

## CALIFORNIA COASTAL COMMISSION

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



Th 15

**DATE:** March 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 #:	ND-142-97
APPLICANT:	Marine Corps
LOCATION:	Camp Del Mar Area, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Construction of bachelor enlisted quarters
ACTION:	Concur
ACTION DATE:	2/24/1998

PROJECT #:	ND-010-98
APPLICANT:	Corps of Engineers
LOCATION:	San Francisco main ship channel, San Francisco Co.
PROJECT:	Maintenance dredging with nearshore disposal
ACTION:	Concur
ACTION DATE:	2/25/98

PROJECT #:	ND-013-98
APPLICANT:	Housing and Urban Development
LOCATION:	Big Lagoon Rancheria, Humboldt Co.
PROJECT:	Rehabilitation of two homes
ACTION:	Concur
ACTION DATE:	2/25/98

PROJECT #:	ND-015-98
APPLICANT:	Coast Guard
LOCATION:	Coast Guard Point Arena Light Station, Mendocino Co.
PROJECT:	Reactivate remote helicopter fueling site
ACTION:	Concur
ACTION DATE:	2/25/1998

PROJECT #:	ND-017-98
APPLICANT:	Corps of Engineers
LOCATION:	Morro Bay Harbor, San Luis Obispo County
PROJECT:	Time extension for previously approved dredging project
ACTION:	Concur
ACTION DATE:	2/25/98

PROJECT #:	NE-018-98
APPLICANT:	Caltrans
LOCATION:	Highway 1, approximately 0.9 kilometers south of San Carpoforo Creek in San Luis Obispo County
PROJECT:	Repair of settled roadway
ACTION:	No effect
ACTION DATE:	3/4/1998

PROJECT #:	ND-020-98
APPLICANT:	Corps of Engineers
LOCATION:	Morro Bay Harbor, San Luis Obispo Co.
PROJECT:	Dredging of main channel with side casting, redredging at later date with nearshore disposal
ACTION:	Concur
ACTION DATE:	3/3/1998

PROJECT #:	ND-021-98
APPLICANT:	Corps of Engineers
LOCATION:	Humboldt Bay and offshore disposal site, Humboldt Co.
PROJECT:	Maintenance dredging with offshore disposal
ACTION:	Concur
ACTION DATE:	3/3/1998

PROJECT #:	ND-022-98
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Stormwater containment
ACTION:	Concur
ACTION DATE:	3/3/1998

PROJECT #:	NE-023-98
APPLICANT:	Caltrans
LOCATION:	Near Wilson Creek Bridge, False Klamath Cove, Del Norte County
PROJECT:	Repair and add to existing rock slope protection
ACTION:	No effect
ACTION DATE:	3/4/1998

PROJECT #:	ND-024-98
APPLICANT:	Corps of Engineers
LOCATION:	Entrance and North Bay Channels, Humboldt Bay
PROJECT:	Emergency dredging of 100,000 cu. yds., disposal at HOODS
ACTION:	Concur
ACTION DATE:	3/5/1998

PROJECT #:	ND-025-98
APPLICANT:	Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Desilting of Santa Margarita River
ACTION:	Concur
ACTION DATE:	2/24/1998

PROJECT #:	ND-031-98
APPLICANT:	Advanced Research Projects Agency
LOCATION:	Santa Barbara
PROJECT:	Installation of Passive Acoustic Array
ACTION:	Concur
ACTION DATE:	3/17/1998

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February 24, 1998

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

RE: ND-142-97 (Negative Determination, construction of bachelor enlisted quarters, Del Mar area, Camp Pendleton, San Diego County)

Dear Lt. Col. Quigley:

We have received your negative determination for the construction of a 6,249 square meter, three story building to house 320 enlisted Marines. The project area, located between the Del Mar boat basin and the Santa Margarita Estuary, encompasses approximately 18 acres. In its original negative determination request, the Marine Corps requested approval for three structures; however, the Marine Corps has received funding for only one building and has therefore amended its negative determination to propose only the one funded structure. This negative determination does not request authorization for the other two buildings.

The building site is located approximately 500 feet to the east of the Santa Margarita Estuary. The estuary provides habitat for both the California least tern and Western snowy plover. Runoff from the project will enter existing storm drains which discharge directly to the Santa Margarita Estuary. The negative determination states that the net increase in surface flow from the project for a 10 year 6 hour storm event will be 0.19 cubic feet per second, representing a .0009% increase in the flow to the estuary. Catch basins will be installed for each point of connection to the storm drain, removing sediment from flowing into the estuary. Sediment from the catch basins will be removed regularly to assure adequate capacity. Camp Pendleton further agrees that if monitoring of the project indicates that polluted water is being discharged into the estuary above existing baseline levels, additional remediation will occur. Based on the small level of runoff into the estuary, catch basins to remove sedimentation, and the Marine Corps' commitment to monitor water quality of the estuary, the proposed project will not affect coastal zone water quality.

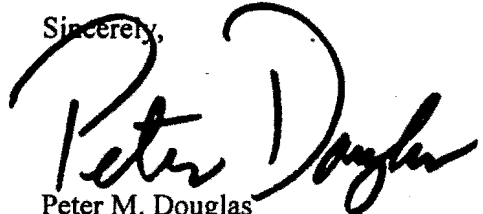
The Marine Corps has also committed to including in the project measures to minimize bird predation in the area; these measures include devices such as "Birds be Gone" at possible perch sites on the building. Lighting for the project and parking lot will be directed away from sensitive habitat areas. The measures will help reduce impacts from the project on sensitive species near the site.

Although the proposed project has been amended to include one building, please be advised that future development on this site may have cumulative impacts on the Santa Margarita Estuary that may

require additional measures to ensure protection of the Santa Margarita Estuary and other coastal resources.

Nevertheless, we agree with the Marine Corps' determination that the project as currently proposed will not affect coastal zone resources. We 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,

A handwritten signature in black ink, appearing to read "Peter Douglas", written in a cursive style.

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

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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February 25, 1998

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

RE: **ND-10-98** Negative Determination, Maintenance dredging with disposal at SF-8,  
Main ship channel, San Francisco Bay

Dear Mr. LaCivita:

The Coastal Commission has received the above-referenced negative determination for the maintenance dredging of the San Francisco Bay Main Ship Channel, with disposal at the historically used San Francisco Bar Dredged Material Disposal Site. This site, named SF-8, is located 2.8 miles offshore (west) of the Point Lobos/Cliff House area in northwestern San Francisco. The dredging quantity would be approximately 430,000 cu. yds. Dredging would commence in late March 1998 and would take about 25 days to complete. We have concurred with numerous similar dredging projects and use of this site for disposal of the predominantly sandy material, in consistency determination CD-2-87-A and negative determinations ND-12-88, ND-4-93, ND-4-95, ND-26-96, and, most recently, ND-13-97.

Under the federal consistency regulations (Section 930.35(d)), 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 the above-referenced consistency determination and negative determinations with which we previously concurred.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources and is similar to previously concurred with projects. 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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

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

(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

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



February 25, 1998

Virgil Moorehead  
Tribal Chairperson  
Big Lagoon Rancheria  
P.O. Box 3060  
Trinidad, CA 95570

Re: **ND-13-98** Negative Determination, Housing Rehabilitation, Big Lagoon Rancheria  
Humboldt County

Dear Mr. Moorehead:

The Coastal Commission staff has received the above-referenced Negative Determination for the rehabilitation of two existing homes on the Big Lagoon Rancheria, which is located 30 miles north of Eureka in northern Humboldt County. The project is located on Indian land, and all work will occur on the existing homes and will not affect the surrounding area.

We agree with your conclusion that this project will not adversely affect any coastal zone resources. 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,

*Mark Delaplaine*  
(for) PETER M. DOUGLAS  
Executive Director

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



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February 25, 1998

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

RE: **ND-15-98** Negative Determination, Coast Guard, Helicopter Fueling Site, Point Arena,  
Mendocino County

Dear Mr. Stalters:

The Coastal Commission staff has received the above-referenced negative determination for the reactivation of a historic helicopter fueling site at the Point Arena Light Station, 2 miles north of Point Arena in Mendocino County. The project consists of installing a 4,000 gallon, double wall, above ground fuel tank with a concrete foundation. The project also includes a small utility shed, lighting replacement electrical connections, and other ancillary improvements to support helicopter operations at the site. The improvements are needed to support a variety of Coast Guard missions, including rescue missions. Because of a return to smaller helicopters, which were discontinued in recent years, reactivation of this facility is necessary.

Given the past use of the site for this purpose, the project does not represent a new or expanded use of the site. Due to the historic uses, the project will not adversely affect visual quality in the area. In addition, the project will not be visible from Highway 1. No environmentally sensitive habitat is present at the site, and the project will not adversely affect any other coastal zone resources.

Therefore, we **agree** with your conclusion that no adverse impact to coastal resources would 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 Mark Delaplaine at (415) 904-5280 if you have questions.

Sincerely,

A handwritten signature in black ink that reads 'Peter Douglas'.

PETER M. DOUGLAS  
Executive Director

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

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February 25, 1998

Robert Joe, Chief  
Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
P.O. Box 2711  
Los Angeles, CA 90053-2325

RE: **ND-17-98** Negative Determination, Army Corps, Dredging Time Extension, Morro Bay,  
San Luis Obispo County

Dear Mr. Joe:

The Coastal Commission staff has received the above-referenced negative determination for a time (end-date) extension for the maintenance dredging with nearshore disposal at Morro Bay, San Luis Obispo County. We previously concurred with this project as ND-89-97, at which time the Corps estimated its completion date to be March 1, 1998. Hazardous wave conditions have prevented the Corps from completion the dredging on schedule, and the Corps now anticipates completion to occur in mid-April, 1998. Upon consultation with resource agencies (such as the U.S. Fish and Wildlife Service), the Corps has determined that proceeding beyond March 1 as currently proposed would not adversely affect any sensitive habitat resources. Dredging would be completed by mid-April 1998.

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." We have concurred with similar consistency and negative determinations for dredging projects in Morro Bay in CD-44-93, CD-81-91, ND-89-97, and, ND-29-95. The impacts of the project with the proposed extension remain unchanged compared to the previously-authorized project. We therefore **concur** with your negative determination for the revised project 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 cursive script, appearing to read "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

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

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March 4, 1998

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

Re: **NE-18-98** "No Effects" Determination, Caltrans  
Highway 1, Big Sur (just south of Monterey/SLO County Line)  
Dewatering and Slope Protection, San Luis Obispo County  
Caltrans File No. 05-SLO-1-70.8

Dear Mr. Ruggerone:

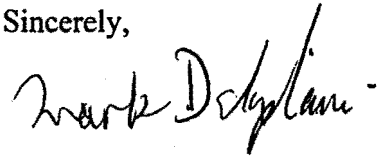
The Coastal Commission staff has received Caltrans' request for authorization of an emergency repair project in northern San Luis Obispo County. The project would ordinarily be within Monterey County's coastal development permitting jurisdiction (and appealable to the Commission); however Caltrans has 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 highway is threatened by undermining from an existing seep and a landslide measuring 30 meters long and 10 meters wide.

The project consists of dewatering the roadbed on either side of the highway through construction of a 0.45 meter deep underdrain to replace the existing trench north (landward) of Highway 1, which would connect to a new pipe five meters south (seaward) of the Highway, where it would carry the water to a rock dissipater to minimize erosion. After the pipes are laid the roadbed would be rebuilt and stabilized on the seaward side with benching.

Because of the existing seep, hydrophytic vegetation grows at the site on either side of the highway, and Caltrans performed a wetland delineation and determined that the project would affect 0.16 acres of wetland habitat. However, this habitat is not particularly sensitive and has previously been disturbed by past highway construction and repair activities. Moreover, avoidance and mitigation measures incorporated into the project include: (1) flagging and avoidance of disturbing wetlands surrounding the affected area; (2) post-construction revegetation with native species; (3) 0.30 acres of habitat enhancement through removal of exotic invasive species (Pampas Grass) from nearby drainages and/or seeps within existing highway rights-of-way in the project area; and (4) surveying for and avoiding any impacts to red-legged or other threatened or endangered frog species, prior to construction.

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  
San Luis Obispo County  
U.S. Army Corps of Engineers, Ventura Field Office  
CCC: Dickey, Bowers, Scholl, Fuchs, Raives

PMD/MD/mra/1966p

## CALIFORNIA COASTAL COMMISSION

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March 3, 1998

Robert Joe, Chief  
Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
P.O. Box 2711  
Los Angeles, CA 90053-2325


RE: **ND-20-98** Negative Determination, Army Corps, Dredging Modifications, Morro Bay,  
San Luis Obispo County

Dear Mr. Joe:

The Coastal Commission staff has received the above-referenced negative determination for a modification to the Corps' maintenance dredging with nearshore disposal at Morro Bay, San Luis Obispo County. We previously concurred with this project as ND-89-97 (and with a time extension in ND-17-98). Due to significant shoaling problems caused by an influx of sediment from recent storm events, the Corps needs to conduct additional dredging to increase channel depths, just to enable the regular dredge vessel to perform its dredging. The Corps therefore proposes to dredge 25,000 cu. yds. with a clamshell dredge from the middle of the main channel, and sidecast it to the side of the channel (where it would later be dredged as part of the regular dredging operation). Because the material is clean sand, this "double handling" of the material would not adversely affect water quality or marine resources.

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." We have concurred with similar consistency and negative determinations for dredging projects in Morro Bay in CD-81-91, CD-44-93, ND-29-95, ND-89-97, and ND-17-98. The impact of the project as modified is the same as compared to the previously-authorized project. We therefore **concur** with your negative determination for the revised project 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: Santa Cruz 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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March 3, 1998

Thomas R. Kendall, P.E.  
Acting Chief  
Planning and Engineering Division  
Attn: Tamara Terry  
U.S. Army Corps of Engineers  
San Francisco District  
333 Market Street  
San Francisco, CA 94105-2197

RE: **ND-21-98** Negative Determination, Army Corps, Spring 1998 Maintenance Dredging,  
Humboldt Bay

Dear Mr. Kendall:

The Coastal Commission staff has received the above negative determination for the maintenance dredging of up to 210,000 cu. yds. of material in Humboldt Bay from the Humboldt Harbor, North Bay, Eureka, Samoa, and Field's Landing Channels. Disposal would be at the site used for the previous 14 maintenance dredging sessions, the HOODS site, approximately 3 miles offshore of the harbor entrance. As the Corps points out in its negative determination, this project is similar to projects previously concurred with by the Commission (ND-128-97, ND-17-97, ND-91-96, ND-61-95, ND-10-95, CD-111-94, CD-64-94, CD-48-93, and ND-33-93).

Under the federal consistency regulations (Section 930.35(d)), 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 the above-referenced consistency and negative determinations with which we previously 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,

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

cc: North Coast Area Office  
NOAA  
OCRM  
California Dept. of Water Resources  
Governors Washington, D.C. Office  
EPA, Erica Hoffman  
RWQCB, North Coast Region

**CALIFORNIA COASTAL COMMISSION**

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March 3, 1998

R. Mello, Captain  
CEC, U.S. Navy  
Naval Air Station North Island  
Box 357033  
San Diego, CA 92135-7033

RE: **ND-22-98** Negative Determination, Navy Stormwater Containment, Naval Amphibious Base, Coronado, San Diego County

Dear Captain Mello:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a stormwater containment facility at Building 342 on the south side of the Naval Amphibious Base (NAB) in Coronado. The project is needed to reduce pollutants entering San Diego Bay, and would direct runoff from the site, at which hydroblast operations are currently conducted, into the existing sewer system. The project would include construction of a small structure (16 ft. high and < 400 sq. ft. in area), with drains and other services. By reducing runoff of contaminants into the bay, the project would benefit water quality and marine resources. The structure would be located within an existing developed area of the NAB and would not adversely affect any scenic coastal public views. The project would not affect any environmentally sensitive habitat or any other coastal zone resources. We therefore **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "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  
City of Coronado

## CALIFORNIA COASTAL COMMISSION

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JOHN AND TODD (415) 904-5200



March 4, 1998

Deborah Harmon, Chief  
Environmental Management  
Attn: Rod Parsons  
Caltrans, District 1  
P.O. Box 3700  
Eureka, CA 95502-3700

Re: NE-23-98 "No Effects" Determination, Caltrans  
Highway 101 Rock Slope Protection, P.M. 12.1-12.5, Del Norte County  
Caltrans File No. 01-DN-101-12.1/12.5

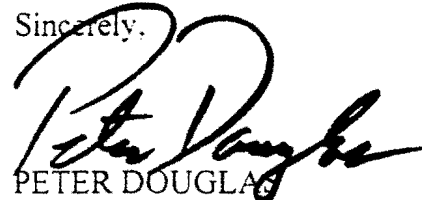
Dear Ms. Harmon:

The Coastal Commission staff has received Caltrans' request for authorization of a repair project related to emergency storm damage in Del Norte County. The project would ordinarily be within the Coastal Commission's coastal development permitting jurisdiction; however Caltrans has asserted that it is exempt from having to receive a 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 may require a federal (Army Corps) permit and because Caltrans expects the project to be eligible for federal (FEMA) funding.

The project consists of replacement of existing damaged rock slope protection, as well as the addition of 100 ft. of additional rock slope protection at the north end of the existing rock, and 200 ft. of additional rock slope protection at the south end of the existing rock. The project would not adversely affect public access and recreation at the site, or any wetlands or other environmentally sensitive habitat at the site. The project represents a 28% increase in the magnitude of the rock slope protection at this site, and given the existing rock slope protection, the project's visual impacts will be minimal.

Therefore, based on the minimal level of impacts to coastal resources, 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,

  
PETER DOUGLAS  
Executive Director

cc: North Coast Area Office  
NOAA  
OCRM  
California Dept. of Water Resources  
Governors Washington, D.C. Office  
San Luis Obispo County  
U.S. Army Corps of Engineers, S.F. District  
CCC: Dickey, Bowers, Scholl, Fuchs, Raives

PMD/MD/mra/1966p

## CALIFORNIA COASTAL COMMISSION

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March 5, 1998

Thomas R. Kendall, P.E.  
Acting Chief  
Planning and Engineering Division  
Attn: Tamara Terry  
U.S. Army Corps of Engineers  
San Francisco District  
333 Market Street  
San Francisco, CA 94105-2197

RE: **ND-24-98** Negative Determination. Army Corps, Emergency Maintenance Dredging,  
Humboldt Bay

Dear Mr. Kendall:

The Coastal Commission staff has received the above negative determination for the emergency maintenance dredging of up to 100,000 cu. yds. of material in Humboldt Bay from the Humboldt Harbor Entrance and North Bay Channels. Recent harbor shoaling has created an emergency situation restricting entrance to the harbor, and the dredging is needed to remove the shoals and restore safe navigation in these two channels. This dredging would be in addition to the Corps' recent request for dredging and disposal of 210,000 cu. yds. of material as part of the regular Spring 1998 Maintenance Dredging (ND-21-98), although disposal would be at the same location (the HOODS site, approximately 3 miles offshore).

Under the federal consistency regulations (Section 930.35(d)), 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 a number of consistency and negative determinations with which we previously concurred (see ND-128-97, ND-17-97, ND-91-96, ND-61-95, ND-10-95, CD-111-94, CD-64-94, CD-48-93, and ND-33-93). 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 "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office  
NOAA  
OCRM  
California Dept. of Water Resources  
Governors Washington, D.C. Office  
EPA, Erica Hoffman  
RWQCB, North Coast Region

## CALIFORNIA COASTAL COMMISSION

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March 13, 1998

K. W. Quigley, Deputy  
Natural Resources  
Assistant Chief of Staff, Environmental Security  
U.S. Marine Corps  
Box 555010  
Camp Pendleton Marine Corps Base  
Camp Pendleton, CA 92055-5010

Attn: Wayne Worthington

RE: **ND-25-98** Negative Determination, U.S. Marine Corps  
Desilting of Santa Margarita River, Camp Pendleton Marine Corps Base

Dear Mr. Quigley:

We have received your negative determination for emergency desilting within the Santa Margarita River on Camp Pendleton. As originally proposed, the desilting was to occur along two reaches of the Santa Margarita River, near the Basilone Road Bridge and the Stuart Mesa Bridge. However, after consultation with the U.S. Army Corps of Engineers, the project has been reduced in scope, and now only consists of desilting upstream and downstream of the Stuart Mesa Bridge, which is necessary to avoid continuing undermining of the bridge.

Recent flooding on the Santa Margarita River has removed much of the sensitive vegetation along the areas of the river proposed for desilting. Access to the river for equipment to conduct the desilting will utilize the devegetated areas, and therefore will not adversely affect any sensitive riparian resources. As originally proposed, all work was to be completed before March 15, 1998, to avoid effects during the nesting/breeding season for sensitive avian species begins. However, given the limited time prior to March 15 to complete the project, the Marine Corps may need to work beyond that date. In that event, the Marine Corps has committed to retain a biological monitor on site, who will stop work and consult with the U.S. Fish and Wildlife Service before proceeding if least Bell's vireos or other threatened or endangered species are present. With the reduced scope of the project and the commitment for consultation with the U.S. Fish and Wildlife Service for post-March 15 activities, the project will not adversely affect any sensitive coastal habitat resources.

Due to the emergency nature of the project, the material cannot be tested for suitability of beach replenishment prior to the activity. Therefore, the sediment will be temporarily stockpiled on Camp Pendleton until a contaminant/grain size assessment is undertaken.

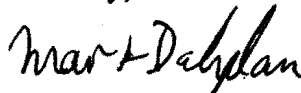


The area identified for temporary stockpiling is a previously disturbed building area site that does not contain any sensitive habitat resources. The Marine Corps agrees that subsequent disposal of the material will be for beach replenishment, if the material is clean and its grain size makes it suitable for beach disposal. A portion of the material may also be used to enhance the least tern island in the Santa Margarita River Estuary, provided the contaminant analysis indicates the material is clean and suitable for such use.

The Marine Corps also agrees to coordinate with the Commission on the most appropriate site for ultimate disposal of the material, and that no disposal will occur at the least tern island prior to coordination with the Coastal Commission. If this disposal plan is implemented, disposal will not occur during nesting/breeding season of the least tern on the island, and will be performed in a manner avoiding adverse impacts due to erosion or siltation for the deposition.

Based on these commitments, the we agree that the project, as revised, will not affect any 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 Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,



(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  
Army Corps, L. A. District (Eric Stein)  
RWQCB, San Diego Region

**CALIFORNIA COASTAL COMMISSION**

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



March 17, 1998

Dr. David Whelan, Director  
Tactical Technology Office  
Defense Advanced Research Projects Agency  
3701 North Fairfax Drive  
Arlington, VA 22203-1714

RE: **ND-31-98** Negative Determination, Passive Acoustic Array, Santa Barbara Channel

Dear Dr. Whelan:

The Coastal Commission staff has received the above-referenced negative determination for the deployment of a passive acoustic array in the eastern portion of the Santa Barbara Channel, outside the 3 mile limit of State territorial waters. The array would be used for a number of acoustical measurements involving ocean acoustic propagation, noise, and interference. The array would be left in place for one year to allow scientific observations on background noise and shipping noise levels, after which it would be removed. Any active acoustic transmissions (e.g., source testing) would be submitted separately to our office for review for coastal zone effects.

We **agree** 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 cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
NOAA Assistant Administrator  
Assistant General Counsel Ocean Services  
OCRM  
Department of Water Resources