

CALIFORNIA COASTAL COMMISSION

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

W 18

DATE: July 24, 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-058-97
APPLICANT:	Navy
LOCATION:	Naval Postgraduate School, Monterey
PROJECT:	Practice emergency radio exercise
ACTION:	Concur
ACTION DATE:	7/18/97

PROJECT #:	ND-066-97
APPLICANT:	Navy
LOCATION:	Pier 3, Naval Station, San Diego
PROJECT:	Modifications to previously-concurred-with dredging project
ACTION:	Concur
ACTION DATE:	7/1/97

PROJECT #:	ND-075-97
APPLICANT:	Navy
LOCATION:	Santa Cruz Island
PROJECT:	Replace existing diesel generators with solar station
ACTION:	Concur
ACTION DATE:	6/23/97

PROJECT #:	ND-076-97
APPLICANT:	Corps of Engineers
LOCATION:	Salsipuedes Creek, near Watsonville, Santa Cruz County
PROJECT:	Levee Rehabilitation Project
ACTION:	Concur
ACTION DATE:	6/27/97

PROJECT #:	ND-077-97
APPLICANT:	Corps of Engineers
LOCATION:	Pajaro River, near Watsonville, Santa Cruz and Monterey Counties
PROJECT:	Levee rehabilitation
ACTION:	Concur
ACTION DATE:	6/27/97

PROJECT #:	ND-078-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Relocation of previously approved seawater desalination test facility
ACTION:	Concur
ACTION DATE:	6/23/97

PROJECT #:	NE-079-97
APPLICANT:	Santa Barbara County Flood Control and Water Conservation District
LOCATION:	Santa Barbara Co., various locations
PROJECT:	Annual stream maintenance plan
ACTION:	No effect
ACTION DATE:	7/21/97

PROJECT #:	ND-081-97
APPLICANT:	Air Force
LOCATION:	Launch Facility 03, Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Construction of operations support building
ACTION:	Concur
ACTION DATE:	6/23/97

PROJECT #:	ND-082-97
APPLICANT:	National Park Service
LOCATION:	Redwood National Park
PROJECT:	Manipulation of Redwood Creek Channel
ACTION:	Concur
ACTION DATE:	7/1/97

PROJECT #:	NE-086-97
APPLICANT:	Chevron
LOCATION:	Canada de Las Panochas, Santa Barbara Co.
PROJECT:	Repair of leak detection system
ACTION:	No effect
ACTION DATE:	7/16/97

CALIFORNIA COASTAL COMMISSION

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



July 18, 1997

H.G. Chase
Commander, Civil Engineer Corps
Department of the Navy
Naval Support Activity, Monterey Bay
1 University Circle
Monterey CA 93943-5000

RE: **ND-58-97** Negative Determination, Practice Emergency Radio Exercise, Naval Support Activity, Monterey Bay, Monterey County

Dear Commander Chase:

The Coastal Commission has received the above-referenced negative determination from the Navy to authorize the Naval Postgraduate School amateur radio club to conduct a 36 hour emergency exercise on Navy beach front property between Del Monte Ave. and the Naval Post Graduate School in Monterey. The activity would consist of temporary staging and placement of radio facilities; all personnel and equipment would be removed at the end of the exercise. The Navy has incorporated protection measures to assure that the exercise will be limited to developed portions of the beach property and will avoid all sensitive wildlife resources. No vehicles will be allowed off of existing roadways. Visual effects will be temporary and extremely minor. There are no known archaeological resources on the property.

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) *Mark Delaplaine*
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 DC Office

CALIFORNIA COASTAL COMMISSION

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



July 1, 1997

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

Attn: Mike Petersen

RE: **ND-66-97** Negative Determination, U.S. Navy, Dredging Modifications, Pier 3,
Naval Station San Diego

Dear Mr. McCay:

The Coastal Commission staff has received the above-referenced negative determination for modifications to the previously-concurred-with consistency determination for maintenance dredging at Pier 3, located on the east side of San Diego Bay at the Naval Station San Diego. As originally concurred with by the Commission in CD-51-94, the Navy proposed disposal at the designated LA-5 offshore disposal site of 172,000 cu. yds. of clean material (i.e., material which had passed "Green Book" tests indicating its suitability for ocean disposal). In proposing the original project, the Navy had deferred dredging and disposal of the landwardmost section of the Pier 3 project, pending the results of additional sediment testing, since some of the deferred area material was known to be contaminated.

The Navy now proposes to dispose of 144,000 cu. yds. of that deferred area dredge material. Of that amount, 92,000 cu. yds. (the upper level of material to be dredged) are unsuitable for ocean disposal, and the Navy proposes disposal of this material at a suitable upland site. The upland site is the same one used by the Navy and authorized by the Commission in reviewing the Navy's nearby Chollas Creek dredging project (reviewed by the Commission in CD-55-95, ND-58-96, and ND-46-97). The remaining material (52,000 cu. yds. of sediments in the underlying baypoint geologic formation) is suitable for ocean disposal, and the Navy proposes to dispose of this material at LA-5. In consultation with EPA, the Navy has agreed to perform bathymetric surveys and provide any additional information deemed necessary by EPA and the Corps of Engineers to assure the underlying material to be dredged will be free of contaminants.

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." Since the Commission previously concurred with dredging at Pier 3, with ocean disposal of the clean sediments at LA-5, and since the Commission previously concurred with upland disposal of unsuitable material in a similar manner to that proposed here, we **agree** with the Navy that this modified dredging project does not raise any new issues with respect to coastal zone effects on marine resources or water quality not previously considered by the Commission, and that this project is similar to activities for which consistency determinations have been prepared in the past. 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
EPA (Stephen John)
Army Corps of Engineers (David Zoutendyk)

CALIFORNIA COASTAL COMMISSION

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



June 23, 1997

Vivian Goo
Deputy Public Works Officer
Department of the Navy
Naval Air Weapons Station
521 9th Street
Point Mugu, CA 93042-5001

RE: ND-75-97, Solar Energy Project, Santa Cruz Island, Santa Barbara County

Dear Ms. Goo:

The Commission has received the above referenced negative determination for construction of the Santa Cruz Island Photovoltaic Station. The project is located on a mountain top, 1,485 feet above sea level, on the western side of the island. The project will replace existing diesel generators with solar arrays, covering 1.3 acres, located next to the Navy radar compound. Grading for the project will be minimal due to the topography of the site, and will not remove any habitat for sensitive species. The project will not result in impacts to visual resources.

The project will not affect any coastal resources, including sensitive species, visual resources, or water quality. 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,


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

CALIFORNIA COASTAL COMMISSION

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



June 26, 1997

Peter LaCivita
San Francisco District, Corps of Engineers,
Planning Division
333 Market Street
San Francisco, CA 94105-2197

Attn: Tamara Terry

RE: ND-076-97 and ND-077-97, Negative Determinations for the Levee
Rehabilitation Projects on Salsipuedes Creek and Pajaro River, near Watsonville,
Santa Cruz and Monterey Counties

Dear Mr. LaCivita:

The Coastal Commission staff has received and reviewed the above-referenced negative determinations. The proposed projects include levee repair and rehabilitation on Salsipuedes Creek and Pajaro River, near Watsonville, Santa Cruz and Monterey Counties. The projects will occur on existing levees and are located outside the coastal zone. The Commission staff agrees that, because of the nature and location of the work, these projects are unlikely to affect coastal resources.

The Commission staff, however, has concerns about the procedures used to address the requirements of the Coastal Zone Management Act. Both of the environmental assessments for these projects contain the following language:

Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1456 et seq.)

This Act requires that Federal Activities affecting land or water resources located in the coastal zone are consistent to the maximum extent practicable with the Federally-approved State coastal zone management plans (i.e., California Coastal Plan). All repair sites on the Pajaro River [and Salsipuedes Creek] are located upstream from the Highway 1 Bridge and are therefore, [sic] not within the coastal zone jurisdiction of the California Coastal Commission. Thus there would be no conflicts with this Act. [Emphasis added.]

The Corps of Engineers has inaccurately cited and interpreted the Coastal Zone Management Act (CZMA). That Act does not limit the states' jurisdiction to activities

within the coastal zone. The CZMA explicitly authorizes the states to evaluate activities outside the coastal zone. Specifically, the CZMA states that:

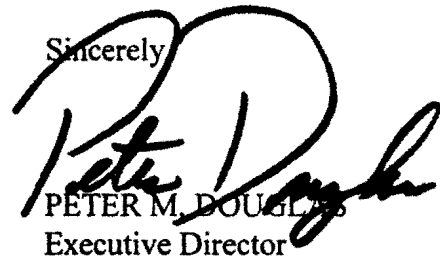
(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. A Federal agency activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3). [Emphasis added.]

Therefore, the Corps' conclusion that because the projects are upstream of the Highway 1 bridge, the coastal zone boundary, they do not raise CZMA issues is a misinterpretation of the Act. Rather, pursuant to the CZMA, the Corps is responsible for evaluating its activities outside the coastal zone for effects on coastal resources. If the Corps concludes that its activities do not affect coastal resources, it should submit a negative determination to the Commission.

In light of these procedural requirements, the Commission staff is treating the Corps' environmental assessments for these projects as negative determinations. As stated above, these activities will not affect coastal zone resources because the projects consist of repairs of existing levees outside the coastal zone in a manner that will not cause any downstream impacts.

In conclusion, the Coastal Commission staff agrees that the proposed projects will not adversely affect coastal zone resources. We, therefore, concur with the negative determination, 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/
ND07697.DOC

CALIFORNIA COASTAL COMMISSION

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



June 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-78-97** Negative Determination, Modification to Desalination Plant Relocation, Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the modification to a project for which we previously concurred with a negative determination. On December 29, 1995, we concurred with ND-116-95 for the relocation of a desalination plant from the Naval Facilities Engineering Service Center to the Naval Construction Battalion Center in Port Hueneme. The proposed modification would relocate the project 100 ft. further south from the previously-authorized location, still on the west side of the harbor entrance channel on the Naval Construction Battalion Center. The project's impacts on the coastal zone would be no different than from the project as previously authorized.

We **agree** with the Navy that the project modification 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) Mark Delaplaine
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

CALIFORNIA COASTAL COMMISSION

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



July 21, 1997

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

RE: NE-79-97, No Effects Determination, Annual Routine Maintenance Plan for various streams in Santa Barbara County

Dear Mr. Treiberg:

We have received the above referenced no effects determination for annual routine maintenance on various streams in Santa Barbara County. Some of the maintenance activities included in the proposal are removal of vegetation, spraying for weed control, repair and maintenance of existing structures, bank stabilization, and desilting of streams. The Conservation District submitted a similar plan for annual maintenance in 1996. After review of that proposal, we concurred with that no effects determination (NE-90-96).

The current plan proposes activities on a number of streams in Santa Barbara County, several of which are within the coastal zone boundary. These activities fall within the coastal development permit jurisdiction of either the County or the City of Santa Barbara; coastal development permits approved by those agencies would be appealable to the Commission. In situations such as this, the Commission waives federal consistency review if the project is appealable and does not raise any significant issues. After reviewing the maintenance plan, the Commission staff concludes it is appropriate to waive federal consistency review for those activities within the coastal zone.

For those activities located outside of the coastal zone boundary, the Commission staff has reviewed the proposed project for effects on coastal resources. The Flood Control District proposes to spray numerous areas with herbicides as a means of vegetation control. While the Commission staff has concerns about the effects from spraying of herbicides on the water quality of the coastal zone, the Flood Control District proposes to use the same herbicides proposed in its previous 1996 proposal, with which we concurred. The herbicides proposed are those that EPA has approved for use in streams. The Flood Control District has also included several mitigation measures to minimize the effect from any herbicides used; therefore, the proposed project will not have a significant effect on water quality in the coastal zone.

The desilting of streams has the potential to affect sand supply resources of the coastal zone. However, the amount of sediment proposed for removal is extremely minimal, and therefore will not adversely affect sand supply in the coastal zone. The proposed project also will not significantly affect any sensitive resources of the coastal zone.

In conclusion, the Commission staff agrees that the proposed plan will not adversely affect coastal zone resources. We therefore concur with your no effects determination made pursuant to Section 15 CFR 930.50. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

Mark DeLupis
(for) Peter M. Douglas
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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



June 23, 1997

Densie Caron
Chief, Environmental Compliance and Restoration
U.S. Air Force
30 CES/CEV
806 13th. St. Suite 116
Vandenberg Air Force Base, CA 93437-5242

RE: ND-81-97, Negative Determination, Air Force Operations Support Building, Vandenberg Air Force Base, Santa Barbara County

Dear Mr. Caron:

The Commission has received the above referenced negative determination to construct an Operations Support Building near Launch Facility 03 in the northern portion of the Base. The building will be 1,515 square feet in size and will replace four existing modular trailers currently used to provide launch support functions. Upon completion of the building, the four trailers will be removed.

The building will not be visible from nearby beaches and shoreline due to the topography of the site. The building will be intermittently visible from offshore areas, from trains, and from the 13th St. bridge. However, the building is located in an existing developed area, and will not significantly alter the visual quality of the area. Sensitive resources will not be affected by the project, as no vegetation will be disturbed and construction will avoid bird nesting seasons.

We agree that this project will have not affect any resources of the coastal zone; 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 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

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



July 1, 1997

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

RE: **ND-82-97** Negative Determination, Redwood Creek Erosion Control
and Water Level Management, Redwood National and State Parks,
Humboldt County

Dear Superintendent Ringgold:

The Coastal Commission staff has received the above negative determination for two related activities at the Redwood National and State Parks:

(1) manipulating the Redwood Creek channel in the event erosion threatens the Redwood Information Center; and (2) managing water levels in the Redwood Creek estuary. The first activity, channel alteration, will only occur if the Information Center is threatened, and the alteration will be performed in a manner similar to previously authorized channel alteration and breaching (see ND-120-95 and ND-116-94). The second activity, the water level management, is intended to maximize habitat opportunities to maintain summer/fall rearing habitat for juvenile Northern California steelhead trout and chinook salmon. The major goal of this activity is to avoid the adverse effects from uncontrolled breaching, which can result in fish losses when not properly conducted.

When necessary, the Park Service proposes to release water by a controlled breach, maintaining water levels at above +8 ft. MSL (mean sea level) and only when a natural breach is imminent. A bulldozer will be used to open the channel during out-going tides just after high tide. The channel would be created at an angle to the ocean (i.e., not perpendicular), to slow the water flow. The breaching may occur at any time during the year, depending on the conditions in the area.

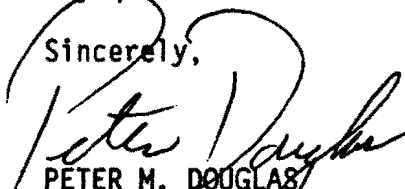
As we determined in reviewing ND-120-95:

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

Winter breaching will not affect fish resources, as the fish will have already migrated out to sea by this time. ...

Under the federal consistency regulations a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." This project is similar to previous consistency and negative determinations for similar activities at Redwood Creek with which we concurred. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,


PETER M. DOUGLAS
Executive Director

cc: North Coast District
NOAA
OCRM
California Dept of Water Resources
Governors Washington D.C. Office
Army Corps, S.F. District

PMD/MPD/mra
1966p

CALIFORNIA COASTAL COMMISSION

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



July 16, 1997

John Streeper
EDM Services, Inc.
40 West Cochran, Suite 112
Simi Valley, CA 93065

RE: NE-086-97, No-Effects Determination for the repair of leak detection system
within Canada de Las Panochas, Santa Barbara County

Dear Mr. Streeper:

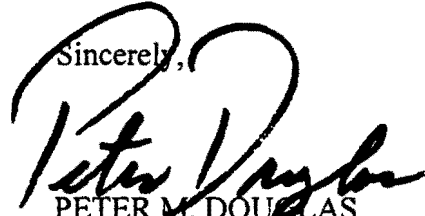
The Coastal Commission has received and reviewed the above-referenced no-effects determination. Your company is representing Chevron USA, which proposes to repair a storm-damaged leak detection system. The proposed project will occur within Canada de Las Panochas, Santa Barbara County. The project includes the removal of an existing sand/cement plug and re-burying the LASP line and communication cable (leak detection system) in a 12-inch wide and four-foot deep trench. Chevron will place the leak detection system within a four-inch corrugated plastic slotted drain pipe or perforated electrical conduit prior to trench backfill. Finally, the disturbed areas will be repaired and revegetated. Chevron proposes to complete the project during the dry season when water is not flowing in the stream.

This project has received a locally issued coastal development permit and is within an area where such permits are appealable to the Coastal Commission. Under these conditions, the Commission staff usually does not assert federal consistency jurisdiction. Rather, we allow the permit/appeal process to run its course. Additionally, the project does not raise any significant coastal issues of greater than local concern. Chevron will conduct the project during the dry season, and thus avoid water quality effects. The project site does not contain any sensitive habitat. Also, the project includes restoration of the affected area. Therefore, the project will not affect aquatic resources. Finally, the project will occur on private land that does not provide for public use and is not visible from public areas. Therefore, the project will not affect access, recreation, and 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 no-effects

NE-086-97
July 16, 1997
Page 2

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: Alison Dettmer, Coastal Commission, Energy and Ocean Resources Unit
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Theresa Stevens, Corps of Engineers, Ventura Field Office

PMD/JRR
NE08697.DOC

