

CALIFORNIA COASTAL COMMISSION

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

W 11

DATE: JANUARY 24, 1996

TO: COASTAL COMMISSIONERS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISORRE: **NEGATIVE DETERMINATIONS** ISSUED BY THE EXECUTIVE DIRECTOR
[NOTE: Executive Director decision letters are attached.]

STATUS OF NEGATIVE DETERMINATIONS: JANUARY 1996

-
- | | |
|-----------------------------|--|
| 1. Number: | ND-116-95 |
| Applicant/Federal Agency: | U.S. Navy |
| Project & Location: | Relocation of Desalination Plant, Naval Construction Battalion Center, Port Hueneme, Ventura Co. |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination, December 29, 1995 |
-
- | | |
|-----------------------------|--|
| 2. Number: | ND-118-95 |
| Applicant/Federal Agency: | U.S. Navy |
| Project & Location: | Beach Restroom Expansion, Naval Air Weapons Station, Point Mugu, Ventura Co. |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination, December 29, 1995 |
-
- | | |
|-----------------------------|---|
| 3. Number: | ND-117-95 |
| Applicant/Federal Agency: | U.S. Navy |
| Project & Location: | Culvert/Street Improvements, Naval Construction Battalion Center, Port Hueneme, Ventura Co. |
| Administrative Action/Date: | <u>Concurrence</u> with Negative Determination, January 3, 1996 |
-

Negative Determinations Memo
Page 2

-
4. Number: ND-120-95
Applicant/Federal Agency: Redwood National Parks
Project & Location: Redwood Creek Estuary Breaching, Redwood National and State Parks, Humboldt Co.
Administrative Action/Date: Concurrence with Negative Determination, January 3, 1996
-
5. Number: ND-119-95
Applicant/Federal Agency: U.S. EPA
Project & Location: Casmalia Resources TSD Facility, Casmalia Creek, Santa Barbara Co.
Administrative Action/Date: Concurrence with Negative Determination, January 5, 1996
-
6. Number: NE-115-95
Applicant/Federal Agency: Pacific Estuarine Research Laboratory
Project & Location: Salt Marsh Vegetation Removal, Tijuana River Estuary, San Diego Co.
Administrative Action/Date: Concurrence with No Effects Determination, January 8, 1996
-
7. Number: ND-121-95
Applicant/Federal Agency: Bureau of Land Management
Project & Location: Arcata Resource Area Management Plan Amendment, Mattole River Area, Humboldt Co.
Administrative Action/Date: Concurrence with Negative Determination, January 8, 1996
-

Negative Determinations Memo
Page 3

8. Number:	NE-114-95
Applicant/Federal Agency:	Caltrans (Army Corps Permit)
Project & Location:	Highway 101 Ditch Maintenance, Arcata, Humboldt Co.
Administrative Action/Date:	<u>Concurrence</u> with No Effects Determination, January 11, 1996

9. Number:	NE-126-95
Applicant/Federal Agency:	Tidewater Marine, Inc. (ICC License)
Project & Location:	Water carrier authorization, California ports
Administrative Action/Date:	<u>Concurrence</u> with No Effects Determination, January 12, 1996

10. Number:	ND-127-95
Applicant/Federal Agency:	U.S. Navy
Project & Location:	Building Demolition, Naval Construction Battalion Center, Port Hueneme, Ventura Co.
Administrative Action/Date:	<u>Concurrence</u> with Negative Determination, January 11, 1996

PROJECTS WHERE JURISDICTION ASSERTED: JANUARY 1996

None in January

CALIFORNIA COASTAL COMMISSION

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



December 29, 1995

R.P. Sauerwein, LCDR
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave
Port Hueneme, CA 93043-4301

RE: ND-116-95, Negative Determination, Relocation of Desalination Plant, Naval Construction Battalion Center, Port Hueneme, Ventura County

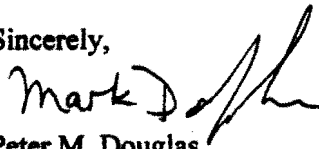
Dear Mr. Sauerwein:

The Commission has received the above referenced negative determination for relocation and construction of an existing, operational saltwater desalination test facility, associated pumphouse, and the seawater corrosion control lab. Relocation of the facilities from the Naval Facilities Engineering Service Center to the Battalion Center is necessary due to the closure of the Engineering Service Center under a Base Realignment and Closure action.

The relocation of facilities is to an existing developed site. The construction of the facilities will therefore not negatively affect visual resources. Further, because the project simply relocates existing operational structures and does not involve expanded capacity or modified rates of intake or discharge, the project will not negatively affect water quality or other coastal resources.

We agree that this project will not affect any resources of the coastal zone; we therefore concur with your negative determination for relocation of the desalination plant and associated buildings 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,

(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

CALIFORNIA COASTAL COMMISSION

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



December 29, 1995

James Danza
Department of the Navy
Naval Air Weapons Station
512 9th St.
Point Mugu, CA 93042-5001

RE: ND-118-95, Negative Determination, Beach Restroom Expansion, Naval Air Weapons Station, Ventura County

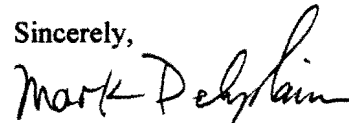
Dear Mr. Danza:

The Commission has received the above referenced negative determination for expansion and repair of existing Navy beach restroom facilities at Point Mugu. The project includes a 9.5 by 26 foot addition to the south side of the existing structure, construction of sidewalks and an outdoor group shower on the south side, reconstruction of the roof, and refurbishment of existing facilities. A seawall is located in front of the existing facility. The project is necessary to meet an increasing demand for the facilities.

There will be no long-term adverse impacts to coastal resources from this project. The expansion will not negatively affect public access opportunities to the area; the project site is located on a restricted Navy Base. The project will not adversely impact water quality.

We agree that this project will have not affect any resources of the coastal zone; 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 Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

(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

CALIFORNIA COASTAL COMMISSION

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



January 3, 1996

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

RE: **ND-117-95** Negative Determination, Culvert/Street Improvements,
Naval Construction Battalion Center, Port Hueneme, Ventura County

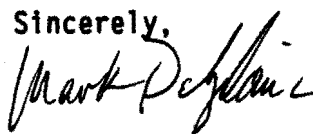
Dear LCDR Sauerwein:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's proposal to improve an existing culvert and street corner at Lehman/Pennsylvania Rds. at the Naval Construction Battalion Center in Port Hueneme. The project includes removal of the existing culvert structure, removal of 100 cu. yds. of sediment, placement of perimeter sheet pile, and installation of a new, 4-ft. diameter culvert.

The project would not involve any discharges into marine waters. No 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

PMD/MPD/mcr
1966p

CALIFORNIA COASTAL COMMISSION

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



January 3, 1996

Andrew T. Ringgold, Superintendent
U.S. Dept. of the Interior
California Dept. of Parks and Recreation
Redwood National and State Parks
1111 Second Street
Crescent City, CA 95531

RE: **ND-120-95** Negative Determination, Redwood Creek Estuary Breaching,
Redwood National and State Parks, Humboldt County

Dear Superintendent Ringgold:

On December, 4, 1995, the Coastal Commission staff received the above negative determination for breaching of the Redwood Creek Estuary in Redwood National and State Parks. The purpose of the breaching is to manage water elevation in the estuary in a manner most beneficial for juvenile steelhead trout and chinook salmon, while preventing flooding of adjacent private property and a County road. The Park Service proposes to release water by a controlled breach, maintaining water levels at above +6 ft. MSL (mean sea level). A bulldozer would be used to open the channel during out-going tides just after high tide. The channel would be created at an angle to the ocean (i.e., not perpendicular), to slow the water flow. The breaching may occur at any time during the year, depending on rainfall in the area, but is usually limited to summer and early fall periods. The number of breaches has ranged from 0 to 22 in recent years, depending on stream flow and ocean conditions.

Summer and fall breaching would only affect fisheries habitat if the water level is released too rapidly, such as sometimes occurs when area landowners dig trenches in the sand berm. The Park Service's historic experience is that if it does not perform a controlled breach of the estuary, this breaching by area residents is likely to occur, causing adverse habitat impacts. The Park Service's controlled breaching would protect fisheries resources.

Winter breaching will not affect fish resources, as the fish will have already migrated out to sea by this time. Tidewater gobies, which have been listed as federally endangered since the previous breaching events, have historically been found in the greater project area. The Park Service has surveyed the estuary and not found this species present at this time, and the Park Service will continue to monitor for the presence of this species, prior to any breaching activities.

The project includes provisions, if necessary, to protect existing structures in the park (i.e., the Redwood Information Center and adjacent facilities) that may be threatened by southern migration of the creek channel. As you note in your determination, we previously concurred with a negative determination for similar emergency breaching to protect these structures last winter (see ND-116-94). As we stated in authorizing that determination last year, our authorization is valid for one year, and any future breaching beyond one year will necessitate submittal of an additional negative determination.

We agree with your assessment that this project would 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,


PETER M. DOUGLAS
Executive Director

cc: North Coast District
NOAA
OCRM
California Dept. of Water Resources
Governors Washington, D.C. Office
EPA

PMD/MPD/ltc
1966p

CALIFORNIA COASTAL COMMISSION

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



January 5, 1996

Laura Yoshii, Deputy Director
Waste Management Division
U.S. EPA, Region IX
75 Hawthorne St.
San Francisco, CA 94105-3901

Re: **ND-119-95** Negative Determination, Casmalia Resources TSD Facility,
Casmalia Creek, Santa Barbara County

Dear Ms. Yoshii:

On November 27, 1995, the Coastal Commission staff received the above negative determination for after-the-fact authorization of discharge of storm water into Casmalia Creek, approximately 5 miles from the shoreline, upstream of Vandenberg Air Force Base. The project consists of draining 3 existing ponds, totalling approximately 200 million gallons, over a 60 day period. The ponds have been collecting rainwater for several years and are nearing capacity.

The discharge is being performed in conjunction with EPA's cleanup responsibilities under CERCLA for the Casmalia Facility. EPA has coordinated its activities with the Regional Water Quality Control Board (RWQCB) and the U.S. Fish and Wildlife Service (FWS). The RWQCB agrees that the ponds should be drained as quickly as possible. EPA has incorporated a monitoring plan in consultation with FWS to assure that the flow rate will be managed to avoid downstream adverse impacts. The discharge rate will begin at a very slow rate and adjusted gradually to minimize downstream impacts. The discharges will not threaten public safety or downstream resources. The levels of metals and organics are consistent with levels typically observed in other urban and industrial storm water runoff and the discharges would not significantly affect water quality. At the conclusion of the discharges, the pipes will be removed and no further discharges will occur.

In conclusion, we agree with the EPA'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 if you have questions.

Sincerely,

(for) Mark Douglas
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

CALIFORNIA COASTAL COMMISSION

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



January 8, 1996

Gary Sullivan, Ph.D.
Pacific Estuarine Research Laboratory
San Diego State University
San Diego, CA 92182-4614

Subject: No Effects Determination NE-115-95 (Salt Marsh Vegetation Removal,
Tijuana River Estuary, San Diego County)

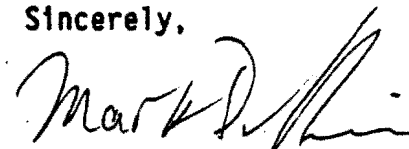
Dear Dr. Sullivan:

The Commission staff has reviewed your November 3, 1996, letter requesting Commission staff concurrence with a no effects determination for salvaging salt marsh vegetation as part of a previously-approved tidal restoration plan for the Tijuana River estuary in San Diego County. The restoration plan requires salvage of salt marsh vegetation from an area to be excavated adjacent to the estuary Visitor Center to create a connector channel to improve tidal flow in the north arm of the estuary, and requires research on how to best salvage, propagate, and transplant native salt marsh plants.

The proposed salvage work involves the removal of 20-30 plants each of nine relatively abundant salt marsh plant species from the channel excavation site, located outside the jurisdictional wetland and where exotic plant species dominate. Shovels and wheelbarrows will be used to remove and transport the plant materials (including an approximately 1'x1'x1' plug of soil with each plant) to a vehicle parked off-site. The maximum ground disturbance would total no more than 270 square feet, consisting of depressions in the ground where soil material was removed. While the soil depressions are expected to be rapidly revegetated by annual plants as the project site is dominated by exotic vegetation, this area will subsequently be converted to restored salt marsh habitat after construction of the connector channel. All plant and soil materials would be transferred to the Pacific Estuarine Research Laboratory (PERL) greenhouse or outdoor growing facility for experimentation and research in growing and propagation techniques. Surviving plants would eventually be used to revegetate the planned connector channel, and PERL will use the results of this work to guide salvage efforts for the channel excavation and future restoration work in the estuary.

The Commission staff concurs with your determination that the proposed activity will not adversely affect salt marsh habitat or other coastal resources at the Tijuana Estuary, and that additional federal consistency review is not required at this time. If you have any questions regarding this matter, please contact Larry Simon at (415) 904-5288.

Sincerely,


(For) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
Governor's Washington, D.C., Office

8110p

CALIFORNIA COASTAL COMMISSION

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



January 8, 1995

Lynda J. Roush
Area Manager
Bureau of Land Management
Arcata Resource Area
1695 Heindon Rd
Arcata, CA 95521-4573

RE: ND-121-95, Negative Determination, Bureau of Land Management (BLM), Arcata Resource Area Management Plan Amendment, Humboldt County

Dear Ms. Roush:

The Commission has received the above referenced negative determination for an amendment to the Arcata Resource Area Management Plan. The purpose of the proposed amendment is to place lands near the Mattole River acquired by the BLM in 1994 under the King Range Vicinity Management Area and withdraw them from all forms of mineral entry. Withdrawing these lands from mineral entry will prevent potentially negative impacts from surface development of the land. Currently, these lands are managed under the Scattered Tracts Management Area. The amendment would also apply to future purchases by BLM of land that is contiguous or in the general vicinity of the Scattered Tracts Management Area or the Kings Range Vicinity Management Area, and would include these lands in the Mattole Area of Critical Environmental Concern. This designation would protect the outstanding cultural, historic, riparian, botanical, biological, and recreational values of the land.

We agree that this project will not negatively affect any resources of the coastal zone; 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 Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Douglas", written over the typed name and title.

Peter M. Douglas
Executive Director

cc: North Coast 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
VOICE AND TDD (415) 904-5200

January 11, 1996



Deborah L. Harmon
Chief, Environmental Management Branch
ATTN: Tim Ash
Caltrans - District 1
P.O. Box 3700
Eureka, CA 95502-3700

Subject: Maintenance Ditch Cleaning on Route 101 - NE 114-95

Dear Ms. Harmon:

The Commission staff has reviewed the November 6, 1995, letter and supporting documentation from Caltrans requesting a no effects determination from the Commission for a proposed five-year maintenance ditch cleaning program along the toe of the eastern slope of Route 101 between Arcata and Eureka in Humboldt County. The work has taken place on an as-needed basis since construction of the highway and ditch in the early 1950's. Your letter states that recent changes in the administration of Section 404 of the Clean Water Act now place the work within the jurisdiction of the U.S. Army Corps of Engineers, and that a nationwide permit for the work has been approved by the Corps contingent upon a determination of consistency by the Commission.

In particular, the work consists of scooping aquatic vegetation and associated sediment out of the constructed drainage ditch to restore designed hydraulic capacity and to avoid flooding adjacent properties. The material will be temporarily placed adjacent to the ditch in order for it to dry out, and will then be hauled to an upland site outside the coastal zone. A variable five to ten foot wide strip of vegetation, designed in cooperation with the California Department of Fish and Game, will be left on the east side of the ditch for waterfowl cover.

The Commission staff agrees with your determination that the proposed program will have no effect on water quality, fisheries, environmentally sensitive habitat, or visual resources, and that additional consistency review is not required for this project. This concurrence in Caltrans' no effects determination is valid for the five-year term of the Corps of Engineers Section 404 permit for the ditch maintenance program. If you have any questions regarding this matter, please contact Larry Simon at (415) 904-5288.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Dehlan".

(for) PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

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

**WATER CARRIER (ICC) AUTHORIZATION**January 12, 1996

Tidewater Marine Inc.
Steven W. Dick, Vice President
1440 Canal St.
New Orleans, LA 70112-2780

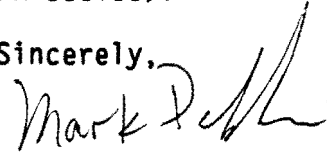
RE: Consistency Certification by Tidewater Marine Inc.
for application to the Interstate Commerce Commission for additional
water carrier authority (NE-126-95)

Dear Mr. Dick:

The Coastal Commission staff has received your letter of December 1, 1995, informing us of an application filed with the Interstate Commerce Commission (ICC) by Tidewater Marine Inc. for a license to operate as a contract water carrier transporting materials and operating along the Pacific Coast. You have indicated in subsequent correspondence with the Commission staff (dated January 9, 1996) that you will use established coastal waterways and existing port facilities, do not propose to construct any facilities within the California coastal zone or the ports located therein, and would not transport petroleum products or hazardous materials.

In conclusion, because the activities of Tidewater Marine Inc. will not require any modifications to California ports, and will not adversely affect coastal zone resources, it appears that your ICC application for expanded water carrier authority will not affect land and water uses in the California coastal zone. Therefore, no consistency certification is required pursuant to the federal Coastal Zone Management Act and the regulations of the National Oceanic and Atmospheric Administration (15 CFR 930.50).

Sincerely,

(for) 
PETER M. DOUGLAS
Executive Director

cc: Interstate Commerce Commission
NOAA
OCRM
Governor's Washington, D.C. Office
California Department of Water Resources

PMD/MD/prb
1967p

CALIFORNIA COASTAL COMMISSION

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



January 11, 1996

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-127-95, Negative Determination, Building Demolition, Port Hueneme, Ventura County

Dear LCDR. Sauerwein:

We have received the above referenced negative determination for demolition of Building 600, Building 593, Building 519, and Building 511 at the Naval Construction Battalion Center at Port Hueneme. The buildings are dilapidated and obsolete. Most of the material from the demolished buildings will be either taken to the County landfill or to California Materials to be crushed for road base material. Some concrete may be used on site to bring the site to grade.

The project will not affect water quality. No sensitive resources will be affected by this project. 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 Tania Pollak at (415) 904-5297 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