

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

W 11

DATE: November 13, 1998

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-099-98
APPLICANT:	Coast Guard
LOCATION:	Coast Guard Communications Area Master Station, Pacific, 4 miles northwest of Bolinas, Marin Co.
PROJECT:	Antenna removal
ACTION:	Concur
ACTION DATE:	10/30/98

PROJECT #:	NE-120-98
APPLICANT:	Caltrans
LOCATION:	Highway 101, Postmiles 14.5 and 15.45, Del Norte Co.
PROJECT:	Highway repairs
ACTION:	No effect
ACTION DATE:	9/21/98

PROJECT #:	ND-122-98
APPLICANT:	IBWC
LOCATION:	Offshore of Tijuana River, San Diego
PROJECT:	Discharge effluent modifications
ACTION:	Concurrence by Commission (after public hearing at October Commission meeting)
ACTION DATE:	11/4/98

PROJECT #:	ND-124-98
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Channel improvements and long-term vegetation
ACTION:	Concur
ACTION DATE:	10/28/98

PROJECT #: ND-125-98
 APPLICANT: Navy
 LOCATION: Naval Air Weapons Station, Point Mugu, Ventura Co.
 PROJECT: Relocation of two pontoons
 ACTION: Concur
 ACTION DATE: 11/9/98

PROJECT #: ND-127-98
 APPLICANT: Navy
 LOCATION: Naval Station, Magnetic Silencing Facility, Point Loma, San Diego
 PROJECT: Construction of eddy current measurement facility
 ACTION: Concur
 ACTION DATE: 11/9/98

PROJECT #: NE-132-98
 APPLICANT: Caltrans
 LOCATION: State Route 1, at post mile 35.9, Santa Cruz County
 PROJECT: Replacement of culvert
 ACTION: No effect
 ACTION DATE: 11/3/98

PROJECT #: NE-134-98
 APPLICANT: Caltrans
 LOCATION: Highway 1 at Dark Gulch, Mendocino County
 PROJECT: Repair of flood damage to highway
 ACTION: No effect
 ACTION DATE: 10/28/98

PROJECT #: NE-135-98
 APPLICANT: San Luis Obispo County
 LOCATION: Cayucos Creek Road, east of the town of Cayucos
 PROJECT: Placement of rip rap in scour hole on the upstream side of culvert under Cayucos Creek Road
 ACTION: No effect
 ACTION DATE: 10/21/98

PROJECT #:	ND-136-98
APPLICANT:	Federal Aviation Administration
LOCATION:	Scarper Peak, east of Half Moon Bay, San Mateo Co.
PROJECT:	Relocation of telecommunications equipment to an existing FAA facility
ACTION:	Concur
ACTION DATE:	10/30/98

PROJECT #:	ND-137-98
APPLICANT:	National Park Service
LOCATION:	Redwood National Park, Del Norte Co.
PROJECT:	Install three vault toilets
ACTION:	Concur
ACTION DATE:	10/21/98

PROJECT #:	ND-139-98
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore
PROJECT:	Construction of temporary holding pen for relocation of tule elk
ACTION:	Concur
ACTION DATE:	10/28/98

PROJECT #:	ND-144-98
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Demolition of 12 buildings
ACTION:	Concur
ACTION DATE:	12/12/98

CALIFORNIA COASTAL COMMISSION

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October 30, 1998

Dave Stalters
Chief, Environmental Division
U.S. Coast Guard
Civil Engineering Unit Oakland
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

RE: **ND-099-98** Negative Determination, Coast Guard, Antenna Replacement, Communication
Area Master Station Pacific Transmitter Site, Bolinas, Marin County

Dear Mr. Stalters:

The Coastal Commission staff has received the above-referenced negative determination for replacing an existing antenna with a more advanced one at the Coast Guard's transmitter site located four miles northwest of Bolinas. The Coast Guard proposes: (1) lowering and disposing wooden support poles; (2) removing concrete foundation blocks; (3) excavating for the new antenna's foundation; (4) trenching to install the antenna ground screen, and; (5) installing a redwood fence around the antenna base. The current antenna no longer meets the Coast Guard's communication needs and requirements. The proposed antenna would withstand wind and seismic forces and have improved electronic capabilities to carry out the national distress system. The project site is on a bluff a quarter mile away from the shore. Public access is currently not permitted at the site but the project would not interfere with the recreational uses of the surrounding areas. There are no sensitive areas onsite and the project would not negatively impact other coastal zone resources.

Therefore, we **agree** with your conclusion that no adverse impact to coastal resources will result from the project, and we hereby **concur** with your negative determination for the project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Lauma Jurkevics at (562) 590-5087 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Mark P. Douglas".

(for) PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office
Assistant Counsel for Ocean Services
DWR
NOAA
OCRM
Governors Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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September 21, 1998

Steve Hansen
CalTrans, District 1
P.O. Box 3700
Eureka, CA 95502-3700

Rick Harlacher
LSA Associates, Inc.
6721 Five Star Blvd., Suite C
Rocklin, CA 95677

RE: NE-120-98 No Effects Determination, CalTrans, Storm Damage Repair, Highway 101, Del Norte County (CalTrans Postmile 14.5 and 15.45)

Dear Mr. Hansen and Mr. Harlacher:

The Coastal Commission has received CalTrans' proposal to repair Highway 101 at Postmile markers 14.5 and 15.45. CalTrans asserts that it is exempt from having to obtain a County-issued coastal development permit. The County agrees, although it does not appear to have a clear understanding about its obligations under its LCP to review State agency permits. In any event, the Coastal Commission retains federal consistency authority because the project may utilize federal emergency funding sources.

The project is necessary to repair a large slipout area around Postmile markers 14.5 and 15.45; this slipout has undermined a portion of the southbound lane of Highway 101. The repair is needed to maintain service on the road. The proposed repair will consist of construction of a retaining wall along the slope to support the roadway and resurfacing the highway.

The project area is on a steep slope above Pacific Coast Highway, vegetated with coastal coniferous forest. Forested lands outside of the work areas will be staked or fenced to prevent encroachment. The project will remove two small redwoods and approximately 208 square meters of understory/shrub vegetation. The redwood trees are not suitable habitat for either the spotted owl or the marbled murrelet. The project will not negatively impact either species. To prevent erosion, the area will be seeded with a non-invasive common barley. This measure will minimize visual and habitat effects.

We therefore agree that this activity will not affect the coastal zone, and hereby 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) 904-5270 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "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

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W 12a

November 2, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director
Steve Scholl, Deputy Director
Mark Delaplaine, Federal Consistency Supervisor
Larry Simon, Federal Consistency Analyst

SUBJECT: Addendum to Staff Recommendation on Negative Determination ND-122-98 (International Boundary and Water Commission): Change in effluent quality for ocean discharges from the South Bay International Wastewater Treatment Plant, Tijuana River Valley, San Diego.

I. STAFF SUMMARY:

The purpose of this addendum is to provide the Commission with additional information received by Commission staff after publication of the October 15, 1998, staff report on ND-122-98 (IBWC) regarding interim operation of the South Bay International Wastewater Treatment Plant (SBIWTP), located in the Tijuana River Valley in San Diego.

On October 23, 1998, Commission staff met with representatives from the International Boundary and Water Commission (IBWC), Environmental Protection Agency (EPA), and Corps of Engineers (Corps) to discuss the status of SBIWTP, South Bay Ocean Outfall (SBOO), the effluent quality currently generated by the SBIWTP, and the negative determination submitted by the IBWC for changes in the effluent discharged from the SBIWTP. At that meeting:

- The October 1998 "Draft Supplement to the Final Supplemental Environmental Impact Statement for the International Boundary and Water Commission International Wastewater Treatment Plant Interim Operation Project" was provided to Commission staff.
- The staff report and findings for the San Diego Regional Water Quality Control Board's (RWQCB's) October 14, 1998, approval of Addendum No. 2 to Cease and Desist Order No. 96-52 (IBWC) were provided to Commission staff.
- The Federal agencies announced that a secondary treatment alternative for the SBIWTP has been selected – the Completely Mixed Aerated System – and that the Final EIS for that component of the SBIWTP is scheduled for release in January 1999.

The purpose of the first of these items, the October 1998 "Draft Supplement," was to analyze and disclose information that became available after completion of the 1996 Interim Operation SEIS. The Draft Supplement states that:

Subsequent sewage influent and advanced primary effluent monitoring have indicated the presence of dioxin, which was not originally established in the 1996 SEIS. In addition, analysis of influent and advanced primary effluent from the SBIWTP indicates that both exceeded acute toxicity standards. This Supplement addresses the issues of acute toxicity and dioxin in wastewater treated by the SBIWTP.

The proposed action for this Supplement is to operate the SBIWTP as a 25 mgd advanced primary facility and discharge through the SBOO. In light of the new information on acute toxicity and dioxin, additional impacts from discharging the advanced primary effluent may occur. However, impacts from Alternative 1 - No Action and Alternative 2 - Operation of the SBIWTP and Discharge to the Tijuana River would have substantially greater environmental and human health impacts to the Tijuana River Valley and coastal zone than the discharge through the SBOO.

The Regional Water Quality Control Board's October 14, 1998, approval of Addendum No. 2 stated that:

Based on analytical results from pre-discharge operation, effluent from the IWTP will not meet the various acute toxicity limits in Cease and Desist Order No. 96-50 (which provides for discharge of advanced primary effluent from the SBIWTP).

The IBWC requested an amendment to Cease and Desist Order No. 96-52 which will allow IBWC to discharge effluent with acute toxicity exceeding the effluent limitation specified in Order No. 96-50 to the Pacific Ocean through the SBOO on or about November 16, 1998, for a period not to exceed eighteen months.

Discharge of advanced-primary effluent from the SBIWTP through the SBOO will minimize untreated sewage flows in the Tijuana River and ocean surf zone while the discharger resolves the problems presented by the acute toxicity of Mexican sewage. The discharge of advanced- primary effluent from the SBIWTP through the SBOO will provide better overall environmental protection than allowing raw sewage from Tijuana to flow to the Tijuana River and into the United States.

Solving the acute toxicity problem will involve conducting a Toxicity Identification Evaluation (TIE) which is part of a Toxicity Reduction Evaluation (TRE). The reduction of toxicity will involve discussions with the Mexican government, in accordance with international agreements set forth in Minutes 283 and 296, and lead to actions that will have to take place in Mexico.

As a part of its approval, the RWQCB also ordered the IBWC to:

- Submit a report with the current results of the TIE by November 1, 1998, and the final report of the completed TIE by August 1, 1999.
- Achieve compliance with acute toxicity discharge specifications contained in Cease and Desist Order No. 96-50 by May 16, 2000.
- Submit a definitive schedule for selection, installation, and implementation of secondary treatment at the SBIWTP by November 18, 1998.
- Achieve a Record of Decision for implementation of secondary treatment at the SBIWTP prior to May 1, 1999.

The selection of a secondary treatment alternative - the Completely Mixed Aerated System - for the SBIWTP will be the subject of a future consistency determination currently scheduled for Commission review at its February 1999 meeting in San Diego. Because the Commission concurred with an activated sludge secondary treatment plant at the SBIWTP in CD-2-94, federal consistency review is required for the new secondary treatment alternative selected by the Federal agencies. Interim operation of the SBIWTP and discharge of up to 25 mgd of advanced primary treated effluent through the SBOO through the year 2001 was concurred with by the Commission in CD-137-96.

In its October 15, 1998, report on ND-122-98, the Commission staff stated that it did not have sufficient information to enable it to agree with IBWC's conclusion that interim operation of the SBIWTP project (including disposal through the SBOO of advanced primary treated effluent exceeding acute toxicity and dioxin standards) remains consistent to the maximum extent practicable with the California Coastal Management Program (CCMP). Given the review of IBWC and EPA's Draft Supplement, the Regional Board's adopted findings, and the exchange of information at the October 23 meeting, Commission staff now recommends that the Commission concur that interim operation of the SBIWTP and disposal through the SBOO is consistent with the CCMP, notwithstanding the aforementioned acute toxicity and dioxin discharge standard exceedances.

The primary objective of the SBIWTP has always been the removal of raw sewage from the Tijuana River, its estuary, and the beaches at the mouth of the River in San Diego. As noted in the October 15, 1998, staff report, the Commission concurred in December 1996 with interim operation and disposal of advanced primary treated effluent three miles offshore into the Pacific Ocean, even though the effluent would exceed California Ocean Plan standards for polynuclear aromatic hydrocarbons (PAH). The Commission considered ocean discharges of treated wastewater preferable to discharges into the Tijuana River and their subsequent movement onto area beaches. The Commission is now faced with a new, but similar situation. Discharge of advanced primary treated effluent that exceeds acute toxicity and dioxin standards at a point

three miles offshore is less environmentally damaging than: (1) discharge of that effluent into the Tijuana River; or (2) discharge of untreated sewage into the Tijuana River should the SBIWTP not be utilized as envisioned in CD-137-96.

The project (with the new effluent characteristics) will have adverse affects on water quality, habitat, and recreational resources of the coastal zone. However, the project will still result in a net benefit to coastal resources because it will remove dry-weather flows of raw sewage from the Tijuana River and will improve habitat in the river, its estuary, and nearshore waters. Additionally, with the completion of the South Bay Ocean Outfall this month, the project will reduce the volume of raw sewage discharged into the surf zone at Mexico's treatment plant five miles south of the border. Finally, the project will improve recreational resources by reducing beach closures, odors, and mosquitoes. Therefore, the project remains consistent with the water quality, habitat, and recreation policies of the CCMP.

II. PROCEDURES

While the IBWC submitted this matter in the form of a negative determination, the procedural issue before the Commission is not whether or not the modifications to the discharges affect the coastal zone, but rather, pursuant to the federal consistency regulations (15 CFR 930.44), whether the project continues to be undertaken in a manner consistent with the CCMP. Section 930.44 provides:

Section 930.44 Availability of mediation for previously reviewed activities.

(a) Federal and State agencies shall cooperate in their efforts to monitor Federally approved activities in order to make certain that such activities continue to be undertaken in a manner consistent, to the maximum extent practicable, with the State's management program.

(b) The State agency shall request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a State agency's objection to a Federal activity which was: (1) Previously determined to be consistent to the maximum extent practicable with the State's management program, but which the State agency later maintains is being conducted or is having a coastal zone effect substantially different than originally proposed and, as a result, is no longer consistent to the maximum extent practicable with the State's management program,
.... [Emphasis added]

(c) If, after a reasonable time following a request for remedial action, the State agency still maintains that a serious disagreement exists, either party may request the Secretarial mediation services provided for in Subpart G.

III. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission concur with the International Boundary and Water Commission's determination that the South Bay International Wastewater Treatment Plant remains consistent to the maximum extent practicable with the California Coastal Management Program.

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in the adoption of the following resolution:

Concurrence

The Commission hereby concurs with the determination made by the International Boundary and Water Commission for the previously-concurred with South Bay International Wastewater Treatment Plant project (CD-137-96) , finding that the project remains consistent with the California Coastal Management Program.

CALIFORNIA COASTAL COMMISSION

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October 28, 1998

Vivian Goo
Deputy Public Works Officer
Commanding Officer
Department of the Navy
Naval Air Weapons Station
521 9th St.
Pt. Mugu, CA 93042-5001

RE: **ND-124-98** Negative Determination, Drainage Ditch Clearance and Improvements,
Naval Construction Battalion Center (NCBC), Port Hueneme, Ventura County

Dear Ms. Goo:

The Coastal Commission staff has received the above-referenced negative determination from the Navy for flood control improvements to various drainage ditches at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The improvements would consist of channel clearing, reinforcing, reshaping, and revegetating on the following channels located throughout NCBC: 23rd Avenue, Pennsylvania Road, Lehman Road, Pleasant Valley Road, and Eastern Pleasant Valley Road Channels. The project also includes installation of a temporary irrigation system to assist revegetation of the side slopes, and replacement of an existing trash rack. The activities proposed are similar to past maintenance activities performed by the Navy within these channels. The activities will decrease risks of flooding by increasing channel flood carrying capacity. The existing channels have been designated an "IR" site under the "Superfund"¹ program. The Navy explains that this "IR" designation occurred because of the potential for migration of contaminants through the groundwater system on the base, not because of the actual presence of contaminants in the channels. Working with the California Dept. of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB), the Navy has performed several rounds of past testing on the material in the channels, and has not found any threats to human health or the environment based on the test results.

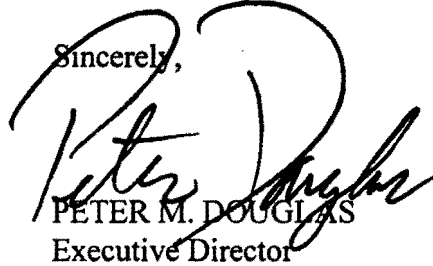
The only dredging proposed under this maintenance project would be temporary trenching for irrigation lines and sideslope toe repairs. All material to be dredged will be tested and, depending on the level of contamination, disposed of at appropriate landfill sites, in consultation with DTSC. Therefore the activities will not result in the offsite or down-channel release of any

¹ Superfund Amendments and Reauthorization Act (SARA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Installation Restoration (IR)

contaminants. Native, low-growth vegetation will be allowed to establish in the channel bottoms; however vegetation height will be maintained in the future to maintain flooding capacity. No environmentally sensitive habitat will be affected. On balance, even with future maintenance of vegetation heights in the channel bottoms, given the side-slope revegetation efforts, the extent of native vegetation in the channels will be expanded by the project.

In conclusion, we agree with the Navy that the project will not adversely affect downstream water quality or any other coastal zone resources. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
Corps of Engineers, Ventura Field Office
RWQCB, Los Angeles Region
DTSC (Dept. of Toxic Substances Control, 400 P St., Sacramento, CA 95814)
Gail Pringle (Department of the Navy, Naval Construction Battalion Center, 1000 23rd Ave.
Port Hueneme, CA 93043-4301)

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November 9, 1998

Vivian Goo
Deputy Public Works Officer
Naval Air Weapons Station
ATTN: James M. Danza
521 9th Street
Point Mugu, CA 93042-5001

Subject: Negative Determination ND-125-98 (Pontoon installation on Daytona Beach, San Nicolas Island).

Dear Ms. Goo:

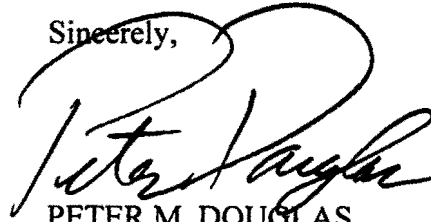
The Commission staff reviewed the above-referenced negative determination for installation of two pontoons on Daytona Beach on San Nicolas Island. The Navy currently unloads its island supply barge at Daytona Beach by using beach sand to construct a temporary ramp, lowering a steel ramp from a barge onto the sand, and driving vehicles, equipment, and supplies off the barge onto San Nicolas Island. These operations are coordinated with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to avoid impacts to marine mammals.

The Navy proposes to install two, 21-foot-wide by 90-foot-long metal pontoons within the existing barge landing site. One pontoon may extend below the mean high water line; however, the supply barge may be fitted with an extended loading ramp which will allow this pontoon to be placed further up the beach. Existing tie-downs will be used to anchor the pontoons. No dredging or fill will be required to construct or maintain the pontoons. The Navy states that the project will reduce the size of the beach area affected by current barge operations, will increase efficiency of barge operations, and will not increase barge activity at the site. The USFWS and NMFS determined that pontoon installation will not adversely affect marine mammals present in the project area. The two pontoons will not generate any significant adverse effects on visual resources.

The Coastal Commission staff agrees that the proposed project will not adversely affect 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 Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas", written over a large, stylized circular flourish.

PETER M. DOUGLAS
Executive Director

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

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November 9, 1998

Patrick McCay
Naval Facilities Engineering Command
Southwest Division
U.S. Navy
2585 Callagan Hwy, Building 99
San Diego, CA 92136-5198

Subject: Negative Determination ND-127-98 (Eddy Current Measurement Facility at the Magnetic Silencing Facility, Naval Station San Diego, Point Loma, San Diego).

Dear Mr. McCay:

The Coastal Commission staff has reviewed your negative determination for construction of the Eddy Current Measurement Facility (ECMF) at the existing Magnetic Silencing Facility (MSF) on Point Loma. The purpose of the MSF is to measure and modify the magnetic signatures of Navy vessels. A feature of a vessel's magnetic signature that is not currently addressed at the MSF is the eddy current produced by shipboard generators and electrical equipment. The proposed ECMF will assist the Navy in understanding the effects of eddy currents as a function of a ship's magnetic signature and incorporating measures in the magnetic treatment process for vessels.

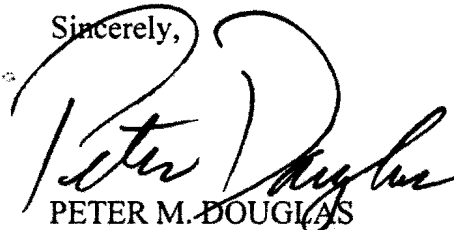
The proposed 1000-foot by 300-foot ECMF would be constructed on and beneath the ocean floor at the MSF at Point Loma. The ECMF is comprised primarily of a z-axis solenoid, two z-axis booster solenoids, 83 triaxial magnetometers with associated cabling, 12 pier-mounted junction boxes, 16 interconnection cables, and associated composite material pilings to secure the cables and test equipment in place on and beneath the ocean floor. The project is similar to other ongoing operations at the MSF (e.g., ND-64-93 (magnetic treatment measurement system)) and will not change existing land or water uses at the site. The ECMF will not affect or displace any eelgrass beds as the water depth at the project site ranges between -30 and -40 feet mean lower low water. While the project site is located within the foraging habitat of the California least tern, installation will not occur during the nesting season. Installation of magnetometers and pilings will cause minor disturbance to soft bottom sediments, but this adverse effect is not considered significant given the existing industrial nature of the MSF, existing magnetic test equipment on the ocean floor at the MSF, and the abundance of soft bottom habitat in this region of San Diego Bay.

The Coastal Commission staff agrees that the proposed project will not adversely affect the coastal zone. In addition, 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 activity is similar to the Navy's previous proposal for the two existing Magnetic Silencing Ranges for which the Coastal Commission concurred with consistency and negative determinations (see CD-86-92, ND-64-93).

Thus, we agree with the Navy that the proposal is similar to an activity for which a consistency determination was submitted and concurred with 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 Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

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

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November 3, 1998

Gary Ruggerone
Chief, Environmental Planning
Caltrans, District 5
50 Higuera St.
San Luis Obispo
CA 93401-3111

Re: **NE-132-98** "No Effects" Determination, Caltrans
Highway 1, Santa Cruz (Post mile 35.96)
Caltrans File No. 5-SCr-1-57.87

Dear Mr. Ruggerone:

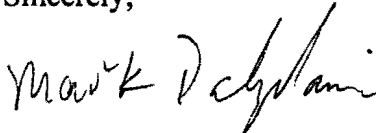
The Coastal Commission staff has received Caltrans' request for authorization of an emergency repair of Highway 1, approximately 1/3 to 1/2 mile south of the mouth of Waddell Creek in northern Santa Cruz County. The project would ordinarily be within Santa Cruz County's coastal development permitting jurisdiction (and appealable to the Commission); however Caltrans has asserted that it is exempt from having to receive a County- or Commission-issued coastal development permit based on the provisions of AB 2963 ("Firestone" legislation). The Coastal Commission nevertheless retains federal consistency authority because the project requires a federal (Army Corps) permit and may involve federal (FEMA) funding.

The project consists of both: (1) already-performed emergency repairs to stabilize a fill slope and install a drain to transport water that backed up above the highway to a drainage area below the highway; followed by (2) not-yet-performed replacement of a culvert underneath the highway. The new culvert will have a greater capacity than the previous culvert that filled and cause slope damage. The project also includes a headwall structure at the culvert inlet and an energy dissipater at the culvert outlet. The slopes on both sides of the highway will be recontoured to a gentler slope. The temporary drain will be left in place as an overflow device.

The repairs are needed to maintain highway capacity along an important coastal recreational route. Caltrans has agreed to incorporate mitigation measures to (1) minimize future erosion problems; (2) survey, stake, and avoid any further effects on surrounding sensitive habitat (including Monterey pine trees in the area); and (3) revegetate all disturbed areas (including riparian/willow habitat) from both the initial emergency work as well as the new work. These measures will also serve to mitigate adverse visual impacts in this scenic coastal area. Caltrans has agreed to submit the detailed revegetation plans to the Commission staff for its review.

Therefore, based on the emergency nature of the project, and the project's minimal coastal impacts (assuming the above avoidance and mitigation measures are implemented), we believe it is appropriate to waive federal consistency jurisdiction for this repair project. Based on this waiver we agree with Caltrans' "No Effects" determination and conclude that no consistency certification is necessary for this project. Please call Mark Delaplaine of my staff at (415) 904-5289 if you have any questions.

Sincerely,


(for) PETER DOUGLAS
Executive Director

cc: Santa Cruz Area Office
NOAA
OCRM
California Dept. of Water Resources
Governors Washington, D.C. Office
U.S. Army Corps of Engineers, San Francisco District
CCC: Dickey, Bowers, Scholl, Fuchs, Raives

CALIFORNIA COASTAL COMMISSION

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October 28, 1998

Rick Harlacher
LSA
6721 Five Star Boulevard, Suite C
Rocklin, CA 95677

RE: NE-134-98, No-Effects Determination for the repair of flood damage to Highway 1 at Dark Gulch, Mendocino County.

Dear Mr. Harlacher:

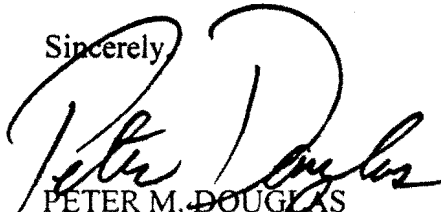
The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes repair of flood damage to Highway 1 at Dark Gulch, Mendocino County, that occurred during winter storms in early 1998. There are two small slipouts downslope of the southbound lane of Route 1 at Dark Gulch, within Van Damme State Park. These slipouts were damaged during winter storm events and continued erosion threatens southbound lanes of Highway 1. The proposed project will restore the roadway to its original alignment by constructing a rock buttress. The project will also require Caltrans to build an access road on the east shoulder of the highway. Caltrans will perform all work from the top of the slope. No construction will occur in the stream channel. Caltrans will secure a permanent easement 0.02 acres from the State Parks for this repair project.

The proposed project is within the existing right-of-way for Highway 1, which does not contain any significant habitat values. Therefore, it will not result in any impacts to sensitive habitat. Since the repair work will occur within the road right-of-way, it will be consistent with the visual character of the area. The proposed project is within a State Park and will require a permanent easement of 0.02 acres. This acquisition results in a minor impact to recreational resources. This impact is not significant because it is necessary to support an existing road and the amount of land required, 0.02 acres, is relatively small when compared to the size of the park, 2,500 acres. Therefore, the Commission staff concludes that the project will not significantly affect recreational resources.

The proposed project requires a coastal development permit from the County of Mendocino. The project is within an area where such permits are appealable to the Coastal Commission. If this project raises coastal issues, the Commission can also evaluate them through the appeals process.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification 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: North 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

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CALIFORNIA COASTAL COMMISSION

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



October 21, 1998

Jill Ogren
San Luis Obispo County
Engineering Department
County Government Center, Room 207
San Luis Obispo, CA 93408

RE: NE-135-98, No-Effects Determination for the placement of rip rap in a scour hole on the upstream side of the culvert that flows under Cayucos Creek Road, east of the town of Cayucos, San Luis Obispo County.

Dear Ms. Ogren:

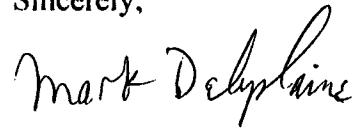
The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes placement of rip rap in a scour hole on the upstream side of the culvert that flows under Cayucos Creek Road, east of the town of Cayucos. Specifically, the county proposes to place 20 cubic yards of one ton size rock in a scour hole. The culvert drains water into Cayucos Creek and the scour hole is on the other side of the road from the creek.

The project is located in an area that supports several sensitive fish and wildlife species, including southwestern pond turtle, southern steelhead, willow flycatcher, and California redlegged frog. The original project would have potentially affected these species. However, the County redesigned the project to avoid impacts to these sensitive species. As revised, the work will take place between the edge of the road and a barbed wire fence to the east of the road. The area between the fence and the road is composed primarily of non-native ruderal vegetation. The land on the other side of the fence is in agricultural production. The channel that flows into the culvert is currently dry but can be considered as within Corps of Engineers jurisdiction. However, no wetland vegetation is present in or around the scour hole. No sensitive species are likely to be affected by the proposed activity.

The proposed project is not located near any recreational areas and will not affect recreational resources of the coastal zone. Additionally, the project will not affect visual, agricultural, or archaeological resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification 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: Central Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Tiffany Welch, Corps of Engineers, Ventura Field Office

PMD/JRR

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CALIFORNIA COASTAL COMMISSION JN

45 FREMONT STREET, SUITE 2000
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October 21, 1998

Keith Lusk
Federal Aviation Administration
Operations East
10320 Camino Santa Fe, Suite C
San Diego, CA 92121

RE: ND-136-98, Negative Determination for the relocation of telecommunications equipment to an existing Federal Aviation Administration (FAA) facility at Scarper Peak, east of Half Moon Bay.

Dear Mr. Lusk:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes relocation of 11 telecommunications dishes to an existing FAA facility at Scarper Peak, east of Half Moon Bay. The FAA proposes to relocate the telecommunication dishes from a leased facility in Hayward to its existing facility four miles northeast of Half Moon Bay and 2 miles east of the ocean. The site is surrounded by undeveloped forest land within the San Francisco State Fish and Game Refuge. The existing facility consists of three small buildings and seven telecommunications towers with existing microwave dishes. The main tower is approximately 80 feet high. The FAA will place the relocated dishes on the existing main tower and will utilize the existing buildings for storage. The FAA does not propose any new construction.

Since the site already contains telecommunications equipment and the project will not increase the number of towers or buildings, the project will not affect visual resources of the coastal zone. Additionally, as described above, the FAA will place the dishes on land already developed with similar land uses. The project site does not contain any habitat or recreational resources. Therefore, the project will not affect recreation or habitat resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Douglas".
PETER M. DOUGLAS
Executive Director

ND-136-98
October 21, 1998
Page 2

cc: North 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

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CALIFORNIA COASTAL COMMISSION

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



October 21, 1998

Steven S. Carlson
U.S. Dept. of the Interior
California Dept. of Parks and Recreation
Redwood National and State Parks
1111 Second Street
Crescent City, CA 95531

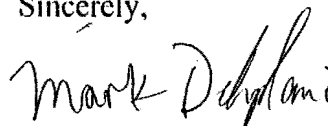
RE: **ND-137-98** Negative Determination, Redwood National and State Parks, Three
Vault toilets, Del Norte County

Dear Mr. Carlson:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of three deteriorated portable toilet units with "vault" toilet units at Crescent Beach Picnic Area, Klamath Overlook, and Gold Bluffs Beach/Fern Canyon within Redwood National and State Parks. The replacement toilets will improve visual and recreational quality, and will not cause any adverse habitat impacts.

We agree with your assessment that these improvements will not adversely affect any resources of the coastal zone, and we therefore concur with your negative determination for these activities 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,


(for) PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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October 29, 1998

Don L. Neubacher
National Park Service
Point Reyes National Seashore
Point Reyes, CA 94956

Attn: Bill Shook

RE: **ND-139-98** Negative Determination for Temporary Holding Pen, implementing previously-concurred-with Tule Elk Management Plan, Point Reyes National Seashore (ND-152-97)

Dear Mr. Neubacher:

The Coastal Commission staff has received your Negative Determination for the construction of a Tule Elk Temporary Holding Pen, which is an implementation measure connected to a previously-concurred-with negative determination for the Tule Elk Management Plan at the Point Reyes National Seashore. In that previous concurrence, which was issued on November 26, 1997, we noted:

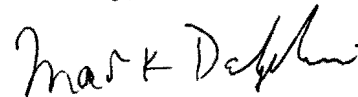
The Commission staff has concerns about potential effects on public access to the shoreline. The project includes the temporary installation of a fenced enclosure to house relocated elk while they adjust to their new territory. This fencing may interfere with recreational use of the coastal zone and may degrade visual resources of the coastal zone. In developing this management plan, the Park Service has not identified a location for the temporary fenced area nor has it provided designs for the fence. Without this information, the Commission staff can not fully evaluate the recreational effects from the proposed activity. However, the Park Service has agreed (Bill Shook, Pers. Comm., 11/26/97) to conduct the appropriate federal consistency analysis of the temporary fence after the Park Service has sited and designed it. With this provision, the Commission staff agrees that the concept of a temporary fence, which is necessary for relocation of the elk, does not affect coastal resources.

The proposed temporary fence would be located just north of Coast Campground, near Laguna Creek. The fence is needed to temporarily contain the tule elk and allow them to acclimate to their new habitat. The Park Service has designed and located the temporary

facility to minimize access and recreation impacts and avoid adverse impacts to sensitive wildlife species. Clean fresh water to the campground will be maintained. The fencing is temporary and will be removed after six months. As we previously noted, the overall project will benefit habitat resources of the coastal zone because the tule elk is native to this area and the project will restore this resource.

The temporary holding pen does not raise any new issues with respect to coastal zone resources that were not previously addressed in ND-152-97. We therefore concur with your negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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FAX (415) 904-5400



November 12, 1998

Ronald J. Dow
Director, Environmental Division
Naval Construction Battalion Center
ATTN: Beverly Damron
1000 23rd Avenue
Port Hueneme, CA 93043-4301

Subject: Negative Determination ND-144-98 (Building demolition at Naval Construction Battalion Center, Port Hueneme, Ventura County).

Dear Mr. Dow:

The Coastal Commission staff has reviewed your negative determination for demolition of four buildings at the Naval Construction Battalion Center, in Port Hueneme. The Navy proposes to demolish the four obsolete and deteriorated buildings (Buildings 462, 488, 808, and 1150), recycle wood and metal items, properly dispose of hazardous materials that may be present in the buildings, and regrade each building site. No environmentally sensitive habitat is present at the sites and demolition will not lead to the introduction of any materials into Port Hueneme Harbor or offshore waters.

The Coastal Commission staff agrees that the proposed demolition project will not adversely affect 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 Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delplaine".

(for) PETER M. DOUGLAS
Executive Director

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

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