

CALIFORNIA COASTAL COMMISSION

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



F 4

DATE: October 22, 1996

TO: COASTAL COMMISSIONERS
AND INTERESTED PARTIES

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

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

PROJECT #:	NE-090-96
APPLICANT:	Santa Barbara Flood Control District
LOCATION:	Various streams in Santa Barbara County
PROJECT:	Annual Routine Maintenance Plan
ACTION:	No Effect
ACTION DATE:	09/18/96

PROJECT #:	NE-085-96
APPLICANT:	Santa Barbara Municipal Airport
LOCATION:	Santa Barbara Airport
PROJECT:	Grading and compaction of existing dirt runway and taxiway safety areas, future repair and maintenance in safety areas, and restoration, creation, and enhancement of transitional wetlands
ACTION:	No Effect
ACTION DATE:	10/2/96

PROJECT #:	NE-089-96
APPLICANT:	Santa Barbara Flood Control District
LOCATION:	Various streams in Santa Barbara County
PROJECT:	Debris Basin Maintenance Plan
ACTION:	No Effect
ACTION DATE:	10/3/96

PROJECT #:	ND-103-96
APPLICANT:	Corps of Engineers
LOCATION:	Ventura Harbor
PROJECT:	Maintenance dredging , with beach or nearshore disposal
ACTION:	Concur
ACTION DATE:	9/24/96

PROJECT #:	ND-117-96
APPLICANT:	Navy
LOCATION:	Naval Construction Batallion Center, Port Hueneme
PROJECT:	Construction of a prefabricated warehouse structure
ACTION:	Concur
ACTION DATE:	9/26/96

PROJECT #:	ND-118-96
APPLICANT:	Immigration and Naturalization Service
LOCATION:	Along U.S./Mexican border, starting one mile east of International Wastewater Treatment Plant
PROJECT:	Extension of Border Fence
ACTION:	Concur
ACTION DATE:	9/25/96

PROJECT #:	ND-120-96
APPLICANT:	International Boundary and Water Commission
LOCATION:	Smuggler's Gulch, near U.S./Mexican border, San Diego
PROJECT:	Construction of 3 culverts
ACTION:	Concur
ACTION DATE:	10/10/96

CALIFORNIA COASTAL COMMISSION

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September 18, 1996

Karl Treiberg
Santa Barbara County Flood Control &
Water Conservation District and Water Agency
123E. Anapamu Street
Santa Barbara, CA 93101

RE: NE-090-96, No-Effects Determination for the Annual Routine Maintenance Plan
for various streams in Santa Barbara County

Dear Mr. Treiberg:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed project includes annual routine maintenance on various streams and flood-control facilities in Santa Barbara County. Some of the maintenance activities included in this plan are removal of vegetation, spraying for weed control, repair and maintenance of structures (including culverts and rip rap), and desilting of the streams.

Several of the activities identified in the plan are within the coastal zone and are subject to the permit requirements of the Coastal Act. It appears that most of the activities within the coastal zone are under the coastal development permit jurisdiction of either the County or the City of Santa Barbara, and permits approved by those agencies would be appealable to the Commission. In situations such as this, the Commission waives federal consistency review if the project is appealable and does not raise any significant issues. After reviewing the maintenance plan, the Commission staff concludes it is appropriate to waive federal consistency review for those activities within the coastal zone.

For those activities located out of the coastal zone, the Commission staff evaluated them for effects on coastal zone resources. The Commission staff's evaluation focused on the projects' effects on water quality, hydrology, sand supply and habitat. With respect to water quality, the Commission staff has concerns about effects from spraying of herbicides on the water quality of the coastal zone. However, the Flood Control District proposes to use only herbicides that EPA has approved for use in streams. Additionally, the Flood Control District proposes several mitigation measures that will minimize the activities' effects on water quality in the coastal zone. With respect to stream hydrology, none of the activities proposed by the Flood Control District will have a significant effect on hydrology in the coastal zone.

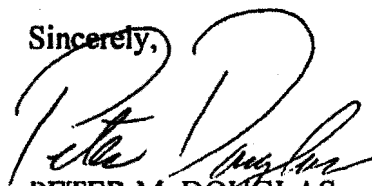
The removal of sediment from the streams has the potential to affect sand supply resources of the coastal zone. Two of the projects, located outside the coastal, involve the

removal of material from streams that drain into the ocean. Those projects include desilting portions of Hospital Creek and Mission Creek. On September 12, 1996, you had a phone conversation with James Raives of the Commission staff. In that conversation you stated that the material removal from Hospital Creek consists of approximately 260 yards of fine material not suitable for beach replenishment. Additionally, you stated that the material removed from Mission Creek was mostly cobbles and boulders. Based on this information, the Commission staff agrees that these desilting projects will not significantly affect sand supply resources of the coastal zone. For future reference, the Commission staff would appreciate it if the no-effects determinations submitted by your agency for the annual maintenance plan include information on the volume and grain size of material removed from the stream. Additionally, the Commission requests the Flood Control District to consider the use of compatible material removed streams for beach replenishment purposes.

Finally, the Commission staff evaluated the maintenance plan for adverse effects on habitat resources of the coastal zone. Most of the activities described in the plan do not have significant effects on habitat resources of the coastal zone. Two of the projects described in your maintenance plan are located upstream from Goleta Slough and include activities that have the potential to affect the resources of the slough. Maintenance activities on San Pedro and Tecolotto Creeks involve activities that may increase the amount of sedimentation deposited into Goleta Slough. However, as stated in your phone conversation with Mr. Raives on September 12, 1996, there are sediment traps on those streams below the maintenance projects. The District designed the sediment traps to minimize sedimentation impacts to the slough. Therefore, the Commission staff concludes that the maintenance plan does not have significant effects on habitat resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed plan 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 R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
OCRM
NOAA Assistant Administrator

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Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Mike Jewel, Corps of Engineers

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CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2218
TELEPHONE AND TDD (415) 904-5200



October 2, 1996

Allison Cook
City of Santa Barbara
Santa Barbara Municipal Airport
601 Firestone Road
Goleta, CA 93117

RE: NE-085-96, No-Effects Determination for the grading and compaction of existing dirt runway and taxiway safety areas, future repair and maintenance in safety areas, and restoration, creation, and enhancement of transitional wetlands within the Santa Barbara Airport


Dear Ms. Cook:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed project includes grading and compaction of existing dirt runway and taxiway safety areas, future repair and maintenance in safety areas, and restoration, creation, and enhancement of transitional wetlands Santa Barbara Airport.

In most circumstances, the Coastal Commission staff would assert federal consistency jurisdiction for activities similar to that proposed by the Santa Barbara Airport. However, the specific circumstances of this case do not warrant further federal consistency review. The safety zones are adjacent to existing runways and taxiways. Noise and pollution associated with the operation of an airport have resulted in a degradation of habitat values. Additionally, the Airport authority regularly mows these safety areas, which have also degraded their habitat values. Finally, the Airport must apply for a coastal development permit from both the City of Santa Barbara and the Commission. The locally issued coastal development permit is for a portion of the project that is within an area where such permits are appealable to the Coastal Commission. As a matter of policy, the Commission staff waives federal consistency review for activities that do not significantly affect coastal zone resources and are within the Commission's permit or appeal jurisdictions.

In conclusion, the Coastal Commission declines to assert federal consistency jurisdiction. 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 R. Raives of the Coastal Commission staff at (415) 904-5292.

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
Mike Jewel, Corps of Engineers

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CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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October 3, 1996

Karl Treiberg
Santa Barbara County
Flood Control & Water Conservation District and Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: NE-089-96, No-Effects Determination for a Debris Basin Maintenance Plan in
Santa Barbara County

Dear Mr. Treiberg:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed Debris Basin Maintenance Plan allows for sediment removal and vegetation management for debris basins on various streams in Santa Barbara County. All of the sediment basins identified in the plan are located outside the coastal zone, but their maintenance has the potential to affect coastal zone resources.

The coastal zone resource most likely affected by the plan is beach sand supply. The primary maintenance activity identified for all debris basin is the removal of accumulated sediment. The Commission staff estimates that the plan allows for the removal of approximately 160,000 cubic yards of material every five years. The Flood Control District identifies several disposal options for this sediment, but eliminates beach replenishment as an alternative because of the high costs associated with transporting the material to the coastal zone. Since the plan does not include any analysis of grain size or sediment quality, the staff cannot determine if any of this material is suitable for beach replenishment. Additionally, the plan does not provide documentation for its conclusion that the beach disposal alternative is infeasible. Although the Commission staff is concerned about this issue, when considered on a county-wide basis and over a five-year time frame, the amount of material removed from the debris basins does not represent a significant amount of sand (especially considering that it is unlikely that all the material is suitable for beach replenishment). At this time, the Commission staff agrees that the plan does not significantly affect sand supply resources of the coastal zone. However, in future updates of the plan, the Commission encourages the Flood Control District to analyze the suitability and feasibility of using the excavated sediment for beach replenishment purposes.

The Commission staff also evaluated the Debris Basin Maintenance Plan for adverse effects on habitat resources of the coastal zone and concluded that the plan will not result in significant effects to these resources. All of the debris basins are located outside the coastal zone and their maintenance will not result in any direct loss of habitat resources within the coastal zone. In addition, the maintenance of these debris basins will not have any significant adverse indirect effects on down stream habitat areas. Some of the debris basins are upstream from significant resources such as Goleta Slough and the Carpinteria Marsh. The basins benefit those areas by reducing the amount of sedimentation into the habitats. The maintenance of those basins will ensure that they continue to benefit downstream sensitive resources.

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 R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

(for) Mark D. Klein
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
Theresa Stevens, Corps of Engineers

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CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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September 24, 1996

Robert S. Joe
Los Angeles District, Corps of Engineers
Planning Division
P.O. Box 2711
Los Angeles, CA 90053-2325

Attn. Stephanie Hall

RE: ND-103-96, Negative Determination for the maintenance dredging of Ventura Harbor, with either beach or nearshore disposal

Dear Mr. Joe:

The Coastal Commission has received and reviewed the above-referenced negative determination. Specifically, the Corps proposes to dredge 920,000 cubic meters (1,242,000 cubic yards) from the entrance channels and sand traps at Ventura Harbor. The Corps will dredge using a hydraulic, hopper, or clam shell and use the dredged material for beach nourishment purposes. If the Corps uses either the hopper dredge or clamshell dredge, it will dispose of the sand in the nearshore environment offshore of McGrath State Beach in water depths at or less than 30 feet below mean lower low water (MLLW). Otherwise, the Corps will place the material either on the beach or within the surf zone of McGrath State Beach.

In making this negative determination, the Corps states that the proposed maintenance dredging, disposal, and mitigation from the entire project are the same as or similar to a previously approved consistency determination. The Coastal Commission has reviewed and approved several consistency and negative determinations for Ventura Harbor maintenance dredging (CD-2-83, CD-025-83, CD-025-84, CD-030-85, CD-042-88, CD-051-86, CD-053-91, CD-054-94, and ND-051-95). These projects allow for dredging of over one million cubic yards of material from the harbor with beach, surf zone, or nearshore disposal. The Commission staff agrees that the proposed project is similar to previously reviewed projects.

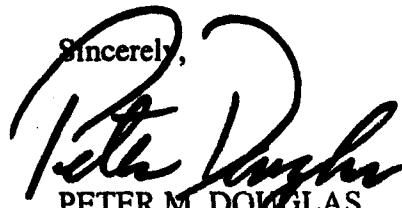
Despite the similarity, the Commission staff is concerned about two issues that the Commission has been concerned about but that have not been adequately addressed. First, although the Commission staff agrees that the nearshore site is within the littoral system, staff is concerned that improper nearshore disposal may result in placement of sand outside of the littoral system resulting in a loss of sand resources. When the Commission originally authorized this nearshore site, the Corps agreed to monitor beach

sand supply benefits from disposal at that site. Despite the fact that nearshore disposal occurred in 1991 as part of the planned maintenance dredging and again in 1995 as part of an emergency project, no monitoring has occurred. The current proposal did not originally provide for monitoring beach benefits from the use of the nearshore site. However, because of potential impacts to sand supply for the beach, the Corps agreed to provide staff with a complete log of disposal activities at the nearshore site and before and after bathymetry of that site. With this information, staff can determine if the Corps placed the material in shallow enough water to benefit beach sand supply resources. Although not a complete monitoring plan, the modifications made by the Corps will allow staff to evaluate the effectiveness of the use of the nearshore site in maintaining beach sand resources. In the future, however, the Commission staff recommends that the Corps develop and implement a monitoring plan that evaluates both the location of disposal at the nearshore site and the adequacy of the site in maintaining beach sand resources.

The second issue of concern is beach erosion occurring upcoast from the harbor, at a beach known as "Marina Beach." The City of San Buenaventura and BEACON (Beach Erosion Authority for Control Operations and Nourishment) believe that the harbor including its channels and sand traps cause beach erosion problems on Marina Beach. However, after evaluating the available evidence, it seems unlikely that the maintenance dredging is the cause of the beach erosion. Since it appears that the maintenance dredging is not causing the problem and that the Corps will use the material removed from the harbor for beach nourishment purposes, there is no basis, at this time, for the Commission staff to conclude that the maintenance dredging adversely affects sand supply resources of the coastal zone. Without a clear connection between the maintenance dredging and the erosion at Marina Beach, it would be inappropriate for staff to require replenishment of that beach. However, in the future, the Commission staff recommends that the Corps evaluate the erosion problems at Marina Beach and consider using a portion of the sand dredged from the harbor to replenish that beach, if feasible.

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 R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

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September 24, 1996
Page 3

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
City of Ventura, City Engineer
Ventura Harbor District
BEACON

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CALIFORNIA COASTAL COMMISSION

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September 26, 1996

LCDR H.A. Bouika
Environmental Officer
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

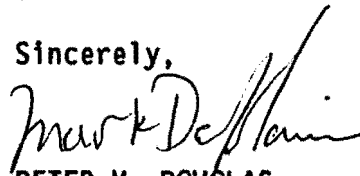
RE: **ND-117-96** Negative Determination, Building Construction, Naval
Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's proposed construction of a warehouse building to store ship support materials, adjacent to "Building 435" at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project would be located within an existing industrially developed area of the NCBC. The project would not involve any discharges into marine waters. No scenic public views would be affected. The project site contains no environmentally sensitive habitat. Public access and recreation would not be affected by the project.

We therefore agree with the Navy that the project will not affect coastal resources, and 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 questions.

Sincerely,

(for) 
PETER M. DOUGLAS
Executive Director

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

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CALIFORNIA COASTAL COMMISSION

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September 25, 1996

Charles Rairdan
Environmental Manager
Environmental Resources Branch
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

RE: **ND-118-96** Negative Determination, Immigration and Nationalization Service (INS), Border Fence Extension, U.S./Mexican Border, San Diego

Dear Mr. Rairdan:

The Coastal Commission staff has received the above-referenced negative determination for the construction of 1.3 miles of fencing along a portion of the U.S./Mexican Border east of the International Wastewater Treatment Plant (IWTP) in San Diego. The INS states the fence is needed to deter passage of undocumented foreigners at this location.

The fence would be a concrete bollard (column) style fence, with 12 foot high reinforced concrete columns spaced 5 inches apart and topped with barbed wire. Starting at its easternmost point, the proposed fence would begin approximately 1 mile east of the IWTP, where the Border traverses the Tijuana River channel from the south. The fence would be placed parallel to and on the north side of the existing south flood control levee on the Tijuana River, adjacent to existing border fencing. Construction would occur from an existing road on top of the levee.

Further west near Stewart's Bridge, two options are proposed. Under Option A, the bollard fence would be constructed across a box culvert that would be installed at the outlet of a retention basin which receives episodic sewage flows from across the border. From there, the fence would proceed north and terminate at the southeast corner of the IWTP. Under Option B, the fence would turn south from the levee (where it abuts the retention basin) and proceed to Stewart's Bridge. The fence would cross the north side of the bridge and turn north and curve around the existing rip-rap to proceed to the southeast corner of the IWTP. The INS states in the event review of either option would cause construction delays, fence construction would occur only on the south levee and terminate at the edge of the retention basin, until further determination can be made as to how to best proceed.

Construction is scheduled to begin October, 1996, and last approximately 6 months. The construction staging area would be about 1 acre in size and would most likely be located on the premises of the International Boundary and Water Commission (IBWC) lot, which is about 1 mile north of the project area along Dairy Mart Road.

The entire area of the proposed project is a restricted access area not open to the public. Only the border Patrol and IBWC have entry to the area without specific authorization. Anyone who requires access along the levee access road must receive approval from the IBWC office on Dairy Mart Road. Therefore the project will not affect public access.

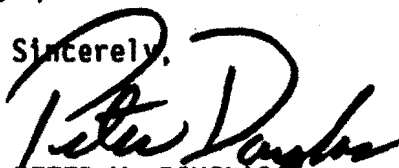
Although the Tijuana River is in close proximity to the proposed fence, construction would occur mainly from on top of the south levee. The area affected by construction has already been disturbed by utility construction and border crossing pedestrian traffic. The area between the south levee and the existing border fence is heavily disturbed and contains no significant vegetation. The project area in general serves as an interdiction area for undocumented foreigners by the Border Patrol, and construction of the fence on the south levee would limit the interdiction area to what is between the south levee and existing border fence (approximately a 150-foot wide area). This further constraint on pedestrian and Border Patrol traffic would reduce disturbance to natural vegetation in the Tijuana River channel.

Visual resources in the project area are currently limited by the existing Border fence and south levee. The proposed fence would be located within an area that is already fenced in a similar manner and therefore would not detract from the area's aesthetic quality. The Coastal Commission staff has conducted a site investigation and confirmed that no environmentally sensitive habitat or scenic public views would be affected by the project (regardless of whether Option A or Option B described above is implemented).

To conclude, the coastal zone impacts from the proposed bollard fencing east of the IWTP would be minimal. In addition, 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 would be an extension of border fencing for which consistency determinations were previously concurred with by the Commission and the Executive Director in ND-20-92, CD-81-92, ND-99-92, CD-111-92 and ND-41-93. We therefore concur with your negative determination for the project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations.

Please note that future fencing west of the IWTP may raise different and/or more extensive resource concerns which may make it inappropriate to submit that future proposal as a negative determination; however that fence is not a part of this proposal. We request that you continue to coordinate with us as that project proceeds through the Corps' or the INS' planning process; contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,


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

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

TELEPHONE AND TDD (415) 904-5200



October 10, 1996

Dion McMicheaux
Project Manager
International Boundary and Water Commission
2225 Dairy Mart Road
San Diego, CA 92173

Subject: Negative Determination ND-120-96 (Smuggler's Gulch Culvert
Construction, San Diego)

Dear Mr. McMicheaux:

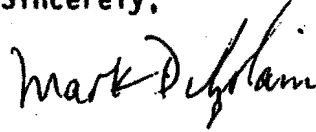
The Commission staff has reviewed your negative determination for construction of three culverts within Smuggler's Gulch north of Monument Road in the Tijuana River Valley. The purpose of this crossing is to minimize hazards to public safety by providing an all-weather equestrian trail alternative to Monument Road during construction of the South Bay Ocean Outfall (SBOO) unit of the International Wastewater Treatment Plant project. During the rainy season the existing trail crossing of Smuggler's Gulch is impassable, and equestrians must leave the trail and use the shoulder of Monument Road to cross the gulch. Up to 200 truck trips per day are required to support SBOO construction activity and this creates a potential safety hazard between trucks and equestrians along this section of Monument Road.

Smuggler's Gulch has been modified from its natural state by levees and agricultural drainage. The trail crossing north of Monument Road is devoid of vegetation and vegetation within the gulch in the vicinity of the project site is primarily non-native, except for one willow tree located 15-20 feet upstream of the crossing. It is our understanding that the willow tree will be protected during construction and that representatives from the U.S. Fish and Wildlife Service visited the crossing site and expressed no objection to the proposed project.

The proposed crossing will consist of three 8-foot diameter metal pipe culverts, backfilled with three feet of imported fill over the top of the culverts. The fill will be covered with a geotextile matting for erosion control and topped with six inches of aggregate base. Wire baskets filled with stone, or a similar form of bank protection, will be installed at the crest of the crossing and for approximately 42 feet downstream and 12 feet upstream of the crossing to prevent scour and undermining of the culverts during stormwater runoff.

The proposed culvert crossing of Smuggler's Gulch north of Monument Road will not adversely affect the coastal zone and will improve public safety and access to the shoreline in the Tijuana River Valley. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
U.S. Army Corps of Engineers
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
Governor's Washington, D.C., Office
California Department of Water Resources

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