

CALIFORNIA COASTAL COMMISSION

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



W 15

DATE: September 23, 1999

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-053-99
APPLICANT:	NOAA
LOCATION:	Gulf of Farallones National Marine Sanctuary
PROJECT:	Banning motorized personal watercraft
ACTION:	Concur
ACTION DATE:	9/3/99

PROJECT #:	ND-060-99
APPLICANT:	Bureau of Indian Affairs
LOCATION:	Smith River Rancheria, Del Norte Co.
PROJECT:	Conveyance of land into trust status
ACTION:	Concur
ACTION DATE:	9/2/99

PROJECT #:	NE-079-99
APPLICANT:	San Luis Obispo County
LOCATION:	Chorro Creek, east of Morro Bay
PROJECT:	Repair of storm damage
ACTION:	No effect
ACTION DATE:	9/9/99

PROJECT #:	ND-080-99
APPLICANT:	Navy
LOCATION:	Point Loma, San Diego
PROJECT:	Add a second floor to existing building
ACTION:	Concur
ACTION DATE:	9/1/99

PROJECT #:	ND-081-99
APPLICANT:	Coast Guard
LOCATION:	Moss Landing Harbor, Monterey Co.
PROJECT:	replace four aids to navigation
ACTION:	concur
ACTION DATE:	8/30/99

PROJECT #:	NE-083-99
APPLICANT:	Williams Communications
LOCATION:	Between San Luis Obispo and Los Osos
PROJECT:	Placement of fiber optics cable
ACTION:	no effect
ACTION DATE:	9/3/99

PROJECT #:	NE-085-99
APPLICANT:	Irvine Company
LOCATION:	Muddy Canyon, inland of Crystal Cove State Park, Orange Co.
PROJECT:	construction of residential units, recreational facilities and associated roads and utilities, with stream fill and detention basin
ACTION:	object
ACTION DATE:	8/23/99

PROJECT #:	ND-087-99
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	partial closure of beach to protect snowy plover nesting habitat
ACTION:	concur
ACTION DATE:	9/2/99

PROJECT #:	NE-090-99
APPLICANT:	Exxon
LOCATION:	Santa Ynez Unit offshore of Santa Barbara County
PROJECT:	Temporary moorings
ACTION:	No effect
ACTION DATE:	9/8/31/99

PROJECT #:	NE-092-99
APPLICANT:	Exxon
LOCATION:	Santa Ynez Unit offshore of Santa Barbara County
PROJECT:	Changing treatment method for waste disposal
ACTION:	no effect
ACTION DATE:	9/2/99

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September 3, 1999

Edward Ueber, Manager
Gulf of the Farallones National Marine Sanctuary
National Oceanic and Atmospheric Administration
Fort Mason, Building 201
San Francisco, CA 94123

Subject: Negative Determination ND-53-99 (Regulation of the Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary).

Dear Mr. Ueber:

The Coastal Commission has received and reviewed the above-referenced negative determination. The National Oceanic and Atmospheric Administration (NOAA) proposes to prohibit the operation of motorized personal watercraft (MPWC) in the nearshore waters of the Gulf of the Farallones National Marine Sanctuary (Sanctuary). The operation of MPWC will be prohibited from the mean high-tide line seaward to 1,000 yards (approximately 0.5 nautical mile), including seaward of the Farallon Islands. The proposed action responds to an April 1996 petition from the Environmental Action Committee of West Marin to ban operation of MPWC in the Sanctuary, and to comments received in response to NOAA's August 1997 "Notice of Inquiry/Request for Information" to obtain information on the operation and impacts of MPWC. The purpose of NOAA's proposed action is to ensure that Sanctuary resources are not adversely affected by MPWC and to help avoid conflicts among various users of the Sanctuary.

The Draft Environmental Assessment (DEA) prepared for the proposed action was based in part on the information NOAA received from responders to the 1997 "Notice of Inquiry/Request for Information," from a September 1997 public hearing, and from general public comments. The DEA states that:

After discussions with the National Park Service, the Environmental Action Committee of West Marin, the MPWC industry, the Audubon Canyon Ranch, and individual ornithologists, NOAA has determined that a 1,000-yard buffer is a necessary and reasonable area to protect the nearshore waters. Specifically, the operation of MPWC will be prohibited from the mean high tide line seaward to 1,000 yards (approximately 0.5 nautical mile). The restricted areas include Drakes Bay, Tomales Bay, Bolinas Lagoon, Estero Americano and Estero de San Antonio, except for an access corridor from the launch site at Bodega Harbor leading into Bodega Bay.

Historically, there have been 4 (four) launch sites in the area – Lawson's Landing at Dillon Beach, Millerton Point State Park, Inverness, and Bodega Harbor. As of 1 November 1998, launching MPWC from Point Reyes National Seashore (PRNS) or Golden Gate National Recreation Area (GGNRA) is prohibited (U.S. Dept. of Interior, 1998a & b). Millerton Point Park and Inverness are within GGNRA and PRNS boundaries, respectively, and therefore can no longer be used. Lawson's Landing is situated at the most critical Harbor seal and shore bird area in Tomales Bay (Walker Creek delta). Continued use of Lawson's Landing by MPWC would result in unacceptable disturbance of these sensitive resources. Therefore, NOAA has determined that the most appropriate MPWC launch site is Bodega Harbor, and the access corridor proposed is designed to facilitate access by MPWC to the GFNMS from this site. This change in primary launch site should not cause a significant inconvenience for any of the customary users of MPWC within the GFNMS as Bodega Harbor is within five (5) miles of Lawson's Landing and is easier to access.

The DEA includes a review of the biological diversity of Sanctuary waters. Its protected bays and coastal wetlands (including Tomales Bay, Drakes Bay, Bolinas Lagoon, and the esteros) include ecologically sensitive intertidal mudflats, sand flats, salt marshes, submerged rocky terraces, and shallow subtidal areas. There are at least twelve critical marine bird nesting areas along the shoreline of the Sanctuary, and many marine mammals are dependent on the productive and secluded habitat of the Sanctuary's coastal areas for breeding, pupping, hauling-out, feeding, and resting during migration. Lawson's Landing, one of two current MPWC launch sites, is situated at the largest pinniped haulout in Tomales Bay, and is also within a quarter mile of Walker Creek delta, where the highest concentration of wading and shore birds occurs in the Sanctuary, and where sea otters have been regularly observed. These nearshore waters are also those areas most impacted by the operation of MPWC. The DEA examines the impacts of MPWC operation on sensitive coastal resources in the Sanctuary:

The smaller size and shallower draft of MPWC means they are more maneuverable, operable closer to shore and in shallower waters than other types of motorized watercraft. This maneuverability greatly increases the potential for MPWC to disturb fragile nearshore habitats and organisms. Although wakes of MPWC may be smaller than wakes of conventional motorboats, they can be more damaging (e.g. flooding of coastal bird nests; erosion of shoreline) because MPWC are often operated faster, closer to shore and repeatedly in the same area (Snow, 1989). . . .

MPWC are powered by a jet-propelled system that typically involves a two-stroke engine with an exhaust expulsion system that vents into the water. Most conventional recreational boats use a four-stroke engine. The two-stroke engines found on the vast majority of MPWC in the United States discharge more of their fuel (ranging from 10% to more than 50 % of the unburned fuel/oil mixture, depending on manufacturing conditions and operating variables) than the four-stroke engines found on conventional recreational boats (Tahoe Research Group, 1997). These emissions pose a serious threat to the environment, as two-stroke engines introduce more volatile organic compounds (by a factor of 10) into the water than four-stroke engines (Juttner et al., 1995; Tjarnland et al., 1995). These

emissions can have significant adverse impacts in many areas of the Sanctuary, particularly shallow nearshore coastal areas and estuaries.

Research suggests that declines in nesting birds in some states occurred simultaneous with MPWC operation. Numerous shoreline roost sites exist within the Sanctuary, and research has shown that human disturbance at bird roost sites can force birds to completely abandon an estuary. Published evidence strongly suggests that estuarine birds may be seriously affected by even occasional disturbance during key parts of their feeding cycle, and when flushed from feeding areas, such as eelgrass beds, will usually abandon the area until the next tidal cycle (Kelly, 1997).


The DEA also reports that the nearshore waters of the Sanctuary are the areas most heavily used for sailing, canoeing, rowing, kayaking, and swimming, and that these recreational activities can be adversely affected by the operations of MPWC. The operational characteristics of MPWC increase their potential to adversely affect the more benign types of recreational activities that occur in and adjacent to nearshore waters. MPWC are designed to be operated at higher speeds, closer to shore (due to their shallower draft), and to make quicker turns than other types of motorized vessels. The DEA examines the impacts of MPWC operation on recreational activities in the Sanctuary:

The Sanctuary encourages multiple human uses of its waters that are compatible with resource protection. When used as designed and in the current manner, MPWC have significant potential to interfere with a large number of other Sanctuary users. Numerous respondents to the Notice of Inquiry/Request for Information noted that MPWC were interfering with, and often jeopardizing the well-being of, swimmers, kayakers, canoeists, and other recreational boaters and users of nearshore areas of the Sanctuary. MPWC have been involved in numerous accidents, and thus pose a hazard to other water users. Although MPWC make up approximately 11% of vessels registered in the country (U.S. Dept. of Interior, 1998c), Coast Guard statistics show that in 1996, 36% of all watercraft involved in accidents were MPWC (U.S. Coast Guard, 1999). In addition, numerous commentators noted that the operation of MPWC in nearshore areas diminishes the aesthetic qualities of many beach and recreational areas, and may interfere with other economic uses, e.g., tourism, of the areas based upon these aesthetic qualities.

However, the MPWC access route to be retained as a part of the proposed action is located within an established recreational boating corridor extending seaward from the Bodega Bay boat launch ramp and would not result in unreasonable additional impacts on biological or recreational resources. NOAA examined several alternatives to the proposed action (create zones for the operation of MPWC, ban operation of MPWC, ban all recreational vessel traffic, and no action) but determined that the proposed action best balanced the objectives of protecting sensitive nearshore marine resources and providing for the continued use of MPWC in most waters of the Sanctuary.

In conclusion, the Coastal Commission staff agrees that the proposed action by NOAA will not adversely affect coastal zone resources. The prohibition of MPWC from Sanctuary waters extending from the mean high-tide line seaward to 1,000 yards, including seaward of the Farallon Islands and excluding the existing boating access corridor at Bodega Bay, will protect marine resources and nearshore recreational activities, and allow MPWC continued access to ninety-five percent of Sanctuary waters. We therefore concur with the negative determination made pursuant to 15 CFR Section 930.35(d). 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: 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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FAX (415) 904-5400



August 2, 1999

Dr. Virgil Akins, Superintendent
Northern California Agency
Bureau of Indian Affairs
U.S. Department of the Interior
ATTN: Kevin Bearquiver
1900 Churn Creek Road, Suite 300
Redding, CA 96002-0292

Subject: Negative Determination ND-60-99 (Land Trust Conveyance at Smith River
Rancheria, Del Norte County).

Dear Dr. Akins:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed activity is a conveyance of a 3.5-acre parcel of fee land (APN 102-030-015), owned by and located within the boundaries of the Smith River Rancheria in Del Norte County, from "trust allotment status" to "Federal Tribal trust status" for the benefit of the Rancheria. The Rancheria presently encompasses 148 acres and is divided into 81 parcels. The subject parcel is improved with a single family residence, and is bordered on the west by Highway 101 and on the south by North Indian Road. The Lucky 7 Casino and the Rancheria tribal office are located immediately south of the parcel on the south side of North Indian Road. The Rancheria is planning to construct an unpaved, overflow parking lot for current and future casino operations on a portion of the subject parcel.

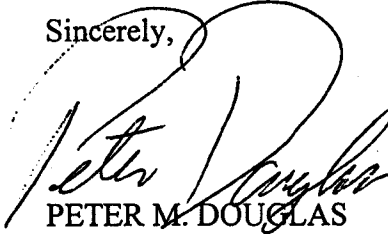
The April 1999 Environmental Assessment (EA) prepared for the Bureau of Indian Affairs examines potential environmental effects from the proposed land transfer and parking lot construction. The EA concludes that the parcel conveyance will not affect the coastal zone and that the proposed parking lot will generate only very minor effects on local water quality and stormwater runoff as long as: (1) construction is confined to the flat portion of the site; and (2) mitigation measures for the parking lot include the storm drainage management plans, construction schedules, grading plans, and revegetation plans outlined in Section F (Environmental Consequences) of the EA. There are no threatened or endangered plant or animal species on the subject property, and construction of a parking lot will not adversely affect public views along the Highway 101 corridor adjacent to the project site. Lastly, the EA recommends that if cultural or historical artifacts are discovered during excavation and

construction at the site, work should be suspended so that a qualified archaeologist can assess the significance of the find and make recommendations regarding any necessary protection and/or mitigation measures.

The Commission staff notes that once the subject parcel is placed in Federal Tribal trust status, it will no longer be subject to local government controls, such as zoning and permit controls under the Del Norte County Local Coastal Program. In addition, Coastal Commission review of any future development on the parcel would be limited to federal consistency review under the provisions of the federal Coastal Zone Management Act. The Commission would also have the authority, under the provisions of Section 930.44 of the NOAA implementing regulations, to re-review this negative determination (ND-60-99) at a future date should additional development occur on or be proposed for the subject parcel beyond that incorporated in ND-60-99.

In conclusion, we agree with your assessment that the conveyance of the subject parcel from trust allotment status to Federal Tribal trust status, and the construction of an unpaved parking lot on the parcel, will not adversely affect any coastal zone resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon of the Coastal Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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September 9, 1999

Mark Cassady
Essex Environmental
890 Osos St., Suite B
San Luis Obispo, CA 93401

RE: **NE-079-99**, No-Effects Determination, County Road Crossing Replacement,
Canet Rd./Chorro Creek, Morro Bay area of San Luis Obispo County
County Road Repair Project No. M349/COE No. 985048000-TW

Dear Mr. Cassady:

The Coastal Commission has reviewed the above-referenced no-effects determination for the replacement of a cylindrical concrete culvert with a concrete box culvert, construction and removal of a temporary detour road and temporary diversion dam, and streambank restoration at the Canet Road crossing over Chorro Creek, near Highway 1 east of Morro Bay. On February 26, 1999, the Commission staff agreed with the County's waiver/no effects determination NE-118-98 for repairs to this road crossing. The previous project was modified as a result of consultation with the National Marine Fisheries Service, which requested improvements to accommodate fish passage. As was the case for the previously-reviewed project, the Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project is located in an area where it will need a County-issued coastal development permit and where such permits are appealable to the Coastal Commission; and (2) if the Commission has concerns over this project it can address them through reviewing an appeal of a County coastal development permit.

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,

A handwritten signature in black ink that reads "Mark Douglas".

(for) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
Governor's Washington D.C. Office
Army Corps, Ventura Field Office (Tiffany Welch)
Jill Ogren, San Luis Obispo County

CALIFORNIA COASTAL COMMISSION

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September 1, 1999

Gary Curtis
U.S. Navy
Space and Naval Warfare System Center
53560 Hull Street
San Diego, CA 92152-5001

Attn: Andrew Aitken

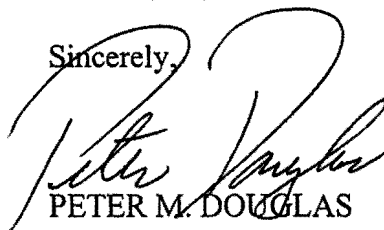
RE: **ND-080-99**, Negative Determination, Second floor addition to existing building,
Point Loma, San Diego

Dear Mr. Curtis:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for the addition of a second story to an existing Navy building at the Space and Naval Warfare System Center, located on the east side of Point Loma and near the northern boundary of Navy-owned land at Point Loma. The project is within a developed portion of the base and has been designed to architecturally match the existing building, and adjacent Navy buildings are already two stories high. Therefore the project would be visually compatible with the surrounding area and would not adversely affect any public views, including those from San Diego Bay. No grading would be necessary and the project would not affect water quality or any environmentally sensitive habitat.

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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: San Diego Coast Area Office
Department of Water Resources
Governor's Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

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August 30, 1999

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

Attn: Louis Rivero

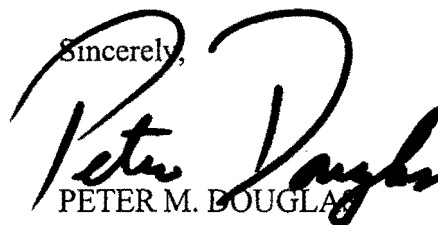
RE: **ND-081-99**, Negative Determination, Replace four aids to navigation, Moss Landing Harbor, Monterey Co.

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for the replacement of four aids to navigation in Moss Landing Harbor. The aids would vary in height from 15 to 25 ft. and would be located at four sites adjacent to the main entrance channel to the harbor. The project includes replacement of an existing concrete pad at the seawardmost of the sites, located on the south side of the harbor entrance (the "Harbor Entrance Light 2" site). The existing aids are corroded due to exposure to the marine environment and in need of replacement. The project constitutes replacement-in-kind of existing facilities and would not adversely affect public access, scenic views, water quality, or environmentally sensitive habitat. Replacement of the existing navigation aids is needed for continued support of high-priority coastal zone uses including coastal-dependent and coastal-related boating activities.

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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office
Department of Water Resources
Governor's Washington D.C. Office



CALIFORNIA COASTAL COMMISSION

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September 3, 1999

Steve Centerwall
Jones & Stokes Assoc.
2600 V St., Ste. 100
Sacramento, CA 95818-1914

RE: **NE-83-99**, No-Effects Determination, Williamson Communications, Inc., Fiber Optics Cable, San Luis Obispo to Los Osos

Dear Mr. Centerwall:

The Coastal Commission has reviewed the above-referenced no-effects determination for the installation of a fiber optics cable between Los Osos and San Luis Obispo. The cable will be buried at a depth of 2 ft., and the construction corridor will be 20 to 40 ft. wide. The portion of the cable within the coastal zone will need a coastal permit from the County of San Luis Obispo. Where the project crosses streams as depicted in your map, such County permits would be appealable to the Commission. In situations such as this, the Commission usually waives federal consistency review if the project is appealable and does not raise any significant issues.

For the entire project, minimization and mitigation measures include: erosion control measures to protect water quality during construction; identification, staking and avoidance of all sensitive resources; attaching conduit to existing bridges to avoid stream disturbance (or, if bridging is not possible, tunneling beneath flowing drainages); avoidance of sensitive time periods (including the rainy season); restoration of disturbed areas; and traffic control plans to minimize traffic disruption.

Where the project does not cross streams, work would be confined to existing road rights-of-way and, with the measures included, would not raise issues of concern to coastal resources. For the portion of the project located inland of the coastal zone boundary, again, with the measures included, the project would not affect coastal resources. After reviewing the measures included in the project to protect coastal resources, the Commission staff concludes it is appropriate to waive federal consistency review for this project.

The Coastal Commission therefore declines to assert federal consistency jurisdiction, due to the fact that: (1) the portions of this project that could raise resource concerns are located in an area where the project will need a County-issued coastal development permit and where such permits are appealable to the Coastal Commission; (2) if the Commission has concerns over this portion of the project it can address them through

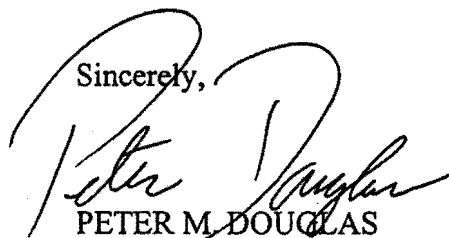
September 3, 1999

NE-083-99

Page 2

reviewing an appeal of a County-issued coastal development permit; and (3) other portions of the project would not affect 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 any questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
Department of Water Resources
Governor's Washington D.C. Office
Army Corps, Ventura Field Office

CALIFORNIA COASTAL COMMISSION

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August 23, 1999

Susan K. Hori
Paone, Callahan, McHolm & Winton
19100 Von Karman
Eighth Floor, P.O. Box 19613
Irvine, CA 92623-2900

RE: **NE-085-99**, No-Effects Determination for the construction of residential units, recreational facilities and associated roads and utilities, with stream fill and construction of a detention basin within Muddy Canyon Creek, inland of Crystal Cove State Park, Orange County.

Dear Ms. Hori:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes construction of residential units, private recreational facilities and associated roads and utilities. The applicant proposes to develop 681 acres of a 980-acre project site.

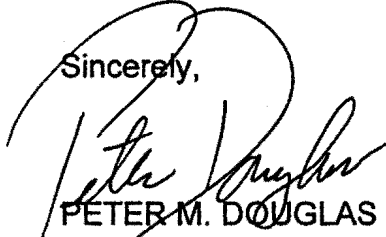
The proposed project will grade and fill 2.78 acres of wetlands and streams, including 30,000 linear feet of ephemeral stream and 0.05 acres of herbaceous wetlands. These wetlands are within the coastal zone and the project affects these resources in a manner that triggers a consistency certification pursuant to the federal Coastal Zone Management Act. Additionally, the proposed project has the potential to affect coastal water quality by increasing sedimentation into the Muddy Canyon Creek and increasing the volume of non-point source pollution. Therefore, the Commission staff concludes that the proposed project affects water quality resources of the coastal zone.

In your letter to the Commission, you argue that because the proposed project is consistent with the Orange County Local Coastal Program and received a coastal development permit from the County, that no federal consistency review is required. However, this assertion reflects an inaccurate understanding of the federal consistency process. The responsibility for federal consistency review cannot be delegated to local governments. The California Coastal Management Program (CCMP) states that a coastal development permit issued by the Commission is the equivalent of a consistency certification. Since Orange County is responsible for issuing the coastal development permit for the proposed project, it does not replace the requirement for a consistency certification from the Commission. The CCMP also provides that the Commission's review of an appeal is also the equivalent of a review of a consistency certification. In this case, the Commission recently received an appeal of the coastal development permit approved by Orange County for this

project. Therefore, the Commission's review of the appeal, assuming the appeal remains with and is acted upon by the Commission, will function as a federal consistency review. Because the Commission's review of the appeal is the equivalent of a federal consistency action, the CZMA prohibits the Corps of Engineers from issuing its permit until the Commission acts on this appeal.

In conclusion, the Coastal Commission staff disagrees that the proposed project will not adversely affect coastal zone resources. We, therefore, object to the conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. However, in this case, the requirement for Commission review of a consistency certification can be met through review of the appeal of the coastal development permit issued by Orange County. 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: South Coast Area Office
Department of Water Resources
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Governor's Washington D.C. Office
Jae Chung, Corps of Engineers

PMD/JRR

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September 2, 1999

Lt. Col. Scott W. Westfall
U.S. Air Force
Environmental Management
806 13th Street, Suite 116
Vandenberg Air Force Base, CA 93437-5242

Attn: Jim Johnston

RE: **ND-087-99**, Negative Determination for after-the-fact partial closure of publicly accessible beaches to protect snowy plover nesting habitat, Vandenberg Air Force Base, Santa Barbara County.

Dear Lt. Col. Westfall:

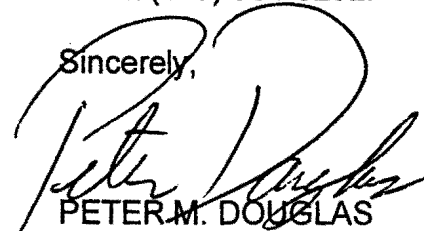
The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes partial closure of beaches to protect snowy plover nesting habitat on Vandenberg Air Force Base. The beach closures resulted from concerns raised by the U.S. Fish and Wildlife Service in its letter dated June 25, 1999 (copy enclosed). In that letter, the Service requested an immediate emergency closure of all publicly accessible beaches where the snowy plover, a federally listed threatened species, nests. The request was made because the plover's breeding success in past two years has declined dramatically in California.

On July 1, 1999, the Air Force consulted with the Commission staff prior to taking any action. During that conversation and based on our review of the Service's letter, the staff agreed that the Air Force should take immediate actions to address the concerns raised by the Service. The staff also agreed that the Air Force should submit an after-the-fact negative determination for authorization of the immediate closure and follow it up with a consistency determination for this year's closure and any proposed future closures. The closure of the beaches clearly affects coastal access and recreational resources of the coastal zone. However, the Commission staff supports a negative determination in this case because of the immediate need to respond to potential impacts to the plover and the agreement to submit a future consistency determination for this closure and future closures.

September 2, 1999
ND-087-99
Page 2

Therefore, the Commission staff concurs 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,



PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
Department of Water Resources
Governor's Washington D.C. Office

Enclosure

PMD/JRR

CALIFORNIA COASTAL COMMISSION

FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
TELEPHONE AND TDD (415) 904-5200
FAX (415) 904-5400



August 31, 1999

Donna M. Hurley
Exxon Company, USA
Santa Ynez Unit Production Organization
P.O. Box 1207
Goleta, CA 93116-1207

RE: NE-090-99: No-Effects Determination for Exxon's proposal to install three temporary moorings anchored by three anchors at Platforms Hondo, Harmony, and Heritage

Dear Ms. Hurley:

The Coastal Commission staff has reviewed your August 12, 1999, letter to Mr. Rishi Tyagi, MMS, (received by fax from the MMS on August 26, 1999) regarding the above-referenced project.

The staff has determined that the proposed project will not significantly affect any land or water use, or natural resource of the coastal zone for the following reasons:

- Placement and installation. Anchors will be placed so as to avoid existing subsea facilities (e.g., pipelines); Exxon will use a differential GPS navigation system and operator to ensure placement in the proposed locations;
- Substrate. Anchors will be placed on sandy substrate, and will not affect any hard-bottom substrate; Exxon will use a vessel to install and remove anchors vertically in order to minimize seafloor disturbance; Each anchor will occupy a very small surface area (approximately 10' x 10');¹
- Temporary Placement. Anchors and moorings will be in place for a maximum period of six weeks;
- Fishing Operations. The proposed moorings will not interfere with fishing vessels in the area due to their temporary existence and proposed location;²
- Cultural/Archaeological Sites. A minimum radius of 500 feet will exist between the proposed anchor sites and known cultural/archaeological sites;³

¹ Personal communication with Brian Hansen, Exxon, Monday, August 30, 1999.

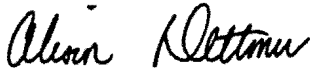
² Communications between Herb Leedy, MMS, and the Joint Oil/Fisheries Liaison Office, the commercial fishing industry, and Exxon (Draft MMS Categorical Exclusion Review, August 26, 1999).

³ Jim Lima, MMS (Draft MMS Categorical Exclusion Review, August 26, 1999).

Finally, implementation of the subject proposal will enable subsurface jacket inspections for Platforms Harmony, Hondo, and Heritage.

Therefore, the Coastal Commission staff agrees that the proposed project will not affect any land or water use or natural resource of the coastal zone. We, therefore, concur with the conclusion that the proposed activity is not subject to the consistency review requirements of Section 307(c)(3)(B) of the CZMA. If you have any questions, please contact Moira McEnespy at 415/904-5253.

Sincerely,



ALISON DETTMER
Manager
Energy and Ocean Resources Unit

cc: James Raives, CCC, Federal Consistency
CCC, South Central Coast Area Office
Michelle Pasini, Santa Barbara County, Energy Division
Dave Panzer, MMS
Nadell Gayou, Department of Water Resources
David Kim, Governor's Washington D.C. Office

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



September 2, 1999

John Barnhart
Exxon Company, USA
Santa Ynez Unit Production Organization
225 West Hillcrest Drive
Thousand Oaks, CA 91360

RE: **NE-092-99**: No-Effects Determination for Exxon's August 16, 1999, proposal to use alternative products in the Pacific Offshore Pipeline Company ("POPCO") Las Flores Canyon Gas Treatment Facility wastewater stream

Dear Mr. Barnhart:

On July 26, 1999, the Coastal Commission's Deputy Director concurred with a no-effects determination, no. NE-070-99, for Exxon to

1. treat the primary discharge of the POPCO Las Flores Canyon Gas Treatment Facility wastewater stream at the onshore Santa Ynez Unit ("SYU") Produced Water Treating Facility,¹ and
2. discharge the newly-commingled stream under existing Harmony Platform² NPDES Permit No. CA0110842.

On August 16, 1999, Exxon informed Commission staff of its desire to use alternative products in the subject waste stream to those previously identified. Specifically, Exxon proposes to use the following alternative products:

- Oxygen scavenger: Unichem UI 3170
- Neutralizing amine: Unichem 3270
- Scale inhibitor: Unichem UI 3035

The Commission staff has determined that the proposed substitution will not affect any land or water use, or natural resource of the coastal zone for the following reasons:

- The staff has determined in consultation with staff of the Regional Water Quality Control Board that because said substances will constitute only a portion of one percent of the total waste stream, they will exist in low enough concentrations that they will not pose a threat of toxicity or other adverse effects to the receiving waters or to the marine organisms that inhabit them; and

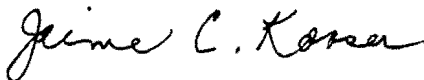
¹ Exxon Las Flores Canyon Facility; 12000 Calle Real; Goleta, CA.

² Platform Harmony is located offshore Santa Barbara County, approximately six miles south of Gaviota in 1,200 feet of water (OCS Lease P-0190).

- Exxon is seeking to treat and discharge the POPCO Gas Treatment Facility primary wastewater stream under the new General NDPES permit, which will address through toxicity testing pollutants, like the ones identified above, for which water quality criteria have not been established.

Hence, the Coastal Commission staff **agrees** that the proposed project will not affect any land or water use or natural resource of the coastal zone. We, therefore, **concur** with the conclusion that the proposed activity is not subject to the consistency review requirements of Section 307(c)(3)(A) of the CZMA. If you have any questions, please contact Moira McEnespy at 415/904-5253, or Alison Dettmer, Manager, Energy & Ocean Resources Unit, at 415/904-5246.

Sincerely,



JAIME C. KOOSER, Ph. D.
Deputy Director
Energy, Ocean Resources, and Water Quality Division

cc: James Raives, CCC, Federal Consistency
South Central Coast Area Office
Michelle Pasini, Santa Barbara County, Energy Division
Mike Higgins, RWQCB-CC
Eugene Bromley, USEPA
Nadell Gayou, Department of Water Resources
David Kim, Governor's Washington D.C. Office

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