, the Southern California Dredged Material Management Team (which includes staff from the Coastal Commission) concurred with the sediment suitability determination made by the Corps for using the Morro Bay federal channel dredged materials for beach nourishment.

The Corps will implement avoidance, minimization, and mitigation measures to protect marine resources, particularly eelgrass beds adjacent to the navigation channels. These measures, developed in coordination with the National Marine Fisheries Service (NMFS), include:

- Annual pre-and post-dredge eelgrass surveys
- Establishment of a 100-foot-wide buffer between dredging and mapped eelgrass beds
- Establishment of a 25-foot-wide buffer between dredging and hard substrates which support kelp beds
- Mitigation for project impacts to eelgrass according to the Southern California Eelgrass Mitigation Policy (SCEMP)

The Corps notes that impacts to eelgrass beds adjacent to the Navy Channel took place during the 2010 maintenance dredging project:

Maintenance dredging in 2010 directly and indirectly impacted eelgrass beds located adjacent to the federal channel. Subsequently, the Corps mitigated for these impacts pursuant to the SCEMP. The mitigation site is currently in its third year of monitoring. Year three monitoring reports indicate that the mitigation site is meeting all success criteria. All mitigation monitoring reports have been forwarded to the NMFS. Per pre-and post-dredge eelgrass surveys, maintenance dredging since 2010 has not affected eelgrass within Morro Bay.

The proposed dredging and disposal activities will create only minor and temporary impacts to water quality from increased turbidity; the dredged sediments are primarily sands which will quickly settle out of the water column. The proposed maintenance dredging program will maintain harbor channels and ensure continued safe navigation for commercial and recreational fishing vessels, recreational boating vessels, and U.S. Coast Guard vessels operating out of Coast Guard Station Morro Bay. Dredged material disposal will replenish area beaches used for recreation.

Under the federal consistency regulations (15 CFR Section 930.35(a)(2)), 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 proposed project is similar to the six-year maintenance dredging and disposal program concurred with by the Commission in consistency determination CD-074-01 and more recently in negative

determination ND-034-08. 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 "marr D/L", is written over the printed name.

(for)

CHARLES LESTER
Executive Director

cc: CCC – Central Coast District
NMFS – Long Beach