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





DATE:

July 15, 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-044-98

APPLICANT:

Navy

LOCATION:

Naval Air Station, North Island, San Diego

PROJECT:

Finger pier and floating dock

ACTION:

Concur

ACTION DATE:

6/25/98

PROJECT #:

NE-059-98

APPLICANT:

Daly City

LOCATION:

Mussel Rock Park land fill, Daly City, San Mateo Co.

PROJECT:

Repair of storm damage

ACTION: ACTION DATE: No effect 6/17/98

PROJECT #:

ND-060-98

APPLICANT:

Navy

LOCATION:

Santa Cruz Island, Santa Barbara Co.

PROJECT:

Demobilization of Santa Cruz Acoustic Range Facility

ACTION:

Concur

ACTION DATE:

7/6/98

PROJECT #:

ND-063-98

APPLICANT:

Corps of Engineers

LOCATION:

Port of Long Beach, Los Angeles Co.

PROJECT:

Modification of disposal sites for previously approved

dredging project

ACTION: ACTION DATE:

Concur 6/15/98

PROJECT #:

ND-065-98

APPLICANT:

Navy

LOCATION:

Naval Air Weapons Station, Point Mugu, Ventura Co.

PROJECT:

Repair of stream bank with rip rap

ACTION:

Object

ACTION DATE:

7/6/98

PROJECT #:

NE-066-98

APPLICANT:

Caltrans

LOCATION:

Highway 101 north of Arcata, near Arcata Airport,

Humboldt Co.

PROJECT:

Storm damage repair of Highway 101

ACTION: ACTION DATE:

No effect

6/22/98

PROJECT #: APPLICANT:

NE-067-98

AFFLICANI

Caltrans

LOCATION:

Highway 101, near Cushing Creek, Del Norte County

PROJECT:

Repair of Highway 101

ACTION:

No effect

ACTION DATE:

6/22/98

PROJECT #:

NE-071-98

APPLICANT:

Ecology and Environment, Inc.

LOCATION:

Offshore of Grover City, San Luis Obispo County

PROJECT:

Subsea sampling

ACTION:

No effect

ACTION DATE:

7/9/98

PROJECT #:

ND-078-98

APPLICANT:

Navy

LOCATION:

Naval Station San Diego, City of San Diego

PROJECT:

Construction of Consolidated Diving Facility

ACTION:

Concur

ACTION DATE:

7/10/98

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



June 25, 1998

Marie Avery
South Bay Area Focus Team
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
2585 Callagan Hwy., Bldg. 99
San Diego, CA 92136-5198

RE: **ND-44-98** Negative Determination, Navy Finger Pier, Naval Air Station North Island (NASNI), Coronado, San Diego Co.

Dear Ms. Avery:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a finger pier and floating dock for the retrieval and launching of Mark V watercraft, which are high speed patrol boats used to support Navy SEALS operations. The project is located on the northwest corner of the existing aircraft carrier basin, along the north side of NASNI. The project consists of: (1) two narrow (8-ft. wide) piers, extending 115 ft. from the existing quay wall; (2) a floating dock comprised of two narrow (10 ft. wide) docks, extending out 60 ft.; (3) a four ft. wide, 45 ft. long gangway connecting the piers to the floating docks; and (4) placement of 36 concrete piles into the bay.

The project site is further than 1 kilometer from the existing least tern nesting site on NASNI, and therefore any noise impacts from the project would not affect least terns. No eelgrass beds would be affected by the pile placement or shading. The total shaded area (from the pier and floating dock) and fill area (from the piles) would be small. In past decisions for comparable situations at NASNI, the Naval Amphibious Base (NAB) and other San Diego Bay Navy pier projects, absent a site-specific marine resource impact (e.g., effects on eelgrass beds), the Commission and other "resource" agencies have not determined mitigation measures to be necessary for shading and fills of similar magnitudes.

Traffic impacts would be minimal, and, as requested by the City of Coronado, the Navy has agreed to barge (rather than truck) the piles to the site. Mark V watercraft operations currently occur at the NAB; thus the project does not represent an intensification of use in

the area, but rather a relocation of an existing operation from one base in Coronado to another. Finally, the project site is within an area of much more extensive Navy pier and ship operation and maintenance facilities, and the project would not adversely affect any scenic coastal public views.

For these reasons, we **agree** with your conclusion that the project would not adversely affect any coastal zone resources, and we hereby **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 any questions.

Sincerela

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

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



June 17, 1998

Andrea Ouse City of Daly City Planning Department 333 90th Street Daly City, CA 94105-1895

RE: NE-059-98, No-Effects Determination for the repair of storm damage to Mussel

Rock Park Landfill, Daly City.

Dear Ms. Ouse:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The project includes removal of garbage, re-establishment of soil cover, repairing damaged sections of the seawall and storm drain pipes, installing and repairing rock gabion, and removing silt from settling ponds. The project will maintain the existing facility and will not affect existing public access to and use of the site. Additionally, the project is necessary to prevent contaminants from the landfill from polluting the marine environment. 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.

PETER M. DØUGLAS

Executive Director

Sincere

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 059-98.DOC

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



July 6, 1998

William Baxley
U.S. Navy
Naval Surface Warfare Center, Carderock Division
South Florida Testing Facility
8010 North Ocean Dr.
Dania FL 33004

Subject: ND-60-98 Negative Determination, Navy, Demobilization of Acoustic Range

Facility, Santa Cruz Island, Santa Barbara County

Dear Mr. Baxley:

The Coastal Commission staff has received the above-referenced negative determination from the Navy for the demobilization of the Navy's Santa Cruz Acoustic Range Facility on the southern side of Santa Cruz Island. The project involves removing an offshore cable field, a vertical hydrophone array, a landing ramp, and remnants of an associated on-shore support facility. The offshore cable field removal is needed because the cables have been elevated above the seafloor by the growth of giant kelp (macrocystis pyrifera), creating a navigation hazard (since the elevated cables could entangle ships traveling in nearshore waters). The hydrophone array removal is similarly needed to reduce navigation risks. The onshore landing ramp and associated facility removal is proposed to improve visual amenities, as these facilities are unsightly.

The offshore cable and hydrophone removal operations will be performed by divers who will cut the cables. The removed materials will be disposed of on the mainland, outside the coastal zone. One 600 ft. long section of cable is in an area too biologically sensitive for removal; in this area, the cable forms suitable anchorage for the kelp and the kelp could be damaged by the removal operation. Therefore, in this section the cable will be left in place. The cable materials are inert and non-toxic.

The Navy has coordinated with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Channel Islands National Marine Sanctuary (CINMS). These agencies indicate the activity would not adversely-affect environmentally sensitive habitat. The project would improve boating and navigation and would remove a visual blight on the island.

For these reasons, we **agree** that the project would not result in adverse impacts to any coastal zone 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 any questions.

Sincerely

PETER M. DOUGI

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

Jim Raives

CINMS (Sean Hastings, 113 Harbor Way

Santa Barbara, CA 93109)

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



June 15, 1998

Robert S. Joe Chief, Planning Division U.S. Army Corps of Engineers ATTN: Russ Kaiser P.O. Box 532711 Los Angeles, CA 90053-2325

Subject: Negative Determination ND-63-98 (Corps of Engineers, Port of Long Beach

Approach Channel dredge disposal modifications.)

Dear Mr. Joe:

The Coastal Commission staff reviewed your negative determination for modifications to dredge disposal operations associated with the Port of Long Beach Approach Channel deepening project. The proposed modification would allow disposal of up to four million cubic yards of clean dredged material unsuitable for beach replenishment in an existing borrow pit in the outer harbor anchorage area in the Port of Long Beach. In consistency determination CD-54-95, the Commission concurred with disposing dredged material from the channel deepening project at the Port of Los Angeles Pier 400 landfill, an existing deepwater trench in the Long Beach Main Channel, and an existing borrow pit southeast of Energy Island White offshore of the City of Long Beach. However, in 1997 the Port notified the Corps that the Pier 400 and Main Channel disposal sites would not be available to accept Approach Channel dredged materials, and proposed instead that the anchorage area borrow pit be used for dredged material disposal.

In 1998 the Corps prepared a Supplemental Environmental Analysis to examine dredged material disposal at the anchorage area borrow pit and concluded that the proposed activity would not generate significant adverse effects on the environment. In 1998 the Port of Long Beach adopted a Negative Declaration for designating the anchorage area borrow pit as a dredged material storage and disposal site for clean dredged sediments unsuitable for beach replenishment. In May 1998 the Commission certified Port of Long Beach Port Master Plan Amendment No. 11 and determined that clean dredged material disposal at the anchorage area site would not generate significant adverse effects on marine habitat and resources, and

would conform with the marine resource, water quality, and port development policies of Chapter 8 of the Coastal Act.

In conclusion, use of the existing anchorage area borrow pit in the Port of Long Beach for disposal of clean dredged material from the Approach Channel deepening project will not significantly affect the coastal zone. The Commission previously reviewed the Approach Channel deepening project and the designation of the anchorage area borrow pit as a dredged material disposal site and found both actions consistent with the Chapter 8 policies of the Coastal Act. 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,

Executive Director

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

nd6398.doc

45 FREMONT STREET, SUITE 2000 SANCISCO, CA 94105-2219 ND TDD (415) 904-5200



July 6, 1998

Vivian Goo, Deputy Public Works Officer Attn: James Danza Department of the Navy Naval Air Weapons Station 521 9th Street Point Mugu, CA 93042

RE: ND-065-98 (Placement of riprap, Calleguas Creek, Naval Air Weapons Station, Point Mugu)

Dear Ms. Goo:

We have received the above referenced negative determination for the placement of riprap along Calleguas Creek. The purpose of the proposed project is to repair erosion of the creek bank to protect the Naval Station's water main. The riprap will cover eight feet by 25 feet (0.005 acres) of a delineated wetland.

The Commission staff is concerned with the impact to wetlands from this project and the lack of alternatives considered. While we understand that the extent of wetlands covered by the riprap will be small, we believe that the cumulative impacts from the project on wetland resources warrants additional analysis of alternatives. In addition, the negative determination does not analyze several issues that may lead to greater impacts on wetland resources from the project: 1) the potential downstream effects from the project due to scour, and 2) potential temporary impacts from construction. With regard to the impact from construction, the negative determination states only that "mats may be placed to provide stable ground for the backhoe" during work. However, driving across the vegetation, even with mats placed, may affect more wetland vegetation than documented in the negative determination.

The Commission staff has had several discussions with your staff regarding the possibility of other, less environmentally damaging alternatives and the timing of the project. During those conversations, your staff indicated that the project needed to be completed quickly to protect the water main, and indicated that there was not adequate time to assess alternatives. While we understand your need to protect the water main, we believe that the erosion does not represent an immediate threat, and we believe you do have adequate time to consider potentially less damaging alternatives. Your staff indicated that the significant erosion events occurred during the winter storms, and is progressing more slowly now. We realize that the erosion will likely need to be addressed prior to the next winter's storms. If a temporary measure needs to be undertaken more immediately, we recommend less permanent measures, such as the sandbags as suggested by our staff. Given that both the winter storms and the highest tides are over, we believe a temporary measure with less impacts than the riprap can be implemented, if needed, while more permanent alternatives are considered. We also understand that the area is under consideration for a wetland restoration project. Again, given this possibility, it seems that a "softer" solution than riprap should be considered.

In conclusion, the Commission staff disagrees with your determination that the proposed riprap will not affect the coastal zone. As noted in numerous reviews of projects affecting wetlands at Point Mugu, the Commission has historically determined that adverse effects on wetlands on federal lands, such as at Point Mugu, constitute adverse impacts on coastal zone resources. We therefore object to your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Consequently, a consistency determination will need to be submitted for the project as proposed. Please contact Tania Pollak at (415) 904-5270 if you have any questions.

Peter M. Douglas
Executive Directo

cc: Ventura Area Office
Bruce Henderson, Army Corps of Engineers
Regional Water Quality Control Board, L.A. Region
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

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



June 22, 1998

Deborah Harmon, Chief Environmental Management North Region 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-66-98** "No Effects" Determination, Caltrans, Emergency Repair, Highway 101 near Arcata-Eureka Airport, Humboldt County (Caltrans File HUM-101-94.2)

Dear Ms. Harmon and Mr. Harlacher:

The Coastal Commission staff has received Caltrans' request for authorization of an emergency road repair project at Postmile 94.2, just west of the Arcata-Eureka Airport and on the west side of Highway 101 in the McKinleyville area of Humboldt County. The project would ordinarily be within the Coastal Commission's appeals area (for potential appeal of a County-issued coastal development permit). In this case, Caltrans has asserted that it is exempt from having to receive a County-issued coastal development permit based on the provisions of AB 2963 ("Firestone" legislation). The Coastal Commission nevertheless retains federal consistency authority because the project involves federal funding.

The project consists of rebuilding the slope below the highway that slid as a consequence of heavy winter rains. The slope restoration work would involve removing the existing unstable material, rebuilding the slope, including placement of rocks and filter fabric at the toe to stabilize the slope, covering the rocks with additional dirt, and revegetating the slope and any disturbed areas with native vegetation. Access to the site would occur over an existing maintenance road to the north of the site, which would require minor improvements over a 400 ft. stretch that has not been used in recent years. All work would be confined to the existing Highway 101 right-of-way. The surface area to be repaired is roughly 45 meters by 40 meters.

The project would not adversely affect any environmentally sensitive habitat. The project's visual impacts would not be significant; the rocks being placed at the toe would not be exposed, and, with the revegetation upon completion of the repair work, the project would not adversely affect

scenic public views. Public access in the area will be improved because Caltrans is working with the Redwood Community Action Agency to design the slope repairs in a manner that will accommodate an extension of the Hammond trail across the site. Completion of this trail link, which is part of an overall trail between the Mad River to the south and Clam Beach to the north, would assist in achieving an important access goal of the County's Local Coastal Program.

Due to the lack of adverse impacts, as well as the potential public access and recreation benefits from the project, we believe it is appropriate to waive the requirement for a consistency certification for this emergency repair project. Please call Mark Delaplaine of my staff at (415) 904-5289 if you have any questions.

Silverery

Executive Director

cc: North Coast Area Office

NOAA OCRM

California Dept. of Water Resources Governors Washington, D.C. Office

Humboldt County

CCC: Dickey, Bowers, Scholl, Fuchs, Raives, Locklin

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



June 22, 1998

Deborah Harmon, Chief Environmental Management North Region 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-67-98** "No Effects" Determination, Caltrans, Emergency Repair, Highway 101 near Cushing Creek, Del Norte County (Caltrans Postmile 21.9)

Dear Ms. Harmon and Mr. Harlacher:

The Coastal Commission staff has received Caltrans' request for authorization of an emergency road repair project located five miles south of Crescent City and just south of Cushing Creek in Del Norte County. Caltrans asserts that it is exempt from having to obtain a County-issued coastal development permit based on the County's repair and maintenance exemptions. 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 involves federal funding.

The highway has slipped, leading to closure of the outer southbound lane. Immediate repairs are necessary along an approximately 400 ft. long stretch of road to restore traffic flow and avoid further loss of the roadway. The project involves replacement-in-kind activities and would not alter the underlying structure of the road or expand road width or capacity. The repair work would include reconstructing the downslope embankment and resurfacing the highway, along with installation of a sub-drain to dewater the slope and minimize future slides. Upon completion the slope would be revegetated with native vegetation. All work would be confined to the existing Highway 101 right-of-way.

The project area is heavily forested and the existing slope failure has already caused the loss of a number of redwood and alder trees. Rebuilding the slope would necessitate the further removal of 200-250 trees (primarily at the highway's edge), most of which (75-80%) are less than 10 inches in diameter, and with no trees larger than 28 inches in diameter. Caltrans has coordinated with the

U.S. Fish and Wildlife Service to assure the project will not affect threatened or endangered species, including northern spotted owls and marbled murrelets, and Caltrans has incorporated the following mitigation measures into the project to minimize sensitive habitat effects: (a) adjacent environmentally sensitive habitat areas will be staked or fenced (temporarily) and avoided; (b) work will occur between August 1 and January 31; (c) no jackhammers, pile drivers or high-intensity-sound machinery will be used; (d) no blasting will occur; and (e) revegetation of all disturbed areas with Douglas fir, sitka spruce, and coast redwood trees. Caltrans has submitted a specific revegetation plan which we have reviewed, and Caltrans has committed to monitoring to assure the success of the revegetation efforts (including remediation, if necessary).

With these measures, the project's environmentally sensitive habitat and visual impacts would be temporary and would not be significant. Therefore, we believe it is appropriate to waive the requirement for a consistency certification for this emergency repair project. Please call Mark Delaplaine of my staff at (415) 904-5289 if you have any questions.

incerely

Executive Director

cc: North Coast Area Office

NOAA OCRM

California Dept. of Water Resources
Governors Washington, D.C. Office
Del Norte County, Planning Dept. (Diane Mutchie, 700 Fifth St.
Crescent City, CA 95531)

CCC: Dickey, Bowers, Scholl, Fuchs, Raives

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



July 9, 1998

Denise Toombs
Ecology and Environment, Inc.
350 Sansome Street, #300
San Francisco, CA 94104

RE: NE-071-98, No-Effects Determination for core sampling as part of subsea geophysical/bathtmetric survey of areas offshore of Grover City, San Luis Obispo County.

Dear Ms. Toombs:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes core sampling as part of subsea geophysical/bathtmetric survey of areas offshore of Grover City. Specifically, the applicant proposes to collect up to 24 sediment samples using a 1.5-foot grab sampler and or a 2-inch gravity corer. The estimated maximum volume of sediments collected during the sampling is 0.031 cubic meters. The purpose of the test is to provide geologic information for the selection and development of a fiber optic cable route. (The placement of the cable is not part of this no-effects determination and that project will require a separate permit or consistency review.) This type of sampling is regularly conducted in the marine environment and does not result in any significant effects to coastal resources. The proposed test is small in magnitude and the Commission staff does not expect it to affect coastal resources. In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, determine 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.

Sincerel

PETER M. DOUGE

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

PMD/ NE07198.DOC

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



July 10, 1998

Pat McCay
South Bay Area Focus Team
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
2585 Callagan Hwy., Bldg. 99
San Diego, CA 92136-5198

RE: **ND-78-98** Negative Determination, U.S. Navy, Consolidated Diving Facility, Naval Station San Diego

Dear Mr. McCay:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a Consolidated Diving Facility at Mole Rd. and 7th St. on the east side of San Diego Bay at the Naval Station, San Diego. The project would be a two-story building within an existing developed portion of the base and would replace existing, substandard facilities. The project would not affect any scenic coastal public views, environmentally sensitive habitat or marine resources, public access and recreation, or any other coastal resources.

Therefore, we **agree** with your conclusion that the project would not adversely affect any coastal resources, and we hereby **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 any questions.

Sincerely,

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