

CALIFORNIA COASTAL COMMISSION

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



W 11

DATE: July 23, 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-047-96
APPLICANT:	Peterson and Price
LOCATION:	Olivenhain Road just east of El Camino Real, City of Encinitas
PROJECT:	Construction of a self storage facility
ACTION:	No effect
ACTION DATE:	6/26/96

PROJECT #:	ND-057-96
APPLICANT:	Navy
LOCATION:	Naval Submarine Base, Point Loma
PROJECT:	Repair five areas of soil erosion and runoff through various slope and erosion control methods
ACTION:	Concur
ACTION DATE:	6/26/96

PROJECT #:	ND-060-96
APPLICANT:	Monterey Bay National Marine Sanctuary
LOCATION:	near the harbors of Monterey, Moss Landing, Santa Cruz, and Pillar Point
PROJECT:	Buoy installation to delineate areas for personal water craft
ACTION:	Concur
ACTION DATE:	6/28/96

PROJECT #:	ND-061-96
APPLICANT:	Navy
LOCATION:	Naval Civil Engineering Laboratory, Port Hueneme
PROJECT:	Base closure and disposal
ACTION:	Concur
ACTION DATE:	7/10/96

PROJECT #:	NE-066-96
APPLICANT:	Cambria Rock
LOCATION:	San Simeon Creek, San Luis Obispo County
PROJECT:	Mining of sand, gravel, and boulders from stream bars
ACTION:	No effect
ACTION DATE:	7/8/96

PROJECT #:	ND-068-96
APPLICANT:	Corps of Engineers
LOCATION:	Quivira Basin, Mission Bay, San Diego
PROJECT:	Relocation of proposed staging area
ACTION:	Concur
ACTION DATE:	7/3/96

PROJECT #:	ND-069-96
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme
PROJECT:	Construction of one concrete block storage building
ACTION:	Concur
ACTION DATE:	7/9/96

PROJECT #:	NE-070-96
APPLICANT:	Fugro West
LOCATION:	Mason Street Bridge over Mission Creek, City of Santa Barbara
PROJECT:	Geotechnical survey
ACTION:	No effect
ACTION DATE:	7/12/96

PROJECT #:	NE-071-96
APPLICANT:	Caltrans
LOCATION:	Interstate 5, Carlsbad and Oceanside, San Diego County,
PROJECT:	Seismic retrofit
ACTION:	No effect
ACTION DATE:	7/2/96

PROJECT #:	ND-072-96
APPLICANT:	Navy
LOCATION:	Naval Air Station, North Island, San Diego
PROJECT:	Modify dredging volume and disposal locations of previously concurred with Homeporting of Nimitz class nuclear aircraft carriers
ACTION:	Concur
ACTION DATE:	7/11/96

PROJECT #:	ND-073-96
APPLICANT:	Navy
LOCATION:	Naval Construction Batallion Center, Port Hueneme
PROJECT:	Construction of one 81 square-foot concrete foundation pad and walled enclosure for a five-ton refrigeration unit
ACTION:	Concur
ACTION DATE:	7/11/96

PROJECT #:	NE-074-96
APPLICANT:	Caltrans
LOCATION:	Interstate 5, San Diego County, Chula Vista, and City of San Diego
PROJECT:	Seismic retrofit
ACTION:	No effect
ACTION DATE:	7/2/96

PROJECT #:	ND-075-96
APPLICANT:	Navy
LOCATION:	Seven locations on Point Loma Peninsula
PROJECT:	Repair of back up generators to meet current spill and fire protections standards
ACTION:	Concur
ACTION DATE:	7/3/96

PROJECT #:	NE-076-96
APPLICANT:	Caltrans
LOCATION:	San Elijo Lagoon Undercrossing on Interstate 5, City of Encinitas
PROJECT:	Seismic retrofit
ACTION:	No effect
ACTION DATE:	7/1/96

PROJECT #:	ND-07-96
APPLICANT:	Navy
LOCATION:	Zuma County Beach Park, Malibu
PROJECT:	Beach Trawl Tests Modification
ACTION:	Concur
ACTION DATE:	7/12/96

PROJECT #:	ND-079-96
APPLICANT:	National Park Service
LOCATION:	Santa Rosa Island
PROJECT:	Road Maintenance
ACTION:	Concur
ACTION DATE:	7/15/96

CALIFORNIA COASTAL COMMISSION

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June 26, 1996

Gerry Scheid
RECON
4241 Jutland Drive
San Diego, CA 92117-3653

RE: NE-047-96, No-Effects Determination for the construction of a self storage facility, Olivenhain Road just east of El Camino Real, City of Encinitas.

Dear Mr. Scheid:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed project includes construction of a 648-unit self storage facility on Olivenhain Road just east of El Camino Real, City of Encinitas. The project will provide 85,000 square feet of storage. The applicant proposes to utilize 2.5 acres of a 10.51-acre site. Finally, the project requires 500 cubic yards of cut and 15,000 cubic yards of fill.

The proposed project is located inland of the coastal zone boundary. However, since it requires a permit from the Corps of Engineers, it could trigger the federal consistency provisions of the federal Coastal Zone Management Act and its implementing regulations (15 C.F.R. Part 930), which require consistency certifications for any federally permitted activity, located in or inland of the coastal zone, that affects land or water uses or natural resources of the coastal zone. After a thorough review of this project, the Commission staff concludes that the project does not significantly affect coastal resources.

The proposed project is adjacent to Encinitas Creek. In constructing the facility, the applicant will fill 1.27 acres of wetlands. Since these wetlands are inland of the coastal zone, their loss is not necessarily an impact to the coastal zone. For federal consistency purposes, the Commission staff evaluation of this wetland impact will focus on its relationship and impact to resources of the coastal zone. The habitat is not directly contiguous with habitat in the coastal zone. A Home Depot store is located between the project site and the coastal zone boundary and isolates the project from the coastal zone.

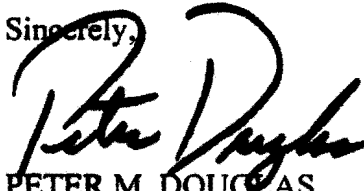
Although the riparian habitat affected by the project is suitable for least Bell's vireo, a federally listed threatened species, the applicant has not identified any nesting pairs in this area. However, the U.S. Fish and Wildlife Service has not conclusively determined

the vireos are not found on this site. In its Initial Study, the City of Encinitas recommends additional surveys for the vireo, and the Commission staff believes that the surveys are necessary. In part, the Commission staff's conclusion, that this activity does not effect the coastal zone, is based on the applicant's information and the City's additional requirements. If the City does not require the surveys or the surveys do not support the applicant's conclusion, it may provide the Commission staff with a basis for reconsidering its concurrence with this no-effects determination.

The Commission staff is also concerned about potential water quality impacts from the proposed project on down-stream resources, specifically Batiquitos Lagoon. As part of the initial study, the City of Encinitas recommends conditions requiring a preparation of an erosion control plan and the installation of an oil/water/sediment separator and nuisance water treatment wetland area. These water quality control measures are consistent with those required by the Commission within the coastal zone. However, since the City has not acted on this project, the Commission staff cannot be assured that these measures will be incorporated into the project. Since these conditions are relatively standard for the area, the Commission staff will assume that the City will approve the conditions. If the City approves the project without these conditions, the Commission staff may reconsider its conclusion that the activity does not affect the coastal zone.

In conclusion, the Coastal Commission staff **agrees** that the proposed project (including the conditions recommended by the City of Encinitas) 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: San Diego Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office

PMD/JRR
NE04796.DOC

CALIFORNIA COASTAL COMMISSION

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June 26, 1996

Sherry Ashbaugh
Planning and Real Estate Department
Department of the Navy, Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

RE: ND-057-96, Negative Determination, Erosion Control, Naval Submarine Base, Point Loma, San Diego

Dear Ms. Ashbaugh:

The Commission has received the above referenced negative determination for erosion control in five areas on the east slope of Point Loma. The project is necessary to prevent damage to utility lines and roads necessary to the base's operation.

The project will not impact coastal resources. The project does not involve activities in the water. Upon completion of the erosion control projects, graded areas will be revegetated with native plant species. The sites have no sensitive resources present. The project also will not change existing public coastal views.

We agree that this project will 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,

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

Peter M. Douglas
Executive Director

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

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June 28, 1996

Terry D. Jackson
Monterey Bay National Marine Sanctuary
299 Foam Street, Suite D
Monterey, CA 93940

RE: ND-060-96, Negative Determination for the installation of buoys to delineate areas for use of personal water crafts, near the harbors of Monterey, Moss Landing, Santa Cruz, and Pillar Point.

Dear Mr. Jackson:

The Coastal Commission has received and reviewed the above-referenced negative determination. The proposed project includes installation of buoys to delineate areas for use of personal water crafts near the harbors of Monterey, Moss Landing, Santa Cruz, and Pillar Point. As you stated in your negative determination, the National Oceanic and Atmospheric Administration (NOAA) identified the delineation of personal water craft areas in its consistency determination for the designation of the Monterey Bay National Marine Sanctuary. After fully evaluating that consistency determination, the Commission found the establishment of the Sanctuary, which included the designation of personal water craft areas, to be consistent with the California Coastal Management Program (CD-66-92). The Commission, in part, based its findings on the EIS/Management Plan's description of impacts from this recreational activity, which stated that:

The use of personal water craft poses a serious threat to the resources of the Monterey Bay area. There is a potential for collisions with marine mammals, turtles and birds, injury to kelp beds, injury to mud flats and eel grass and disturbance due to noise and exhaust to organisms near and on the surface in proximity to the craft.

...

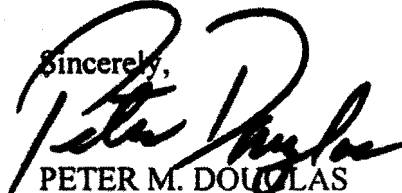
Personal water craft operation interferes with the safe use of near shore ocean waters by other recreational users such as surfers, swimmers, recreational fishermen and other users.

The purpose of the restriction is to minimize impacts associated with the use of these personal water crafts. Since its proposal allows for continued use of personal water craft in specific areas, NOAA balanced the need to protect natural resources with impacts to this recreational activity. Although the proposed restrictions affect coastal recreation, this Commission evaluated this impact in its concurrence with the consistency determination for the designation of the Sanctuary (CD-66-92). The proposed negative determination allows for the installation of buoys to implement the previously approved restriction. Since the proposed negative determination is consistent with the description in the previous consistency determination, the

Commission staff concludes that the activity does not raise any new effects on coastal resources.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources in a manner different from the previously approved consistency determination. 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

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

PMD/JRR
ND06096.DOC

CALIFORNIA COASTAL COMMISSION

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July 10, 1996

John H. Kennedy
Manager, Environmental Planning Branch
Attn: Mary Doyle
Naval Facilities Engineering Command
900 Commodore Drive
San Bruno, CA 94066-5006

Subject: Negative Determination ND-61-96 (Disposal of former Naval Civil Engineering Laboratory property, Port Hueneme, Ventura County).

Dear Mr. Kennedy:

The Commission staff has reviewed your negative determination for disposal of the former Naval Civil Engineering Laboratory (NCEL) property, located in the City of Port Hueneme in Ventura County. It is our understanding that under guidelines contained in the Defense Base Closure and Realignment Act (BRAC) of 1990, the Navy proposes to transfer ownership of this 33-acre coastal facility to the local reuse authority (Port Hueneme Surplus Property Authority (SPA)) under a reuse plan developed by the SPA. The property would then be acquired and reused under a port-related public conveyance to the Oxnard Harbor District (District), with the consent of the City of Port Hueneme and the SPA. It is our further understanding that after conveyance and acquisition have occurred, the District will be the exclusive owner of the property. Upon Coastal Commission certification of a District-prepared Port Master Plan amendment designating allowable land uses for the property, the District would then be able to issue coastal development permits for activities consistent with the amended Port Master Plan. Commission action on the port master plan amendment is expected to occur later this year.


The Navy prepared a Draft Environmental Impact Statement (DEIS, January 1996) for the disposal and reuse of the NCEL property. All of the reuse alternatives examined in the DEIS call for retaining and enhancing the existing public access corridor along the entire southern length of the property fronting the Pacific Ocean. The application to the Navy for the port-related public conveyance submitted by the Oxnard Harbor District also includes retaining the existing six acres of public access, as does the draft port master plan amendment prepared by the District for the NCEL property. In addition, in both the DEIS and the draft port master plan amendment, the northern six-acre strip of the property bordering the Harbor District is targeted for port-related uses (cargo handling and storage) and the remaining 21 acres of the site are designated for coastal-related activities (e.g., aquaculture, fish processing, maritime training). These proposed activities appear to be consistent with the resource protection policies of the Coastal Act.

The Navy's former use of the NCEL property centered on water-oriented and water-dependent military-related research and development activities. The proposed disposal of the property for port- and coastal-related uses and for continued public access and recreation along the shoreline strip was a factor in our March 8, 1996, request to your office requesting information on the possible effects on public health of radio frequency radiation emanating from the SWEF building located across Port Hueneme Harbor at the Naval Surface Warfare Center. In response to that request, your negative determination states that: (1) hazards associated with radar equipment are only found in the immediate front of the radar unit during operation; (2) radar operations are not targeted toward any land or beach areas and therefore there are no hazards to individuals in such areas; and (3) the radar frequency zones do not pose a hazard to the disposal of or subsequent reuse of the NCEL property.

In concurring with this negative determination, we are not necessarily agreeing with all these assertions, but instead wish to take the position that a more appropriate forum to address these issues would be when the Navy propose modifications involving potential intensification of radar effects at the SWEF (Surface Warfare Engineering Facility). The disposal of NCEL would not intensify radar and is less directly related to the issue of concern to us. However we wish to put the Navy on notice at this time that we continue to expect further information as has been previously requested from the Navy, and that it is our expectation that this issue will be revisited prior to installation of the Navy's proposed Aegis radar (or any other future radar modifications) at the SWEF in Port Hueneme.

In conclusion, the proposed disposal and reuse of the former NCEL property will not adversely affect the coastal zone. The project will provide needed lands for port- and coastal-related activities and will ensure continued public access along the shoreline portion of the property. Commission action on a port master plan amendment to be submitted this summer by the Oxnard Harbor District designating allowable land uses on the subject property will serve as the vehicle for ensuring that the reuse proposal outlined in this negative determination and the supporting DEIS will be implemented by the District. 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,


(for) PETER H. 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
Captain Beachy, NCBC

CALIFORNIA COASTAL COMMISSION

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Jurisdiction LetterDate: July 8, 1996

Cambria Rock
 Attn: Donald Pierce
 2775 Elm Avenue
 Morro Bay, CA 93442

Project: Extraction of 12,000 cubic yards of sand and gravel annually from bars formed in San Simeon Creek, San Luis Obispo County. The extraction area extends over five acres along a 2.5-mile-long reach of the creek and is located 2.5 miles east of State Highway 1.

Coastal Commission file no. (if applicable)

NE-66-96

U.S. Army Corps of Engineers Notice No. (if applicable)

Pre-Discharge Notification 96-50348-TAM

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].) These requirements can be met by receiving a Commission concurrence with a consistency certification prepared by the applicant or conclusion that the activity does not affect the coastal zone. Alternatively, these requirements can be satisfied by the issuance of a Commission approved coastal development permit. Since the federal consistency authority cannot be delegated 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.

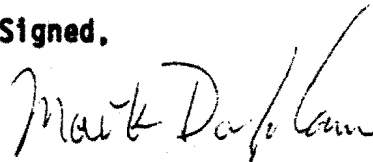
The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has concluded that it:

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 yet delegated permit authority to the appropriate local agency. Therefore, it needs a coastal development permit from the Commission. Contact our _____ 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.)

- The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project will need to receive a locally-issued coastal development permit within an area where such permits are appealable to the Coastal Commission; and (2) if the Commission has concerns it can address them through the process of reviewing an appeal of a locally-issued coastal development permit.
- 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) 904-5280 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) 904-5280 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:

Signed,



MARK DELAPLAINE
Federal Consistency Supervisor

cc: Santa Cruz Area Office, Coastal Commission
Corps of Engineers, Los Angeles District, Ventura Field Office
Nadell Gayou

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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7/3/96
July 3, 1996

Robert S. Joe
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Russell L. Kaiser
Environmental Planning Section
P.O. Box 2711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-68-96 (Quivera Basin Breakwater Project
Modifications, San Diego)

Dear Mr. Joe:

The Coastal Commission staff has reviewed your negative determination for modifications to construction methods for the proposed Hospitality Point Breakwater in Mission Bay, San Diego. In April 1995 the Commission concurred with Consistency Determination CD-11-95, submitted by the Corps for construction of this breakwater to reduce wave energy entering Quivera Basin and to reduce damage to shoreline facilities and moored boats. The project concurred with by the Commission included the use of a fenced staging area adjacent to Hospitality Point and time limitations on construction activity.

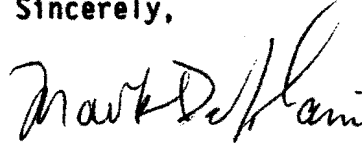
Subsequent to the Commission's action and completion by the Corps of its Final Environmental Assessment for the project, the City of San Diego requested that the Corps relocate the staging area to avoid affecting several newly-scheduled recreational activities slated to occur in the vicinity of the staging area during the project construction period. The City, as the local sponsor of the proposed breakwater, suggested relocating the staging area to the western portion of South Shores Park, a 5-phase development project on a former landfill at the southeast corner of Mission Bay. While three phases of the park are completed and the 60-acre Phase IV site was recently graded, local funding constraints will prevent construction of the Phase IV park for at least ten years. Therefore, the City recommended that the Corps use a one-acre portion of the Phase IV site for the breakwater project staging area. The site would be used for placement of construction materials, parking of support vehicles, and assembly of construction crews.

The relocation of the project staging area away from California least tern and snowy plover foraging areas adjacent to Hospitality Point removes the primary reason for limiting project construction to outside the tern and plover nesting season. Construction activity itself at the breakwater will not

adversely affect either the tern or the plover. As a result, State and Federal fish and wildlife agencies agree that the timing restriction is no longer necessary, and the Corps now proposes to begin construction of the breakwater in late August or early September 1996, less than one month prior to the end of the official nesting season.

The proposed staging area is previously disturbed, devoid of vegetation, and remote from the most popular, high-use recreation areas in Mission Bay. Use of the one-acre South Shores Park site as a staging area and the elimination of the construction timing restriction will not generate any adverse impacts to sensitive habitat, endangered or threatened species, or public access and recreation. In conclusion, the proposed modifications to the previously concurred breakwater project does not raise any coastal issues that were not previously addressed by the Commission in the previous consistency determination. 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,



(for) 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

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July 9, 1996

Ms. Beverly Damron
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave
Port Hueneme, CA 93043-4301

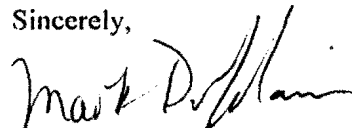
RE: ND-69-96, Negative Determination, Construction of building, Naval Construction Battalion Center (NCBC), Port Hueneme, Ventura County

Dear Ms. Damron:

The Commission staff has received the above referenced negative determination for the construction of a building near the intersection of Track 13 Road and Pleasant Valley Canal Road at the NCBC. The building will be used to store petroleum liquid oils currently at the site. The proposed building is in an existing developed area and therefore will not negatively affect visual resources. The project will not increase the risk of oil spills. The project will also not affect any other coastal zone resources.

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

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July 12, 1996

Matthew Ingamells
Fugro West, Inc.
5855 Olivas Park Drive
Ventura, CA 93003-7672

RE: NE-070-96, No-Effects Determination for the geotechnical survey Mason Street Bridge over Mission Creek, City of Santa Barbara.

Dear Mr. Ingamells:

The Coastal Commission has received and reviewed the above-referenced no-effects determination. The proposed project includes geotechnical survey Mason Street Bridge over Mission Creek, in the City of Santa Barbara. The purpose of the project is to accurately determine the depth and distribution of a clay layer beneath the Mason Street bridge. The project involves pumping water from Mission Creek into a 1-inch diameter plastic pipe, which the applicant will use as a probe. The applicant will place the pipe vertically in the streambed and push it into the sediments until it reaches resistance, indicating the clay layer. The hydraulic probing process would create a conical depression caused by the displacement of 1 to 4 cubic feet of sediments. These sediments are primarily sands that will be redeposited within a few feet of the depression and upstream sediment would refill the depression. The applicant will repeat the process 30 to 50 times, resulting in the displacement of less than 8 cubic yards of sediment. The area affected by the project is limited to the vicinity immediately adjacent to the Mason street Bridge, an area of 30 to 40 feet.

The proposed project will not result in any significant adverse effects on coastal resources. The area directly affected by the testing does not contain any sensitive vegetation. The project will not affect the existing water quality of the stream. In addition, the project does not result in any permanent alteration to the hydrology of the stream. The estuary down stream from the proposed project provides habitat for the tidewater goby, a federally listed endangered species. The applicant proposes the following measures to prevent any affect on this sensitive species:

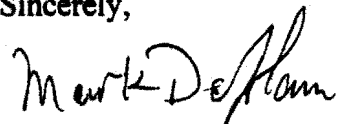
1. All work will be conducted during the dry season when surface flows are minimal and the potential for tidewater goby to occur in the work area is minimized;

2. All work will be conducted during low tide such that standing water (tidal estuary) is the maximum distance downstream;
3. A screen (maximum opening of 4 mm) will be placed over the pump inlet to prevent entrainment of fish;
4. The pump inlet will be located upstream of the work area to reduce the potential for fish entrainment and prevent recycling of turbid waters;
5. A silt fence will be placed downstream of the work area to minimize siltation of the estuary and reduce turbidity of waters leaving the work area.

The U.S. Fish and Wildlife Service reviewed the proposed project and concluded that it would not affect the goby provided that the applicant implement the above provisions and if the applicant hires a biologist to monitor the project. With these modifications, the Commission staff does not expect the project to affect the goby.

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) 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, Ventura Field Office

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NE07096.DOC

CALIFORNIA COASTAL COMMISSION

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



July 2, 1996

Duy Ton
Project Manager
Department of Transportation
District 11
P.O. Box 85406
San Diego, CA 92186-5406

Re: "No Effects" Determination NE-71-96, Caltrans
Seismic Retrofit, I-5, Carlsbad and Oceanside, San Diego Co.

Dear Mr. Ton:

The Coastal Commission has received your "No Effects" Determination for the seismic retrofit of nine bridges along I-5 in Carlsbad and Oceanside. Five of the bridges would be outside the coastal zone and would not affect any resources of the coastal zone. Two of the bridges are within the Commission's permit jurisdiction and have received a coastal development permit waiver from our San Diego Area Office. The other two bridges are within the City of Oceanside's coastal development permit-issuing jurisdiction, and the City has also waived coastal development permit requirements.

Seven of the nine bridges would have no potential effects on coastal zone resources. The other two bridges cross the San Luis Rey River and raise potential coastal resource issues, because they would be located above an environmentally sensitive area. However, Caltrans will conduct all work from the bridge itself rather than from within the river, and Caltrans' biologist has documented that no environmentally sensitive habitat would be affected. We therefore agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for these bridge projects. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5280.

Sincerely,

Mark Delaplaine
(for) PETER DOUGLAS
Executive Director

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

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CALIFORNIA COASTAL COMMISSION

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June 25, 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
San Diego, CA 92132-5180

RE: **ND-72-96** Negative Determination, U.S. Navy, Dredging Modifications,
Navy "Homeporting" Project, San Diego

Dear Mr. Muslin:

The Coastal Commission staff has received the above-referenced negative determination for modifications to the previously-concurred-with consistency determination for the dredging and other activities associated with the Homeporting of the NIMITZ-Class Nuclear Aircraft Carrier, at the Naval Air Station North Island (NASNI) in Coronado (CD-95-95).

As originally concurred with by the Commission in CD-95-95, the project included the dredging of 9 million cubic yards (cu. yds.) of material, with disposal as follows: (1) beach replenishment - 7,900,000 cu. yds.; (2) offshore ocean (LA-5) - 930,000 cu. yds.; and (3) confined disposal at NASNI - 260,000 cu. yds.

The Navy and Commission staff were aware that some of the originally calculated dredging and disposal volumes would be subject to some revision as more information was developed. Since the Commission's concurrence, the Navy has refined and modified the proposal in several ways, including modifications to dredge quantities and disposal locations. The modifications include re-calculated dredge quantities based on more refined surveys, as well as refined estimates of the quantity of dredge material to be disposed of at LA-5 and on area beaches, based in part on U.S. Army Corps of Engineers requirements and certain technical dredging feasibility considerations. The Corps describes these requirements and feasibility considerations as follows:

Switching Site 3 (below 4 feet), 4, 6 and 11 from nearshore discharge to LA-5 disposal will help ensure that only clean sandy material from the turning basin will be used for beach replenishment. The Navy has also requested that the final disposition of materials to be dredged from below four feet of Site 3 be changed to LA-5 disposal, because material below the four-foot level cannot be disposed of at difference locations than the top four feet in a cost effective manner. Including Site Z will establish a buffer between dredged materials found to be unsuitable for unconfined aquatic disposal ... or suitable for LA-5 disposal..., and materials to be used for nearshore discharge/beach replenishment.


Based on the changes considered necessary by the Navy and the Corps, the total dredging volume has increased from 9,038,000 cu. yds. to 9,357,000 cu. yds. The volume proposed for disposal at LA-5 has increased from 930,000 cu. yds. to 2,073,000 cu. yds. The volume proposed for nearshore (beach replenishment) disposal has decreased from 7,863,000 cu. yds. to 6,866,000 cu. yds. The new beach by beach disposal breakdown (in cu. yds.) is as follows:

<u>Site</u>	<u>Area</u>	<u>Original Volume</u>	<u>New Volume</u>
A	Imperial Beach	1,443,000	1,706,000
C	Del Mar	2,460,000	1,900,000
H	Oceanside	2,460,000	1,900,000
I	Mission Beach	1,500,000	1,360,000

In addition, based on refined surveys approximately 10,000 cu. yds. of material that was originally proposed not be dredged is now proposed for dredging, with disposal at LA-5; that material has passed ocean disposal suitability (i.e. "Green Book" standards) tests.

Given the need to address technical issues as well as assure the public that the beach disposal sites will not receive any contaminants, we agree with the Navy that the essential coastal zone effects from the project as modified have not been altered significantly, and that the modified proposal does not raise any new issues with respect to coastal zone effects on marine resources or water quality not previously considered by the Commission. 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,


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
EPA (Brian Ross)
Army Corps of Engineers (David Zoutendyk)
SANDAG
City of Coronado

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CALIFORNIA COASTAL COMMISSION

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July 11, 1996

Ms. Beverly Damron
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave
Port Hueneme, CA 93043-4301

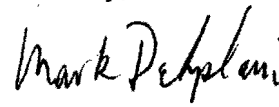
RE: ND-73-96, Negative Determination, Construction of refrigeration unit, Naval Construction Battalion Center (NCBC), Port Hueneme, Ventura County

Dear Ms. Damron:

The Commission staff has received the above referenced negative determination for the construction of a refrigeration unit near Building 1388 at the NCBC. The building will be used to chill water for distribution to computer consoles in Building 1388. The proposed building is in an existing developed area and therefore will not negatively affect visual resources. The project will also not affect any other coastal zone resources.

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

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SAN FRANCISCO, CA 94105-2219
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July 2, 1996

Duy Ton
Project Manager
Department of Transportation
District 11
P.O. Box 85406
San Diego, CA 92186-5406

Re: "No Effects" Determination NE-74-96, Caltrans
Seismic Retrofit, Bridges at Rte. 905/5 Separation
Chula Vista, San Diego Co.

Dear Mr. Ton:

The Coastal Commission has received your "No Effects" Determination for the seismic retrofit of two bridges at the Route 905/5 Separation in Chula Vista. The projects are within the Commission's coastal development permit jurisdiction, have received coastal development permit exemptions from our San Diego Area Office, and would not affect any environmentally sensitive habitat or any other coastal zone resources. We therefore agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for these seismic retrofit projects. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine".

(for) PETER DOUGLAS
Executive Director

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

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CALIFORNIA COASTAL COMMISSION

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July 3, 1996

Sherry Ashbaugh
Natural Resources Specialist
Department of the Navy, Southwest Division
Naval Facilities Engineering Command
Planning and Real Estate Department
1220 Pacific Highway
San Diego, CA 92132-5180

RE: **ND-75-96** Negative Determination, U.S. Navy, Seven Repair Projects,
Point Loma, San Diego

Dear Ms. Ashbaugh:

The Coastal Commission staff has received the above-referenced negative determination for repairs to a number of existing Navy facilities scattered throughout various Navy Point Loma sites. The repairs would be located within existing developed areas and would include improvements to generators, storage tanks, pipelines, drains, and various ancillary structures. The repairs are needed to meet current fire and spill protection standards. The repairs will not affect any coastal zone resources and will improve safety, thereby providing net environmental benefits.

We agree with your assessment that the project will not 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 questions.

Sincerely,

Mark Delaplaine
(for) PETER M. DOUGLAS
Executive Director

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

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July 1, 1996

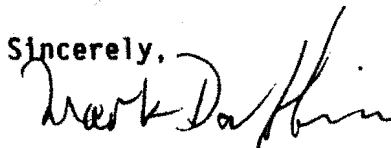
Joseph Hull
Design Manager
Department of Transportation
District 11
P.O. Box 85406
San Diego, CA 92186-5406

Re: "No Effects" Determination NE-76-96, Caltrans
Seismic Retrofit, I-5, Encinitas, San Diego Co.

Dear Mr. Hull:

The Coastal Commission has received your "No Effects" Determination for the seismic retrofit of three bridges on I-5 across San Elijo Lagoon in Encinitas. Two of the bridges would have no potential effects on coastal zone resources; the third raises potential coastal resource issues. That bridge is the San Elijo Lagoon Undercrossing, which is located in an environmentally sensitive area. A number of measures have been incorporated into the project to assure it will avoid impacts to sensitive avian and wetland species. These measures include the commitment to avoid construction of the south abutment of this bridge during the sensitive February 15 to September 15 avian breeding season, as well as measures to avoid construction within, and avoid runoff into, San Elijo Lagoon. The project has already received a coastal development permit waiver from our San Diego Area Office, and, with the measures incorporated into the project, would not adversely affect any environmentally sensitive habitat or any other coastal zone resources. We therefore agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5280.

Sincerely,

(For) 
PETER DOUGLAS
Executive Director

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

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CALIFORNIA COASTAL COMMISSION

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July 12, 1996

Marcia Kingsbury
Ocean Facilities Department
Department of the Navy
Naval Facilities Engineering Service Center
560 Center Drive
Port Hueneme, CA 93043-4328

RE: ND-7-96, Negative Determination, Beach Trawl Tests, Zuma County Beach Park, Los Angeles County

Dear Ms. Kingsbury:

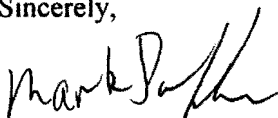
We have recently received a letter requesting a modification to the above referenced negative determination. The Commission concurred with the original negative determination on February 23, 1996.

The Navy is requesting a change in location of the test site to Dockweiler State Beach near the Los Angeles International Airport. In addition, the Navy is requesting that the test be allowed to occur between July 29, 1996, and September 20, 1996. The Navy has agreed that tests will not be undertaken between August 26, and September 6, 1996. As with the original request, the test area will be 600 feet by 400 feet of beach which will be closed to the public for a five day period.

Although the proposed project will close a section of Dockweiler State Beach, the effects on public access are minimal. The project occupies a small section of a long sandy beach; access around the project site to other sections of the beach will not be blocked. The work will not be undertaken in, or block access to, the surf zone, and will not block the bikepath along the site. The project will occur for five days during the week (i.e. non-weekend days). All equipment will be removed from the beach at the end of the tests, and the site will be restored.

No sensitive resources will be affected by this project. The project will not negatively affect sand resources; no sand will be removed from the beach. We therefore concur with your revised 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,



(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

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July 15, 1996

Tim Setnicka
National Park Service
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001

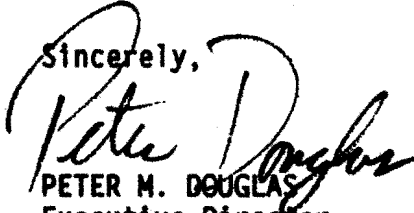
RE: **ND-79-96** Negative Determination, National Park Service
Road Maintenance, Santa Rosa Island

Dear Mr. Setnicka:

The Coastal Commission staff has received the above-referenced negative determination for maintenance activities in several unnamed watercourses to repair minor road crossings on Santa Rosa Island in the Channel Islands National Park. The activities include limited grading and grooming of existing roadbeds, filling ruts, cleaning and repairing culverts, and maintaining existing headwalls.

The activities would be conducted on federal land. Existing roads would not be expanded and no new stream crossings would be constructed. We agree with your assessment that the activities will not 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 questions.

Sincerely,


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
Army Corps of Engineers (Ventura Field Office)

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