

CALIFORNIA COASTAL COMMISSION

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



W 12

DATE: June 21, 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 #:	ND-044-96
APPLICANT:	Navy
LOCATION:	Pier 180, Fleet Industrial Supply Center, Point Loma Fuel Annex, San Diego
PROJECT:	Maintenance dredging of 60,115 cubic yards of sediment and repair of pier
ACTION:	Concur
ACTION DATE:	5/31/96

PROJECT #:	ND-048-96
APPLICANT:	Navy
LOCATION:	Naval Command and Ocean Surveillance Center, San Diego
PROJECT:	Repair of safety deck on pier for handling marine mammals
ACTION:	Concur
ACTION DATE:	5/28/96

PROJECT #:	ND-051-96
APPLICANT:	National Park Service
LOCATION:	Cuyler Harbor, San Miguel Island
PROJECT:	Construction of a new ranger station and housing facility
ACTION:	Concur
ACTION DATE:	6/20/96

PROJECT #:	ND-056-96
APPLICANT:	Coast Guard
LOCATION:	Point Sur Light House, Big Sur
PROJECT:	Repair and restoration of wooden deck
ACTION:	Concur
ACTION DATE:	5/31/96

PROJECT #:	ND-059-96
APPLICANT:	Navy
LOCATION:	Naval Construction Batallion Center, Port Hueneme
PROJECT:	Construction of an automobile repair training facility
ACTION:	Concur
ACTION DATE:	6/5/96

PROJECT #:	NE-062-96
APPLICANT:	City of Laguna Beach
LOCATION:	Main Beach Park, City of Laguna Beach
PROJECT:	Repairs to boardwalk damaged by winter storms
ACTION:	No Effects
ACTION DATE:	6/11/96

CALIFORNIA COASTAL COMMISSION

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



May 31, 1996

Dan Muslin, Head, Environmental Planning Branch
Department of the Navy, Southwest Division
Attn: Bob Hexom
Naval Facilities Engineering Command
Planning and Real Estate Department
1220 Pacific Highway, Room 20
San Diego, CA 92132-5180

RE: ND-44-96: Negative Determination, U.S. Navy, Dredging, Pier 180
Fleet Industrial Supply Center, Point Loma, San Diego

Dear Mr. Muslin:

The Coastal Commission staff has received the above-referenced negative determination for the maintenance dredging of approximately 60,000 cu. yds., as well as some minor pier repair work, at the Navy's Fleet and Industrial Supply Center, near Ballast Point in Point Loma. Disposal would be at the EPA approved offshore disposal site LA-5. The dredging is needed to maintain safe navigational depths for Navy fueling operations.

The Navy has tested the dredge spoils against the "Green Book" standards, and the test results have been reviewed by the Commission staff and at least preliminarily reviewed by EPA. The test results indicate the dredge materials are not contaminated, and, therefore, are suitable for disposal at LA-5. The grain size analysis shows the dredge spoils are not predominantly sand and, therefore, are not appropriate for beach replenishment. The dredging has been scheduled to occur outside the April 15 to September 1 period when it could affect least terns; therefore habitat effects from dredging have been minimized.

We agree with your assessment that the resources of the coastal zone will not be adversely 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

PMD/MPD/mcr/1966p

CALIFORNIA COASTAL COMMISSION

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



May 28, 1996

G.E. Curtis
Head, Facilities Support Branch
ATTN: Andrew J. Aitken
Department of the Navy
Naval Command, Control, and Ocean Surveillance Center
Research, Development, Test, and Evaluation Division
San Diego, CA 92152-5001

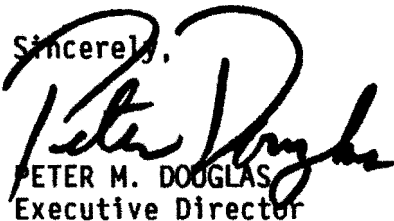
Subject: Negative Determination ND-48-96 (Marine Mammal Pier Repair, San Diego County)

Dear Mr. Curtis:

The Coastal Commission staff has reviewed your negative determination for proposed repairs to the Marine Mammal Pier located at the Navy's Magnetic Silencing Facility on San Diego Bay. The project consists of constructing a 70 square-foot wooden deck addition to the pier in order to provide a safe deck area on the pier for handling and transporting marine mammals from the pier into and out of small boats. No new pilings or any in-water construction are required as the proposed deck addition will be supported by and attached to the existing pier. Approximately 0.002 acres of San Diego Bay water area would be shaded by the proposed deck addition. Any marine resource impacts associated with this structure would be minor in nature and mitigated by using 0.002 acres of the Navy's existing 0.3 acres of mitigation credit remaining from the prior removal of the Naval Training Station pier on San Diego Bay.

In conclusion, the proposed deck addition will not adversely affect any resources of the coastal zone. We therefore concur with your negative determination made pursuant to 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,


PETER M. DOUGLAS
Executive Director

cc: San Diego Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel Ocean Services
OCRM
Governor's Washington, D.C., Office
California Department of Water Resources

8110p/8

CALIFORNIA COASTAL COMMISSION

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



June 20, 1996

Tim J. Setnicka
Acting Superintendent
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001

Subject: Negative Determination ND-51-96 (Construction of ranger station and housing facility, San Miguel Island, Channel Islands National Park).

Dear Mr. Setnicka:

The Commission staff has received the above-referenced negative determination from the National Park Service (NPS) for the construction of a new ranger station and housing facility near the southwest corner of the airstrip at Cuyler Harbor on San Miguel Island, one of five islands comprising Channel Islands National Park. San Miguel Island is owned by the U.S. Navy and jointly administered by the NPS and the Navy. After a joint NPS/Navy multi-year planning effort, the NPS proposes to construct a 2,300 square-foot structure consisting of two one-bedroom apartments, a four-person bunkhouse, a multi-purpose office area, and various utility rooms. Electrical power would be supplied by a combination of solar and wind generation, propane would be used for cooking and space heating, and water would be obtained from the existing well in Nidever Canyon, rain catchment on the roof of the new structure, and fog collection curtains. A leach field augmented by infiltrator plastic chambers would be used for disposal of grey water and sewage. In addition, the existing substandard ranger station and housing facilities in Nidever Canyon will be removed and this sensitive habitat area restored.

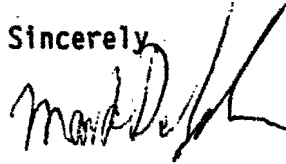
The proposal is consistent with the 1985 General Management Plan for Channel Islands National Park which calls for "...a permanent residence for the island ranger in the Lester Ranch area near Cuyler Harbor." The NPS states in its Environmental Assessment for the project that the proposed structure is necessary because the existing facility is comprised of two deteriorating 8' x 20' shipping containers, which the NPS has identified as sub-standard housing for its personnel. In addition, the containers and the existing grey water disposal system are located in Nidever Canyon, an area zoned by the NPS as a Protected Natural Area. Finally, the method of transportation of NPS personnel from the mainland to San Miguel Island has shifted over the years from Navy helicopters to commercial airplanes. The existing station is close to the helipad but is one-half mile from the Cuyler Harbor airstrip, and for logistical reasons the NPS believes it is necessary to locate the ranger

station at Cuyler Harbor, the only place on the island where private and excursion boats can land (there is no public air service to the island).

The project will generate only minor and temporary effects on coastal resources. The NPS states that construction and use of the new facility will not adversely affect any sensitive plant or animal species. No Chumash archeological sites or cultural resources are documented in the vicinity of any of the building sites. While the new facility will slightly affect views of the island landscape from Cabrillo Monument and Lester Ranch, visitors to the island will be better served by the new and more easily accessible ranger station. In addition, removal of substandard and deteriorating facilities in Nidever Canyon and the restoration of that site will yield net environmental benefits for the island.

In conclusion, the proposed construction of a new ranger station and housing facility at the Cuyler Harbor airstrip and the removal of the existing facility in Nidever Canyon will not significantly affect the coastal zone. The project will improve the ability of the NPS to protect natural resources and provide visitor services on the island. 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 at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(Fdn)

PETER M. DOUGLAS
Executive Director

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

6804p/10

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-6200



May 31, 1996

Dave Stalters
Coast Guard
Civil Engineering Unit Oakland
2000 Embarcadero, Suite 200
Oakland, Ca 94606-5337

RE: ND-056-96, Negative Determination for the repair and restoration of wooden deck, Point Sur Light House, Big Sur

Dear Mr. Stalters:

The Coastal Commission has received and reviewed the above-referenced negative determination. The proposed project includes repair and restoration of a wooden deck adjacent to the Point Sur Light House in Big Sur. Since the Coast Guard closed the deck to public use in 1986 and, after construction, the Coast Guard will reopen the deck, the project will improve public recreational resources. Since the project is within the footprint of the existing deck, it will not affect habitat resources. Finally, the project restores the visually degraded appearance of the existing deck, and thus it will benefit 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 R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Peter Douglas".

PETER M. DOUGLAS
Executive Director

cc: Central 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

PMD/JRR

CALIFORNIA COASTAL COMMISSION

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



June 5, 1996

H.A. Bouika
Naval Construction Battalion Center
Environmental
1000 23RD Avenue
Port Hueneme, CA 93043-4301

ATTN: Beverly Damron

RE: ND-059-96, Negative Determination for the construction of an automobile repair training facility, Naval Construction Battalion Center, Port Hueneme.

Dear LCDR. Bouika:

The Coastal Commission has received and reviewed the above-referenced negative determination. The proposed project includes construction of an automobile front-end alignment and transmission diagnostic training facility, Naval Construction Battalion Center, Port Hueneme. The proposed training facility is located in an already developed area of the base, and thus is not near the perimeter of the fence, and does not affect visual or recreational resources of the coastal zone. The site has been previously developed and does not contain any sensitive habitat 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 R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

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

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

PMD/JRR
ND05996.DOC

CALIFORNIA COASTAL COMMISSION

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

**Jurisdiction Letter**Date: June 11, 1996

Chris Kreymann
Principal Planner
City of Laguna Beach
505 Forest Ave.
Laguna Beach, CA
92651

Project: **Repairs to sections of the Boardwalk and Coast Highway and addition of a rock lined flume at Main Beach Park, Laguna Beach, Orange County**

Coastal Commission file no. (if applicable): NE-026-96
U.S. Army Corps of Engineers Notice No. (if applicable): _____
If a nationwide permit, NWP number: _____

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an individual, nationwide, general or regional permit from the Army Corps of Engineers (Corps). Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. However, if an activity is within the Ports of San Diego, Long Beach, Los Angeles, or Port Hueneme and is identified in the Commission certified Port Master Plan, then no consistency certification is necessary.

The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has concluded that it:

Is not within the coastal zone and does not affect the coastal zone. Therefore no further Coastal Commission review is necessary,

Is a non-federal activity within the coastal zone and is in an area where the Commission has not delegated permit authority to the appropriate local agency. Therefore, it needs a coastal development permit from the Commission. Contact our South Coast Area Office (see addresses

on the following page) for details and permit application form. (Note: Receipt of a Coastal Commission-issued coastal development permit satisfies federal consistency requirements.)

Is a federally permitted activity within or affecting the coastal zone and does not otherwise need a coastal development permit from the Commission. Therefore, this project needs a consistency certification. Contact **Jim Raives at (415) 904-5292** for information on the federal consistency process. (Note: Receipt of a local government-issued coastal development permit, as opposed to a Coastal Commission-issued coastal development permit, does not satisfy federal consistency requirements.)

Is within or affects the coastal zone and is a federal agency activity. Therefore it needs a consistency determination (or, at a minimum, a negative determination). Contact **Jim Raives at (415) 904-5292** for information on the federal consistency process.

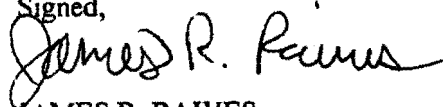
Is within the port of San Diego, Long Beach, Los Angeles, or Port Hueneme and is consistent with a certified Port Master Plan. Therefore, no further Coastal Commission review is necessary.

Is within one of the above ports but is not consistent with a certified Port Master Plan. Therefore, a Port Master Plan amendment is necessary.

We have insufficient information on the project location or details to determine jurisdiction. Please provide the following information:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project has or will receive a locally issued coastal development permit and is located within an area where such permits are appealable to the Coastal Commission; and (2) the proposed project does not significantly affect coastal resources or raise coastal issues of greater than local concern.

Signed,



JAMES R. RAIVES

Federal Consistency Coordinator

cc: South Coast Area Office
Corps of Engineers, Los Angeles District