

**CALIFORNIA COASTAL COMMISSION**

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



**Tu 10**

**DATE:** January 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 #:** NE-151-97  
**APPLICANT:** Corps of Engineers  
**LOCATION:** San Francisco Corps District Boundaries  
**PROJECT:** Regional general permit for emergency protection  
**ACTION:** No effect  
**ACTION DATE:** 1/12/1998

**PROJECT #:** ND-162-97  
**APPLICANT:** Marine Corps  
**LOCATION:** Del Mar Boat Basin, Camp Pendleton Marine Corps Base,  
San Diego Co.  
**PROJECT:** Maintenance dredging with upland disposal  
**ACTION:** Concur  
**ACTION DATE:** 1/5/1998

**PROJECT #:** ND-164-97  
**APPLICANT:** Coast Guard  
**LOCATION:** Coast Guard Station, Humboldt Bay, Humboldt Co.  
**PROJECT:** Install water storage tank  
**ACTION:** Concur  
**ACTION DATE:** 12/31/1997

**PROJECT #:** ND-171-97  
**APPLICANT:** Navy  
**LOCATION:** Naval Construction Battalion Center, Port Hueneme,  
Ventura Co.  
**PROJECT:** Modification of previously approved project to manage  
existing soil contamination  
**ACTION:** Concur  
**ACTION DATE:** 12/19/1997

PROJECT #:	NE-174-97
APPLICANT:	Scripps Institute of Oceanography
LOCATION:	5 miles west of San Clemente Island
PROJECT:	Relocation of previously concurred with buoy
ACTION:	No effect
ACTION DATE:	1/9/1998

PROJECT #:	NE-001-98
APPLICANT:	Pacific Bell
LOCATION:	San Onofre Creek, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Repair of underground conduit structure
ACTION:	No effect
ACTION DATE:	1/8/1998

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January 12, 1998

Victoria Alvarez  
San Francisco District, Corps of Engineers,  
Regulatory Division  
333 Market Street  
San Francisco, CA 94105-2197

RE: NE-151-97, a general permit for emergency repairs of public facilities within the jurisdiction of the San Francisco District of the Corps of Engineers

Dear Ms. Alvarez:

The Coastal Commission staff has received and reviewed the above-referenced activity. The proposed general permit will provide rapid response by the Corps to public agencies seeking authorization to perform emergency protection measures in response to anticipated or actual damage due to seismic or storm-related flood events in waters of the U.S. The proposed general permit will expire on December 31, 1998.

Most of the activities authorized by this permit, within the coastal zone, will require an emergency coastal development permit from either the Coastal Commission or the appropriate local government, with a certified Local Coastal Program. For activities located outside the coastal zone or within an area where the local government issues the coastal development permit and where the proposed activity has potential effects on coastal zone resources, the project may require federal consistency review by the Commission. The Commission has developed procedures for review of emergency activities. These procedures allow the applicant to respond to an emergency with either verbal or written authorization by the Commission staff, provided the applicant agrees to provide a consistency certification as soon as is reasonable.

To clarify the Commission's role concerning the proposed regional general permit, we request that the Corps include the following language within its permit:

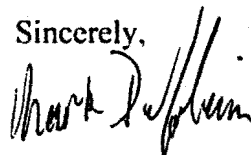
*For those projects affecting uses or resources of the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that the permittee obtain concurrence from the California Coastal Commission that the project is consistent with the state's certified Coastal Management Program. For activities within the coastal zone that require a coastal development permit from the Commission, the permittees should contact the Commission office to request an emergency permit, and no additional federal consistency review is necessary. For activities within the coastal zone that require a coastal development permit from a local government*

*with a certified local coastal program, the permittee should contact the appropriate local government. Since a coastal permit issued by a local agency does not satisfy the federal consistency requirements of the CZMA, the permittee should also contact James Raives, (415) 904-5292, Federal Consistency Coordinator for the Commission to determine the appropriate emergency procedures. For any activity outside the coastal zone, but with the potential to affect coastal uses or resources, or for any activity conducted by a federal agency, the permittee should contact James Raives, (415) 904-5292, Federal Consistency Coordinator for the Commission to determine the appropriate emergency procedures.*

*Due to the often limited time constraints with emergency actions, the Corps would not require the permittee to provide proof of review by the Commission, if such an action would result in undue harm to life or property. However, the Corps will require the permittee to provide evidence of consistency upon completion of the project unless the Corps is already aware that a particular project class of projects, or projects in a particular area described by the Commission, have received such determinations or waivers.*

Provided the permit includes the above-language, the Coastal Commission staff agrees that the proposed regional general permit will not adversely affect coastal zone resources, and no consistency certification is necessary. If the regional general permit includes the above language, the Corps can rely on this letter as a waiver of the consistency certification requirement pursuant to 15 C.F.R. Section 930.53. 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: North Coast District Office  
Central Coast District Office  
OCRM  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
Department of Water Resources  
Governor's Washington D.C. Office

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January 5, 1998

K.W. Quigley  
Lieutenant Colonel  
U.S. Marine Corps  
Marine Corps Base  
Box 555010  
Camp Pendleton, CA 92055-5010

RE: ND-162-97 (Negative Determination, Maintenance Dredging, Camp Pendleton Boat Basin, San Diego County)

Dear Lieutenant Colonel Quigley:

We have received the above referenced negative determination for maintenance dredging of the boat basin in the southern portion of Camp Pendleton. The project is necessary to remove accumulated sediment and accommodate small sailing vessels. The facility provides training to support the amphibious military mission at Camp Pendleton.

Approximately 5,000 cubic yards will be dredged. The dredged material will be placed to the south of the boat basin, in a depressional area on the beach, above the mean high tide line. The disposal site is used as a training area for amphibious vehicle driver operations. A chemical evaluation of the dredge material conducted for the Marine Corps indicates that the material to be dredged is approximately 94% sand, and is not contaminated. Therefore, the dredged material is suitable for disposal on the beach.

The project will not impact any threatened or endangered species. No other coastal resources will be affected by the project. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mark DeFram".

(for) Peter M. Douglas  
Executive Director

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

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December 31, 1997

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

RE: ND-164-97 (Negative Determination for water storage tank, Coast Guard Station, Humboldt Bay, Humboldt County)

Dear Mr. Stalters:

We have received the above referenced negative determination for the construction of an 18,000 gallon steel aboveground water storage tank at the Coast Guard Station at Humboldt Bay. The tank will be approximately 15 feet high by 15 feet in diameter. The project is needed to bolster the station's firefighting capability. Currently the water distribution system is incapable of providing enough water to fight a structure fire.

The proposed tank will be located in a semi-industrial area, and will be located adjacent to several existing buildings. The existing buildings will partially screen the new tank. In addition, the tank will be painted to match the existing building color. Therefore, the proposed project will not significantly affect the scenic resources of the area.

The proposed project will also not affect any other coastal resources. 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) 904-5297 if you have any questions.

Sincerely,

(for) *Peter M. 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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December 19, 1997

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

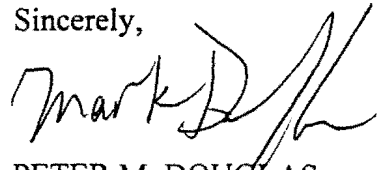
RE: **ND-171-97** Negative Determination, Navy Sewer Line Service, Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the laying of a sewer line across the Pleasant Valley Canal to serve a warehouse which previously received concurrence by the Commission staff (in ND-117-96) at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project impacts will be temporary, and the project does not raise any coastal resource issues that were not addressed in the previously-concurred-with negative determination. We therefore **agree** that the project will not affect coastal resources, and we **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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January 9, 1998

Captain William A. Gaines  
Assistant Director  
Marine Physical Laboratory  
University of California, San Diego  
9500 Gilman Drive  
La Jolla, CA 92093-0701

Re: **NE-174-97** Modifications to NE-32-97, No Effects Determination, Scripps Institution of Oceanography, Weather Buoy Modification, Offshore of San Diego

Dear Capt. Gaines:

The Coastal Commission staff has received your request to modify a project for which you previously received concurrence with a "No Effects" determination. The originally concurred-with project was a Scripps Institution of Oceanography (Scripps) use of two weather buoys as offshore oceanographic observatories. We previously concurred with your request to modify the location of the nearshore buoy; this request is to relocate the further offshore buoy to a new location 5 nautical miles west of San Clemente Island. As we did for the nearshore buoy, we agree that there will be no change in impacts to coastal zone resources, and, that no consistency certification needs to be submitted for this modification. We therefore concur with your request.

Sincerely,

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

MARK DELAPLAINE  
Federal Consistency Supervisor

cc: San Diego Area Office (Laurinda Owens)  
Army Corps, San Diego Field Office



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January 8, 1998

Rob Whittaker  
Right of Way Administrator  
Pacific Bell  
3938 E. Coronado St., 2nd Flr.  
Anaheim CA 92807

RE: **NE-1-98** No Effects Determination, Telephone conduit repair (Phase I), San Onofre Creek, Camp Pendleton Marine Corps Base, San Diego Co.

Dear Mr. Whittaker:

The Coastal Commission staff has received the above-referenced "No Effects" letter for the above-referenced repair project on Camp Pendleton. The project consists of Phase I of a 2-phase repair project to damaged underground cables. Phase one would include excavation of a temporary pit to allow the connection of aerial and underground cables. Phase one activities would be conducted in a manner avoiding adverse effects on environmentally sensitive habitat and San Onofre Creek, including the California gnatcatcher and tidewater gobies. The project is located on federal land and would not adversely affect any coastal zone resources. We therefore agree with your "No Effects" letter for Phase I and your conclusion that no consistency certification needs to be submitted for this phase of the project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

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