

**CALIFORNIA COASTAL COMMISSION**

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



**Tu 14**

**DATE:** February 17, 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-170-97
APPLICANT:	Caltrans
LOCATION:	Highway 1, Point Mugu, Ventura Co.
PROJECT:	Maintenance of highway drains
ACTION:	No effect
ACTION DATE:	1/13/1998

PROJECT #:	NE-004-98
APPLICANT:	Pacific Bell
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Telephone structure repair
ACTION:	No effect
ACTION DATE:	1/22/1998

PROJECT #:	ND-005-98
APPLICANT:	BLM
LOCATION:	Samoa Peninsula, Humboldt Co.
PROJECT:	Repair and maintain 175 foot section of Jetty Road including placement of rip rap
ACTION:	Concur
ACTION DATE:	1/26/1998

PROJECT #:	ND-007-98
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Construction of telephone equipment building
ACTION:	Concur
ACTION DATE:	2/10/1998

PROJECT #:	NE-011-98
APPLICANT:	City of Morro Bay
LOCATION:	Main Street, Morro Bay, San Luis Obispo Co.
PROJECT:	Construction of a bike path
ACTION:	No effect
ACTION DATE:	2/10/1998

PROJECT #:	NE-014-98
APPLICANT:	MCI
LOCATION:	Point Reyes National Seashore, north of the town of Bolinas, Marin Co.
PROJECT:	Construction of a cattle fence
ACTION:	No effect
ACTION DATE:	2/11/1998

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January 13, 1998

Tony Cole  
Caltrans, District 7  
120 S. Spring St.  
Los Angeles, CA 90012-3606

Re: **NE-170-97** No Effects Determination, Caltrans, Maintenance of cross highway drains,  
Highway 1, Point Mugu, Ventura County

Dear Mr. Cole:

The Coastal Commission has received your "No Effects" Determination for the above-referenced project. The project consists of maintenance of the discharge capacity of nine drains under Highway 1 at the Pt. Mugu Naval Air Weapons Station in Ventura County. Caltrans states the project is necessary to avoiding flooding of Highway 1 and has requested expedited authorization from the Commission staff. The project will involve trenching to maintain culvert capacity using backhoes and/or gradalls, with dump truck transport of the material offsite and outside the coastal zone. Caltrans has incorporated a number of measures to minimize impacts on environmentally sensitive and wetland habitat. While removal of the sediment should assist downstream wetlands by reducing sedimentation, because Caltrans expects to undertake the maintenance on a regular basis within and adjacent to wetland habitat, it has, after consultation with the Corps of Engineers and other regulatory agencies, agreed to provide \$20,000 for watershed-wide habitat enhancement efforts overseen by the Coastal Conservancy to offset any ongoing disruption/habitat loss in the affected area.

With the measures incorporated into the project, the public safety need for an expedited review, and the fact that the project is located on federal land, we agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this maintenance project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

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

(for) PETER DOUGLAS  
Executive Director

cc: Ventura Area Office  
OCRM  
Assistant Counsel for Ocean Services  
Governor's Washington D.C. Office  
NOAA Assistant Administrator  
Dept. of Water Resources

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January 22, 1998

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

RE: **NE-4-98** No Effects Determination, Telephone conduit repair (Phase IA), San Onofre Creek, Camp Pendleton Marine Corps Base, San Diego Co.

Dear Mr. Whittaker:

On January 8, 1998, the Coastal Commission staff concurred with your No Effects determination for Phase I of a 2-phase repair project to damaged underground cables near San Onofre Creek on Camp Pendleton. Phase I consisted of excavation of a temporary pit to allow the connection of aerial and underground cables. You now propose an intermediary phase (Phase IA) to place a cable underneath San Onofre Creek to connect existing facilities with an underground communication link. You have consulted with the Fish and Wildlife Service and the Marine Corps, and have designed the project in a manner avoiding impacts to the creek and any sensitive wildlife resources in the area. As was the case for Phase I, we agree that because the project is located on federal land and would not adversely affect any coastal zone resources, we can 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 dark ink, appearing to read "Mark Douglas".

(for) PETER M. DOUGLAS  
Executive Director

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

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January 26, 1998

Lynda Roush  
Arcata Area Manager  
Bureau of Land Management  
Arcata Resource Area  
1695 Heindon Rd.  
Arcata, CA 95521-4573

RE: **ND-5-98** Negative Determination, Road Repairs, Jetty Road, North Humboldt Spit

Dear Ms Roush:

The Coastal Commission staff has received the above negative determination for placement of riprap to maintain Jetty Rd., adjacent to the Coast Guard Station on the east side of the north Humboldt Spit in Humboldt County. The road has been damaged by erosion, and BLM proposes to place 40 cu. yds. of riprap along one 115 ft. road segment, and another 60 cu. yds. of rock along a nearby 60 ft. segment of the road. BLM maintains that this project is similar to projects previously concurred with by the Commission for shoreline protection in the immediate project vicinity.

All work will be performed from the existing road. BLM has analyzed habitat impacts and determined the repairs would not adversely affect any environmentally sensitive habitat. Because of the previously-authorized shoreline protection, which is bayward of the proposed riprap, this project will not affect shoreline sand transport or appreciably alter public views along this stretch of coast. Moving the road further inland as an alternative to riprap placement would be likely to adversely affect sensitive habitat. Moreover, maintenance of the road is necessary to support a number of uses that are of high priority under the Coastal Act (such as public recreation, and Coast Guard rescue missions, and Corps of Engineers maintenance of the north jetty).

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,

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

(for) PETER M. DOUGLAS  
Executive Director

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

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February 10, 1998

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

RE: **ND-7-98** Negative Determination, Navy Administrative Building, Naval  
Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a concrete block, 660 sq. ft., one-story storage and administrative building, adjacent to existing "Building 1440" on Engineering Way at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project site is located within an existing developed area of the NCBC. 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. The project would not involve any discharges into marine waters.

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 the typed 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



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**Jurisdiction Letter**

Date: February 10, 1998

Dean Benedix  
Project Civil Engineer  
City of Morro Bay  
Public Works Dept.  
695 Harbor St.  
Morro Bay, CA 93442

**Project:** Main Street Bike Path, Highway 1, Atascadero Ave. to Main St.,  
Morro Bay, San Luis Obispo County

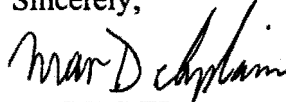
Coastal Commission file no. (if applicable):  
U.S. Army Corps of Engineers Notice No. (if applicable): NE-011-98  
If a nationwide permit, NWP number

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an individual, nationwide, general or regional permit from the Army Corps of Engineers (Corps). Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. However, if an activity is within the Ports of San Diego, Long Beach, Los Angeles, or Port Hueneme and is identified in the Commission certified Port Master Plan, then no consistency certification is necessary.

The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

**The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project has received a locally issued coastal development permit (City permit No. 40-95) and is located within an area where such permits are appealable to the Coastal Commission; (2) no appeals of the City's decision were filed; and (3) the proposed project does not significantly affect coastal resources or raise coastal issues of greater than local concern.**

Sincerely,



MARK DELAPLAINE

Federal Consistency Supervisor

cc: Santa Cruz Area Office  
Corps of Engineers, Ventura Field Office

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February 11, 1998

Lawrence Horan III  
Associate Counsel  
MCI Communications Corp.  
2400 North Glenville Dr.  
Richardson TX 75082

RE: **NE-14-98** No Effects Determination, MCI, Construction of cattle fencing, Point Reyes,  
Marin County

Dear Mr. Horan:

The Coastal Commission staff has received the above-referenced "No Effects" letter from MCI for the construction of 260 ft. of cattle fencing at 451 Mesa Rd. north of in Bolinas at the Point Reyes National Seashore in Marin County. MCI operates a radio transmitter and antenna farm on the property under a special use permit from the National Park Service. The fencing is necessary to protect a historic abandoned dump area, whose soil cover has been disturbed by cattle grazing. The National Park Service has requested and supports the project. The fence would be four ft. high, made of barbed wire, with wood posts at the corners, and has been designed to minimize visual impacts and be consistent with the design of other existing fences in the area. The project is located on federal land and would not adversely affect any scenic coastal public views or any other coastal zone resources. We therefore **agree** with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

*Mark Delaplaine*  
for PETER M. DOUGLAS  
Executive Director

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