

CALIFORNIA COASTAL COMMISSION

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



Th 3

DATE: OCTOBER 27, 1995

TO: COASTAL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

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

STATUS OF NEGATIVE DETERMINATIONS: OCTOBER 1995

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- | | |
|-----------------------------|--|
| 1. Number: | ND-93-95 |
| Applicant/Federal Agency: | Channel Islands National Park |
| Project & Location: | Construction of 4 duplexes, Santa Rosa Island |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination, September 26, 1995 |
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- | | |
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| 2. Number: | ND-92-95 |
| Applicant/Federal Agency: | U.S. Navy |
| Project & Location: | Replace storage boxes, north of Hangar 340, Naval Air Station North Island, Coronado, San Diego |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination, September 27, 1995 |
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- | | |
|-----------------------------|---|
| 3. Number: | NE-94-95 |
| Applicant/Federal Agency: | City of San Diego |
| Project & Location: | Secondary Treatment Waiver, Point Loma Ocean Outfall discharges, 4.5 mi. offshore of Point Loma |
| Administrative Action/Date: | <u>Concurrence</u> with No Effects Determination, October 11, 1995 |
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Negative Determinations Memo
Page 2

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4. Number: ND-88-95
Applicant/Federal Agency: U.S. Navy
Project & Location: Repair Existing Pier, Naval Construction Battalion Center, Port Hueneme, Ventura Co.
Administrative Action/Date: Concurrence with Negative Determination, October 16, 1995
-
5. Number: ND-89-95
Applicant/Federal Agency: U.S. Navy
Project & Location: Construction of underwater wave barrier, Naval Construction Battalion Center, Port Hueneme, Ventura Co.
Administrative Action/Date: Concurrence with Negative Determination, October 16, 1995
-
6. Number: ND-97-95
Applicant/Federal Agency: U.S. Navy
Project & Location: Water Quality Sampling, Fleet and Industrial Supply Center, Point Loma, San Diego
Administrative Action/Date: Concurrence with Negative Determination, October 16, 1995
-
7. Number: ND-96-95
Applicant/Federal Agency: U.S. Coast Guard
Project & Location: Aids to Navigation, Los Angeles Harbor
Administrative Action/Date: Concurrence with Negative Determination, October 18, 1995
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8. Number:	NE-98-95
Applicant/Federal Agency:	Montecito Sanitary District
Project & Location:	Flood control structure repair, Montecito Creek, Santa Barbara Co.
Administrative Action/Date:	<u>Concurrence</u> with No Effects Determination, October 20, 1995

PROJECTS WHERE JURISDICTION ASSERTED: OCTOBER 1995

1. Date:	October 12, 1995
Applicant/Federal Agency/:	U.S. Navy
Project & Location:	Long Beach Naval Station
Action:	Commented on Federal Register Notice of Future Base Disposal and requested consistency review

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September 26, 1995

C. Mack Shaver
Superintendent
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001

RE: ND-93-95, Negative Determination for the construction of housing on Santa Rosa Island

Dear Mr. Shaver:


The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes the construction of four two-bedroom duplexes as employee housing on Santa Rosa Island. The Park Service will construct the duplexes on a previously disturbed site located approximately 1.5 miles from the shoreline.

As you know, the proposed project is on federal land. Section 304(1) of the Coastal Zone Management Act excludes federal land from the coastal zone. As such, the Commission staff evaluates activities on federal land for effects on coastal zone resources off federal land. In this case, the Commission staff believes that the proposed activity will not affect coastal zone resources. The site is currently used for grazing and does not support biologically significant habitat. The project will convert agricultural land for non-agricultural uses. However, the project will not affect coastal zone resources because the conversion will not result in a significant loss of grazing land and will not reduce the productivity of the island as a whole. Additionally, the National Park Service manages the island for recreation and preservation purposes. The long-term plans for the island are to eliminate most agricultural uses in order to enhance recreation and habitat values of the island. Thus, in the context of the long-term plans of the island, this conversion will not affect agricultural resources of the coastal zone. Finally, since the project is located 1.5

miles from the shoreline (coastal zone) it will not significantly affect visual or recreational resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Tim Setnicka, Channel Islands National Park

PMD/JRR
ND-93-95.DOC

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September 27, 1995

R.J. De Guzman
Ensign, CEC, U.S. Navy
Naval Air Station, North Island
Box 357033
San Diego, CA 92135

RE: ND-92-95, Negative Determination for the construction of a storage building replacing storage boxes north of Hangar 340, Naval Air Station, North Island

Dear Ensign De Guzman:


The Coastal Commission has received and reviewed the above-referenced negative determination. The Navy is proposing to construct a storage building 80 feet long by 16 feet wide by 10.7 feet high. This storage facility will replace existing storage boxes. The Navy will construct the proposed project on the north side of Hangar 340 at the Naval Air Station, North Island.

As you know, the proposed project is located on federal land, which is excluded from the coastal zone pursuant to Section 304(1) of the Coastal Zone Management Act. As such, the Commission staff evaluates activities on excluded land for effects on coastal zone resources off federal land. In this case, the Commission staff believes that the proposed activity will not affect coastal zone resources. The proposed project is located in an already developed area that does not contain any habitat values. Therefore, the project will not affect habitat resources of the coastal zone. Although the project will be visible from the coastal zone, it is visually consistent with the military-industrial character of the surrounding area. Therefore, the project will not affect visual resources of the coastal zone. The Navy will not use the facility to store hazardous or flammable material. Therefore, the project will not affect water quality resources of the coastal zone. Finally, the Navy

currently prevents public use of the shoreline in this area in order to protect public safety and military security. Therefore, the project will not affect public access and visual resources.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
A. W. Langevin, Naval Air Station, North Island

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CALIFORNIA COASTAL COMMISSION

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October 11, 1995

Susan C. Hamilton, Assistant Director
Metropolitan Wastewater Department
City of San Diego
600 B St., Suite 500
San Diego, CA 92101-4587

Re: No Effects Determination **NE-94-95**: City of San Diego, Secondary
Treatment Waiver, Point Loma Ocean Outfall discharges, 4.5 mi. offshore
of Point Loma, City and County of San Diego

Dear Ms. Hamilton:

The Coastal Commission has received your "No Effects" Determination for the above-referenced secondary treatment waiver, to be issued by EPA under Section 301(h) of the Clean Water Act, for the City's Point Loma outfall discharges. Included in your submittal is a tentative decision from EPA. In that "decision" EPA has preliminarily determined that the discharge request meets the standards required under Section 301(h) of the Clean Water Act, as well as the standards of the California Ocean Plan, including a finding that the City's pre-treatment program removes the equivalent amount of toxics that a secondary treatment level (without a pre-treatment component) would remove. This finding supports a historic Commission goal articulated in past Commission actions on consistency certifications for secondary treatment waivers (most recently the City of Morro Bay's consistency certification No. CC-88-92). In these past actions the Commission has indicated it would generally support secondary treatment waivers in cases where this standard can be met, and where adequate monitoring to establish that the water quality objectives and standards of the California Ocean Plan and other water quality requirements are continuing to be met.

EPA has established in its tentative decision and accompanying analysis that water quality and marine resources would be protected under the City's proposed discharges. The proposed waiver therefore complies with the position historically articulated by the Commission regarding the level of treatment and monitoring necessary to protect coastal zone resources. Based on this situation, combined with the fact that the Commission extensively reviewed the impacts of discharges of less-than-secondary treated effluent during its review of the City's consistency certification/coastal development permit

application for a 2.5 mile extension to the Point Loma outfall (CC-62-91/6-91-217), we agree with the City's "No Effects" determination and its conclusion that no consistency certification needs to be submitted for this waiver. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5280.

Sincerely,

Mark Delaplaine

(for)

PETER DOUGLAS
Executive Director

cc: San Diego Area Office
OCRM
Assistant Counsel for Ocean Services
Governor's Washington D.C. Office
NOAA Assistant Administrator
Dept. of Water Resources
EPA (Janet Hashimoto)

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October 16, 1995

Richard P. Sauerwein
LCDR, Civil Engineer Corps
Environmental Officer
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

RE: ND-88-95, Negative Determination, Pier Repair, Port Hueneme, Ventura County

Dear LCDR Sauerwein:

We have received the above referenced negative determination. The project entails removal and installation of 48 treated wood piles at Wharf #3 at the Naval Construction Battalion Center in Port Hueneme. The project is necessary for safety purposes. The project will not necessitate any dredging and will not negatively affect water quality. Piles will be replaced in existing concrete sheaths, which support the existing piles.

Under the federal consistency regulations, 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." This project is similar to previous consistency determinations for repair and maintenance for piers and piles with which we have concurred. We therefore concur with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

Mark Delaplaine
(for) Peter M. Douglas
Executive Director

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

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October 16, 1995

Richard P. Sauerwein
LCDR, Civil Engineer Corps
Environmental Officer
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

RE: ND-89-95, Negative Determination, Wave Barrier, Port Hueneme, Ventura County

Dear LCDR. Sauerwein:

We have received the above referenced negative determination for installation of a submerged concrete wave barrier (192 feet x 10 feet x 7 feet) within Port Hueneme harbor. The wave barrier will dissipate incoming wave energy, and is necessary for safer entry into the harbor.

Approximately 500 cubic yards of sediment will be excavated, which will be placed in watertight containers and analyzed. The Navy agrees to send the test results and a description of disposal methods to the Commission for review (and, if necessary, additional consistency authorization). The project will have no effect on water quality at the site. The Department of Fish and Game has reviewed the project and concurs with the Navy's assessment that no environmentally sensitive habitat would be affected by this project. The project will not affect downcoast sand transport.

Since this project will have no impacts to any resources of the coastal zone, we concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

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

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

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October 16, 1995

Mike McDonald, Project Manager
Montgomery Watson
365 Lennon Lane
Walnut Creek, CA 94598-2427

RE: ND-97-95: Negative Determination, Navy Water Quality Sampling
Fleet and Industrial Supply Center, Point Loma, San Diego

Dear Mr. McDonald:

The Coastal Commission staff has received the above-referenced negative determination for soil borings adjacent to the shoreline at "Site 19" on the east side of the Point Loma peninsula. The purpose of the borings is to sample water quality in the area, to determine the extent of petroleum hydrocarbon contamination. Up to 10 soil borings will be taken, to depths of 5 to 12 ft. The holes will be backfilled upon completion of the borings. No mechanized equipment in the marine environment or on any sandy beaches would be used. In addition, several groundwater samples will be taken from existing groundwater monitoring wells, to supplement the water quality information. The project duration is five days maximum.

The project would not affect marine resources, sensitive wildlife resources, or water quality. We agree with your assessment that the resources of the coastal zone will not be affected by the project. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

Mark Delaplaine
(for) PETER M. DOUGLAS
Executive Director

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

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October 18, 1995

Dave Stalters
Environmental Division
Civil Engineering Unit, Oakland
U.S. Coast Guard
2000 Embarcadero, Suite 200
Oakland, CA 94606-7200

RE: ND-96-95, Negative Determination for the installation of two Aids to Navigation range structures, Los Angeles Harbor

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes the installation of two Aids to Navigation range structures in water approximately 120 feet and 340 feet off the southern edge of pier 1, in Los Angeles Harbor. The Coast Guard will use four 18 inch diameter galvanized steel piles to support each range structure. The Coast Guard will drive the piles approximately 35 feet below the mud line in 20 feet of water. This project is necessary because the Port of Los Angeles' Pier 400 project displaces the existing aids.

Although the proposed project is located in the coastal zone, it will not significantly affect coastal resources. Specifically, the project will not significantly affect habitat values, because the project has minimal affects on benthic habitat and no effect on fisheries habitat. Additionally, the project will not interfere with recreational and port uses of the coastal zone. The proposed project will at least maintain, if not improve, these uses.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely

A handwritten signature in black ink, appearing to read "Peter Douglas", written over the word "Sincerely".

PETER M. DOUGLAS
Executive Director

ND-96-95

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cc: South Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Louis Rivero, U.S. Coast Guard, Oakland
Ports Coordinator

PMD/JRR

ND-96-95.DOC

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October 20, 1995

Cindy J. Poire
Penfield and Smith
111 East Victoria Street
P.O. Box 98
Santa Barbara, CA 93102

RE: NE-98-95, No-Effects Determination for the repair of Montecito Creek flood control structure

Dear Ms. Poire:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed project includes the repair of approximately 130 linear feet of the westerly bank of Montecito Creek. Last year's storms damaged the existing retaining wall. The Montecito Sanitary District proposes to replace the damaged retaining wall with gabions.

Even though the proposed project is located in the coastal zone, the project will not significantly affect resources of the coastal zone. The Sanitary District will construct the gabions in the foot print of the original retaining wall. Additionally, the District will key the structure into the bank. Finally, the district will avoid affects on existing trees during the repair project. The project will not affect down stream resources and fish habitat because the stream is currently dry.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the no-effects determination made pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas", written over the word "Sincerely,".

PETER M. DOUGLAS
Executive Director

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

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