

## CALIFORNIA COASTAL COMMISSION

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

Th 4



DATE: DECEMBER 28, 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.]

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STATUS OF NEGATIVE DETERMINATIONS: DECEMBER 1995

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|-----------------------------|--|
| 1. Number:                  | NE-110-95  |
| Applicant/Federal Agency:   | Port of Long Beach (Army Corps Permit)   |
| Project & Location:         | Disposal of Additional Port of Long Beach<br>Pier A Dredged Material at LA-2 Disposal<br>Site, Los Angeles Co. |
| Administrative Action/Date: | <u>Concurrence</u> with No Effects<br>Determination, December 6, 1995  |
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|-----------------------------|--|
| 2. Number:                  | ND-104-95  |
| Applicant/Federal Agency:   | U.S. Marine Corps  |
| Project & Location:         | Desiltation, Santa Margarita River, Camp<br>Pendleton Marine Corps Base, San Diego Co. |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination,<br>December 8, 1995                    |
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- |                             |  |
|-----------------------------|--|
| 3. Number:                  | ND-106-95  |
| Applicant/Federal Agency:   | U.S. Army Corps of Engineers   |
| Project & Location:         | Breakwater Repair, Morro Bay, San Luis<br>Obispo Co.                 |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination,<br>December 11, 1995 |
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4. Number: ND-113-95

Applicant/Federal Agency: U.S. Forest Service

Project & Location: Authorization for Private Concessionaire to Operate Campgrounds and Day Use Areas, Big Sur Area, Monterey Co.

Administrative Action/Date: Concurrence with Negative Determination, December 11, 1995

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PROJECTS WHERE JURISDICTION ASSERTED: DECEMBER 1995

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1. Date: December 5, 1995

Applicant/Federal Agency/: U.S. Army Corps of Engineers

Project & Location: Storm Damage Protection, Encinitas, San Diego Co.

Action: Commented on Notice of Preparation of Reconnaissance Study and requested consistency review

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2. Date: December 15, 1995

Applicant/Federal Agency/: Ventura Co. Flood Control District/U.S. Army Corps of Engineers

Project & Location: Excavation of approximately 145,000 cu. yds. of material from San Antonio Creek, Ventura Co.

Action: Commented on Army Corps Pre-Discharge Notification and requested consistency review

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December 6, 1995

Geraldine Knatz, Ph.D.  
Director of Planning  
Port of Long Beach  
P.O. Box 570  
Long Beach, CA 90801-0570

Subject: No Effects Determination NE-110-95 (Disposal of Additional Port of Long Beach Pier A Dredged Material at LA-2 Ocean Disposal Site)

Dear Dr. Knatz:

The Commission staff has reviewed the October 12, 1995, letter and supporting technical documentation from the Port of Long Beach requesting a modification to the previously-concurred-with Pier A dredged material disposal project (see Consistency Certification No. CC-60-95, concurred with in August, 1995). In addition, the Commission staff has reviewed the October 31, 1995 letter from Amy Zimpfer, USEPA Region IX to Colonel Michal Robinson, Corps of Engineers Los Angeles District, and your November 9, 1995 letter to John Amdur, USEPA Region IX, both of which address the proposed project. The project modification consists of disposing up to an additional 300,000 cubic yards of material, dredged from the Pier A marine terminal site, at the LA-2 ocean disposal site. However, approximately 180,000 cubic yards of this additional dredged material have suitable engineering characteristics, and the Port plans to use this material as fill for the Pier A Terminal project, as long as the necessary drying and blending with imported fill does not compromise the overall project schedule. Therefore, it is our understanding that the Port is requesting authorization for an additional 300,000 cubic yards of dredged material disposal at LA-2, but that the Port hopes to reduce that quantity to 120,000 cubic yards.

Subsequent to the Commission's concurrence with CC-60-95 (which provided for disposal at LA-2 of 300,000 cubic yards of material dredged from Pier A), the Port revised the design of the Pier A wharf and dike to address new seismic safety concerns. These revisions necessitate the dredging and/or excavating of an additional 300,000 cubic yards of material from the existing Pier A dike. This material was chemically analyzed by the Port and found suitable for ocean disposal at LA-2 by the U.S. Environmental Protection Agency. The Commission staff reviewed the test results and technical analysis and concurs with this finding.

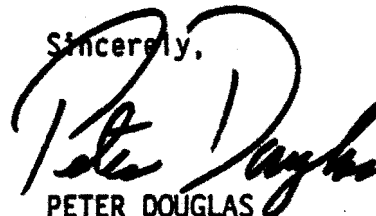
Under the federal consistency regulations, additional review by the Commission is needed in the event that the Port of Long Beach makes any significant

modifications to the project to the extent that its effects on coastal resources would be substantially different than the project as originally analyzed, and, as a consequence, the project would no longer be consistent with the Coastal Act (see Section 930.66 of federal consistency regulations).

In concurring with CC-60-95, the Commission found that the disposal at LA-2 of 300,000 cubic yards of dredged material from Pier A would not result in any significant effects on marine resources, water quality, commercial and recreational fishing, and port operations, and that this disposal would be consistent with the Commission's prior concurrence with CD-63-90 (USEPA), which designated LA-2 as an offshore disposal site. Although the proposed project modification would increase the amount of material to be disposed at LA-2, the Commission staff concurs with the Port's determination that this increase would not adversely affect marine resources at the disposal site. The proposed modification would increase the length of time that disposal would occur at LA-2 and the period of time during which turbidity would be above background levels at and adjacent to the site. In addition, the recolonization of benthic habitat would be postponed and not commence until after the additional dredged materials have been disposed. However, the disposal site consists of deep-water habitat 600 feet below the ocean surface which has been and continues to be disturbed by the disposal of dredged material, and which has the capacity to accept the additional 120-300,000 cubic yards of material from the Pier A project without triggering resource impacts not already reviewed by the Commission in its concurrence with CD-63-90 (USEPA) and CC-60-95 (Port of Long Beach). As a result, the proposed increase in dredged material disposal at the site is expected to generate only additional minor, short-term effects on marine resources similar to those associated with the original 300,000 cubic yard project.

In conclusion, we agree with your statement that the disposal of up to an additional 300,000 cubic yards of dredged material would not result in any new effects on coastal resources, does not result in substantially changed impacts from the project as originally concurred with by the Commission, and that no additional consistency certification needs to be submitted for this project. If you have any questions regarding this matter, please contact Larry Simon at (415) 904-5288.

Sincerely,



PETER DOUGLAS  
Executive Director

cc: South Coast Area Office  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
OCRM  
USEPA, San Francisco  
Corps of Engineers, Los Angeles  
Governor's Washington D.C. Office

## CALIFORNIA COASTAL COMMISSION

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December 8, 1995

Lupe E. Armas  
Assistant Chief of Staff  
Environmental Security  
U.S. Marine Corps  
Box 555010  
Camp Pendleton Marine Corps Base  
Camp Pendleton, CA 92055-5010

Re: **ND-104-95** U.S. Marine Corps, Desiltation, Santa Margarita River,  
Camp Pendleton Marine Corps Base, San Diego County)

Dear Mr. Armas:

On October 26, 1995, we received the above-referenced negative determination from the U.S. Marine Corps for removal of sediment from the Santa Margarita River for flood protection purposes at Camp Pendleton. The project is similar in intent and location to the project authorized in a previous negative determination, ND-84-93. In that project the Commission authorized, through the negative determination process, removal of 325,000 cu. yds. of sandy material from the river, provided that the Marine Corps take steps to assure that the maximum amount of material feasible be used for beach replenishment. Rather than a one-time project, the current proposal is a multi-year request to remove the amount of silt, mud and sand needed on an annual basis, to minimize flooding risks and maintain water levels in Lake O'Neill. This year's proposal is to remove 67,000 cu. yds. of material, creating a trapezoidal channel varying between 160 to 300 ft. wide, 1,250 ft. long, and 8 ft. high, to create a sediment trap upstream of an existing diversion structure, to reduce sedimentation in the river. Sediment removal for future years would consist of that amount needed annually to maintain the effectiveness of the sediment trap. Sediment removal will be limited to the period of Oct. 15-Feb. 15 each year, to minimize potential effects on the arroyo southwestern toad, the southwestern willow flycatcher, and the least Bell's vireo. The project also includes the desiltation of diversion channels between the Santa Maria River and Lake O'Neill, repairs to the existing diversion structure on the Santa Maria River, and modifications to an existing access road to transport materials and equipment.

Reduction in the sediment load of the Santa Margarita River will benefit sensitive species found in the estuary at the river mouth. All the proposed activities are located over 7 miles from the shoreline, and, with the measures included to avoid impacts during sensitive wildlife breeding seasons, the only potential adverse effect on the coastal zone from the project is the removal of sand from the river and, ultimately, the littoral system.

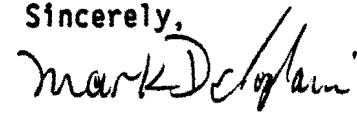
Addressing this issue, the Marine Corps states:

Camp Pendleton will stockpile material removed in 3-mile borrow pit for testing. If found to be clean, this material will be stockpiled for future beneficial uses described in the project description. Sediment will be tested for suitability for use in flood protection, maintenance of California least tern nesting islands in the Santa Margarita Estuary, or beach replenishment. To prevent adverse impacts on the coastal zone, the Base will coordinate with the City of Oceanside, the San Diego Area Governments and the U.S. Army Corps of Engineers for the beneficial re-use of excess sand not needed for flood control protection and endangered species habitat management. Camp Pendleton will provide an annual report to the California Coastal Commission, detailing sand disposal and reuse.

We have coordinated this proposal and the above commitments regarding possible beach replenishment with the San Diego Association of Governments (SANDAG), the agency which was instrumental in generating a consensus between the Marine Corps and area local governments on how to maximize beach replenishment options during the previous Santa Margarita River dredging operation. SANDAG has requested that this year's dredging be allowed to proceed as planned, but that future year's dredging not be authorized at this time, pending a meeting with all concerned agencies to explore additional beach replenishment options. The Marine Corps has revised the negative determination to include at this time only this year's dredging. With the measures the Marine Corps has incorporated into this project, as revised, we agree with the Marine Corps that beach replenishment options have been maximized, and that this project will not adversely affect any coastal zone resources.

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 any questions.

Sincerely,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: San Diego Area Office  
Asst. Cnsl. for Ocean Svcs.  
OCRM  
NOAA  
Ca. Dept. of Water Resources  
Governor's Washington D.C. Office  
RMQCB, San Diego Region  
U.S. Army Corps, San Diego (David Zoutendyk)

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December 11, 1995

Mr. Robert S. Joe  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Attn: Ms. Hayley Lovan  
P.O. Box 2711  
Los Angeles, CA 90053-2325

RE: ND-106-95, Negative Determination, Breakwater Repair, Morro Bay, San Luis Obispo County

Dear Mr. Joe:

The Commission has received the above referenced negative determination for repair of the south breakwater at Morro Bay Harbor. The project is necessary due to damage caused by wave activity; the breakwater protects the harbor from wave action, allowing navigation through the entrance channel. The proposed project will include placement of approximately 15-20,000 tons of armor stone along approximately 200 feet at the end of the breakwater. In undertaking the repairs, the slope of that section of the breakwater will be modified from a 1:1.5 slope to a 1:2 slope, resulting in an increased width of approximately 27 feet. This modification will result in a more stable structure.

The Corps has proposed two alternative construction methods for the repair. The first proposal is a seabased operation, involving excavation of approximately 30,000 cubic yards of sand to allow barge access. Dredge spoils will be sidecast to either side of the breakwater or barged to the southern nearshore disposal site. This site is used for disposal of spoils during normal Corps maintenance dredging of the harbor. "Target Rock" would serve as a staging area for the project. Work would be performed in July and August, 1997. The second alternative is a land-based operation in which access to the breakwater would be via a narrow corridor along the sand spit. The corridor would be regraded and restored after completion of the project. A temporary road would also be built on the breakwater. Work under this alternative would occur between September 1, 1997 and March 1, 1998.

The project will involve temporary impacts to habitat and species in the area. Construction and enlargement of the breakwater and disposal of dredge materials will temporarily impact benthic organisms; however, based on past experience, the area will recolonize quickly. The project will also cover an additional 0.44 acres of sandy harbor bottom with armoring. The timing of the project will minimize impacts to endangered species. Access to the sand spit is restricted to occur after the nesting season for snowy plover. The restriction in timing for the seabased operation will ensure that construction will avoid the nesting season of the peregrine falcon. The project may temporarily displace sea otters and brown pelicans, but

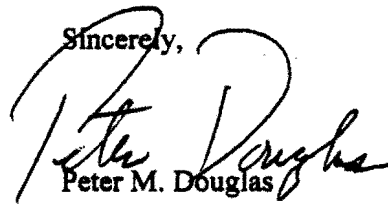
activities will not significantly affect these species. Previous Corps projects that the Commission has reviewed in Morro Bay Harbor have not adversely affected otters (CD-44-93). If the schedule for the project changes, the Corps will need to coordinate with the Commission regarding possible further consistency review. With these restrictions on timing, the Commission agrees that the project will not significantly affect environmentally sensitive habitat species in the project area.

The seabased alternative raises the concern of potential temporary impacts to kelp and eelgrass beds found at the base of Target Rock. The Corps has committed to measures to reduce impacts to kelp and eelgrass. These measures include a limited access corridor to Target Rock, prohibiting anchors to be placed in the kelp/eelgrass beds, and avoiding the running of propellers in the kelp/eelgrass beds. With these restrictions, the Commission agrees that impacts to the habitat will be minimal. The Department of Fish and Game, Fish and Wildlife, and the National Marine Fisheries Service have also reviewed the project and determined impacts to habitat and species will be temporary and insignificant, regardless of which construction method is used.

Should the seabased alternative be used, impacts to water quality from the project would be insignificant. The dredge spoils are predominately clean sand, and will settle quickly. A monitoring report prepared by the Corps for a previous dredging project (CD-44-93) indicates that spoils disposed at the location proposed for this project dispersed into the littoral cell. Therefore, no impacts on sand supply would result from this project.

Finally, any impacts to public access will be temporary. The staging area for the project will encroach into the parking lot at Morro Bay. However, approximately half of the lot will remain available for public use. The Harbor District states that the remaining space will accommodate maximum summer use. In conclusion, we agree that regardless of which construction method is used, the proposed project will not significantly impact coastal zone resources, and therefore concur with your negative determination for repair of the southern breakwater at Morro Bay Harbor made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,



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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December 11, 1995

U.S. Forest Service  
Attn: David Dahl, Forest Supervisor  
Los Padres National Forest  
6144 Calle Real  
Goleta, CA 93117

Re: **ND-113-95** Negative Determination, Authorization for Private  
Concessionaire to Operate Campgrounds and Day Use Areas

Dear Mr. Dahl:

On November 8, 1995, the Coastal Commission staff received the above negative determination for the authorization to use a private concessionaire to operate Los Padres National Forest campgrounds and day use areas at Pfeiffer Beach, Mill Creek, and San Dollar Day Use Areas in the Big Sur region of Monterey County. The authorization includes the institution of day use fee collection at the three beach areas, where no fees are currently collected. No changes to existing facilities, other than fee collection facilities, are proposed at any of the areas. The fee proposed would be \$5 per vehicle per day, which the Forest Service states "... is in keeping with other fees charges in the area for similar services." The Forest Service further states:

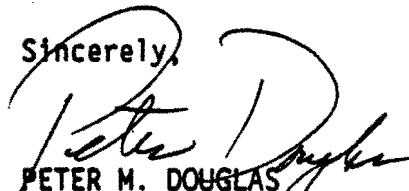
Charging a small fee at these sites has a nominal impact on visitor use and use of alternate sites, especially when compared with the alternative: unless these sites are placed under concession management supported by user fees, the Forest Service will be unable to operate the facilities and the sites will be closed.

The Coastal Commission has historically opposed the imposition of fees on access to coastal recreation areas and facilities due to the chilling effect fees have on public use. This is especially so where few or no special services are provided. At the same time, the Commission recognizes these are difficult times for public agencies as the fiscal resources to maintain past levels of public services become more scarce and competition for these limited funds becomes more intense. That is why the Commission has reluctantly accepted the imposition of reasonable levels of fees for use of public, coastal recreational facilities.

In cases where fees proposed are so high as to deter public use of an area, or where fee imposition would lead the public to use and potentially affect nearby sensitive areas to avoid paying a fee, the Commission has expressed concerns over impacts to access and to sensitive coastal resources. However, in this case, the proposed fee amount is reasonable, and similar fees are charged at other developed beaches in the region. Furthermore, given the topography, vegetation, wildlife, and lack of usable nearby beaches in these three locations, no sensitive coastal resources are at risk from public overuse of adjacent areas.

In conclusion, we reluctantly agree with the Forest Service's determination that no coastal zone resources will be affected by this 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 or Lee Otter at (408) 427-4863 if you have questions.

Sincerely,



PETER M. DOUGLAS  
Executive Director

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

PMD/MPD/mra/1966p