

CALIFORNIA COASTAL COMMISSION

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



Tu 10

DATE: June 17, 1997

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-061-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Temporary storage and removal of debris near the West Jetty
ACTION:	Object
ACTION DATE:	6/9/97

PROJECT #:	ND-062-97
APPLICANT:	Navy
LOCATION:	North Carlsbad, South Carlsbad, and Torrey Pines, San Diego Co.
PROJECT:	Amend a previously approved consistency determination to add more beach sites for disposal of sand from dredging project
ACTION:	Concur
ACTION DATE:	5/22/97

PROJECT #:	NE-064-97
APPLICANT:	California State University Monterey Bay
LOCATION:	California State University Monterey Bay, formerly Fort Ord, Monterey Co.
PROJECT:	Renovation of existing buildings
ACTION:	No effect
ACTION DATE:	5/23/97

PROJECT #:	ND-068-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Placement of an office trailer
ACTION:	Concur
ACTION DATE:	6/10/97

PROJECT #:	ND-070-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Extracting and replacing six timber piles at Wharf B in the harbor in connection with structural study
ACTION:	Concur
ACTION DATE:	5/29/97

PROJECT #:	ND-071-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Install atmospheric profiler and equipment shed for six months
ACTION:	Concur
ACTION DATE:	5/29/97

PROJECT #:	NE-073-97
APPLICANT:	Resighini Rancheria
LOCATION:	Waukel Creek, near Klamath River, Resighini Rancheria, Del Norte Co.
PROJECT:	Replacement and enlargement of culverts
ACTION:	No effect
ACTION DATE:	6/16/97

PROJECT #:	ND-072-97
APPLICANT:	Air Force
LOCATION:	Pillar Point Air Force Tracking Station, San Mateo Co.
PROJECT:	Removal of existing antenna
ACTION:	Concur
ACTION DATE:	6/12/97

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June 9, 1997

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

RE: **ND-61-97** Negative Determination, Temporary Storage/Removal of Debris, West Jetty,
Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the temporary storage and removal of construction debris on the beach front area of the West Jetty, located at the Naval Construction Battalion Center (NCBC) in Port Hueneme. While the Navy states it intends to remove the debris, the Navy has not made any firm commitment to clean up the area within a specified period of time. The Navy states it will remove the material when "funding is available to remove it from the base." Therefore, when we received this negative determination (approximately a month ago) we requested that the Navy: (1) indicate how soon it could commit to cleaning up and restoring the site; (2) describe whether the affected area was within or adjacent to a seal haulout or seabird nesting area; and (3) indicate whether there are any hazardous materials present in the debris being stored. To date we have not received any response to these information requests.

We disagree with the Navy's conclusion that temporary storage of this material would not adversely affect the coastal zone. Coastal habitat resources such as marine mammals and seabirds are known to frequent the area and may be affected by the debris, either directly or indirectly. The project site is located adjacent to LaJanelle Park, a public facility that is heavily used for a variety of recreational purposes, including fishing, surfing, birdwatching, and other activities. The debris is clearly visible from LaJanelle Park, and the debris is unsightly and detracts from the aesthetic quality of the recreational experience at the park. Also, water quality impacts may occur from runoff, especially if there are any hazardous substances in the debris. Runoff could affect water-oriented recreation (e.g., swimming and surfing) and/or habitat resources.

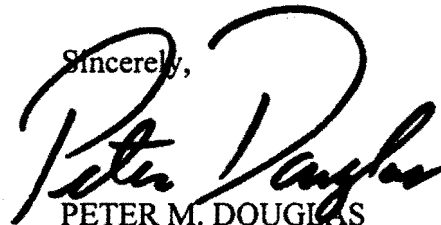
Because of these coastal zone effects, the Navy needs to submit a consistency determination for this project. This determination should analyze the project's consistency to the maximum extent practicable with the habitat and water quality policies (Sections 30240, 30230-30232), and view protection and recreation policies (Sections 30251, 30240(b) and 30213) of the California Coastal Act.¹ Given the extremely large size of the NCBC, the vast majority of which is not visible to the

¹ Cal. Public Resources Code Section 30000 et seq.

public, the visual analysis should include an alternatives discussion, to enable the Commission to determine whether the Navy has minimized the project's visual impacts on public views and recreation. At this point we do not understand why the Navy believes it needs to store these types of materials at this publicly visible site. Finally, if any of the debris has been placed within an intertidal area, the Navy will also need to analyze the project under the "fill of coastal waters" policy (Section 30233) of the Coastal Act

In conclusion, we **disagree** with the Navy that the project will not affect coastal resources, and we therefore object to 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,

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

PETER M. DOUGLAS

Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
Governors Washington D.C. Office
California Department of Water Resources
Corps of Engineers, Ventura Field Office
RWQCB, Los Angeles Region

CALIFORNIA COASTAL COMMISSION

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May 22, 1997

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

RE: ND-62-97 Negative Determination, U.S. Navy, Beach Disposal Modifications,
Navy "Homeporting" Project, San Diego
Phase II: Disposal at South Oceanside (Buccaneer Beach), Carlsbad, and Torrey
Pines beaches

Dear Mr. McCay:

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. As originally concurred with by the Commission in CD-95-95, the project included the disposal of 7,900,000 cu. yds. of sand at various San Diego County beaches. The original project consisted of nearshore disposal at Imperial Beach, Del Mar, Oceanside, and Mission Beach. Working with the San Diego Association of Governments (SANDAG), and area local governments, the Navy subsequently modified the proposal to broaden the number of receiver beaches, and use beach (rather than nearshore) disposal. Phase I of the modified project has already received Commission authorization, in CD-29-97, which consisted of placement of approximately 530,000 cu. yds. of sand at South Oceanside beaches and 570,000 cu. yds. of sand at Solana Beach.

The subject proposal, Phase II, consists of similar beach disposal of sand at South Oceanside (Buccaneer Beach), Carlsbad, and Torrey Pines. The approximate disposal amounts at each site would be as follows:

Buccaneer Beach	748,000 cu. yds.
North Carlsbad	542,000 cu. yds.
South Carlsbad	918,000 cu. yds.
Torrey Pines North	361,000 cu. yds.
Torrey Pines South	280,000 cu. yds.

Under the federal consistency regulations a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Phase II proposal raises the same habitat issues raised by Phase I,

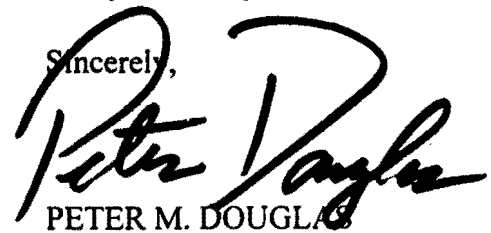
and the manner of disposal, as well as the mitigation measures incorporated by the Navy into the project, are similar.

In reviewing Phase I, the Commission determined that the beach disposal modifications were consistent with the applicable habitat protection policies of the Coastal Act. This determination was based on the Navy's inclusion of measures to minimize and monitor turbidity and the presence of important habitat species such as grunions, least terns, snowy plovers, and other sensitive resources. The measures included had been developed in consultation with the "resource" agencies (NMFS, CDFG, USFWS); the measures included provisions to: (1) avoid kelp beds through careful pipeline placement; (2) monitor for and avoid effects on grunions by keeping the disposal areas away from any spawning grunions; (3) avoid snowy plover nesting areas; (4) minimize turbidity through diked, single-point discharge; and (5) institute a five-year monitoring program to document the project's effects on offshore habitat. The measures included an agreement by the Navy that if the monitoring indicated any long term adverse effects from the project, the Navy would replace habitat affected on a 1:1 basis (or, if such replacement were unsuccessful or is not feasible, the Navy would provide alternative mitigation (such as artificial reefs) as deemed appropriate by the "resource" agencies).

In working with the same agencies for Phase II, the Navy has further agreed to monitor the project's effects on lagoon mouths in the affected areas, to assure their closure rates are not affected by the project. Any documented effects would trigger lagoon mouth opening or sediment removal measures to compensate for project-related impacts.

With these commitments, we **agree** with the Navy that the coastal zone effects from Phase II are similar to those reviewed by the Commission in reviewing Phase I. We also agree that the modified proposal does not raise any new issues with respect to coastal zone effects that were not previously considered and found adequately addressed by the Commission. We therefore **concur** with your negative determination for these Phase II modifications 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, Steven John)
SANDAG (Steve Sachs)
U.S. Army Corps, San Diego Field Office (David Zoutendyk)

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May 23, 1997

David Salazar, Director
Facilities, Planning and Development
California State University, Monterey Bay
Office of Facilities
100 Campus Center
Seaside, CA 93955-8001

Re: NE-64-97 (California State University, Monterey Bay Campus, Fort Ord)

Dear Mr. Salazar:

The Coastal Commission staff has received the above-referenced "No Effects" letter for "Phase IV" of the California State University's plan for a Monterey Bay Campus on land recently transferred by the Army at Fort Ord in northern Monterey County. This project is one component of a larger disposal/reuse plan analyzed in the Army's Final Environmental Impact Statement/Report (FEIS/R), and in the Commission's review of the Army's consistency determination (CD-16-94) for the Disposal and Reuse of Fort Ord. Subsequent to the Commission's concurrence with that consistency determination, the Commission staff concurred with your "No Effects" letters for "Phase I" (NE-3-95), Phase II (NE-65-95), and Phase III (NE-80-96) improvements.

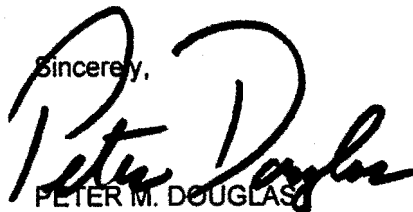
The Phase I improvements consisted of building renovation to modify existing Army structures for classrooms and residences for the new campus. Phases II and III renovations involved similar types of modifications and renovations to existing buildings serving various campus functions. The proposed Phase IV improvements would be similar and would include interior and exterior building renovations, Disability Act compliance improvements, seismic and fire upgrades, utility improvements, and asbestos abatement.

We agree with the University that the coastal issues raised under Phase IV, as they were with the previous phases, are minimal. In reviewing the previous phases, we pointed out that improvements we would be most likely to have concerns over would be activities involving "... the need for habitat protection, infrastructure planning, tailoring development intensities to available traffic and water supply capacities, and screening inland views from Highway 1." Accordingly, we stated to you that "To the extent development proposed by the University raises coastal resource concerns in any of these issue areas, additional formal federal consistency review may be warranted." However, the proposed Phase IV improvements do not raise these concerns because they are limited in scope and can be handled within existing infrastructure capacities.

David Salazar
May 23, 1997
Page 2

As such, Phase IV activities can be authorized, as has been requested by the University, through the administrative "No Effects" process. We therefore concur with your "No Effects" determination and agree that no further consistency review by the Commission is necessary for this phase of campus planning. We look forward to reviewing your upcoming Campus Master Plan, which will address future phases of campus improvements. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governor's Washington D.C. Office
Army Corps (Sacramento District)

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June 10, 1997

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

RE: ND-68-97, Negative Determination, Construction of building, Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear Ms. Damron:

The Commission staff has received the above referenced negative determination for the placement of an office trailer in the southwest portion of the Naval Construction Battalion Center. The trailer will be sited within the developed area of the Center, adjacent to Structure 5025. The project will not negatively affect visual resources, sensitive habitat, or any other 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: 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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May 23, 1997

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

RE: **ND-70-97** Negative Determination, Navy Pile Replacement, Naval Construction
Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of six timber piles at Wharf B, located at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project is part of a test project to analyze stress forces on piers and wharves during ship berthing operations. The project would consist of extracting six existing timber piles and replacing them with six concrete filled fiberglass piles. No new fill of coastal waters would occur. No scenic public views would be affected. The project site contains no environmentally sensitive habitat, and the noise from pile driving would therefore not affect any sensitive bird species such as least terns. Public access and recreation would not be affected by the project.

We **agree** with the Navy that the project will not affect coastal resources, and 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,

A handwritten signature in dark ink, appearing to read "Mark Delaplaine", written over a printed name.

(for) PETER M. DOUGLAS
Executive Director

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

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May 23, 1997

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

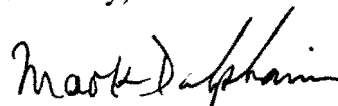
RE: **ND-71-97** Negative Determination, Navy Atmospheric Profiler, Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the temporary installation of an Atmospheric Profiler, a 30 ft. high tower designed to monitor air quality and meteorological conditions for a six month period, located at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project is part of an intergovernmental air quality study for the region, called the Southern California Ozone Study (SCOS97). The tower would be located within an existing developed area of the NCBC, an area with existing buildings and towers of similar heights. The project would not involve any discharges into marine waters. No scenic public views would be affected. The project site contains no environmentally sensitive habitat. Public access and recreation would not be affected by the project.

We **agree** with the Navy that the project will not affect coastal resources, and 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) PETER M. DOUGLAS
Executive Director

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

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June 16, 1997

Donald Valenzuela
Coast Indian Community of the Resighini Rancheria
P.O. Box 529
Klamath, CA 95548

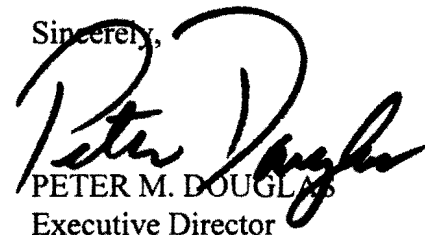
Re: **NE-73-97** No Effects Determination, Coast Indian Community of the Resighini Rancheria
Culvert Replacement, Resighini Rancheria, Klamath River, Del Norte County

Dear Mr. Valenzuela:

The Coastal Commission staff has received the above-referenced "No Effects" letter for the replacement of two existing 48-inch diameter culverts with 72-inch diameter culverts under an unpaved driveway on an unnamed tributary to Waukel Creek, near the Klamath River at the Resighini Rancheria in Del Norte County. The project is located on Indian land and is needed to accommodate Waukel Creek flows during the rainy season. The culverts are currently undersized and result in localized flooding, threatening existing structures on the Rancheria. The Coast Indian Community of the Resighini Rancheria has coordinated the project with the U.S. Fish and Wildlife Service, which has determined that the project will not adversely affect any significant biological resources. Construction will occur during the non-rainy season.

We agree with your conclusion that this project will not adversely affect any coastal zone resources. We therefore **concur** 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) 904-5289.

Sincerely,


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
Army Corps, San Francisco District

CALIFORNIA COASTAL COMMISSION

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June 12, 1997

Larry Wilbur
Dept. of the Air Force
McClellan Air Force Base
5926 Patrol Road
McClellan Air Force Base, CA 95652-1708

RE: ND-072-97, Negative Determination, Antenna Removal, Pillar Point Air Force Station, Half Moon Bay, San Mateo County

Dear Mr. Wilbur:

The Commission has received the above referenced negative determination for removal of an existing 80 foot antenna at Pillar Point Air Force Station in Half Moon Bay. The project will involve excavating a temporary access road and a landing on the slope near the antenna. Upon removal of the antenna, the slope will be restored to its original conditions, and the bare ground will be revegetated.

This project will not adversely affect any resources of the coastal zone. No endangered species or sensitive habitat will be affected by the project. Visual resources will be improved by the removal of this large antenna, which is located in a highly scenic area. We therefore 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 cursive script that reads "Peter Douglas".
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