

## CALIFORNIA COASTAL COMMISSION

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

# W 13



**DATE:** November 16, 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]

<b>PROJECT #:</b>	ND-094-99
<b>APPLICANT:</b>	Coast Guard
<b>LOCATION:</b>	U.S. Coast Guard Moorings Ballast Point, San Diego
<b>PROJECT:</b>	Construction of storage building
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	11/5/99

<b>PROJECT #:</b>	NE-096-99
<b>APPLICANT:</b>	Caltrans
<b>LOCATION:</b>	Highway 1, Cambria and Pismo Beach, San Luis Obispo County
<b>PROJECT:</b>	Road maintenance (repaving and guard rail replacement) at two separate sites
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	11/14/99

<b>PROJECT #:</b>	NE-103-99
<b>APPLICANT:</b>	Scripps
<b>LOCATION:</b>	Offshore of Pillar Point Harbor
<b>PROJECT:</b>	One month extension for removal of cable from ATOC device
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	10/15/99

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November 5, 1999

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

Attn: Louis Rivero

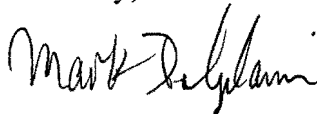
RE: **ND-094-99**, Negative Determination, Storage Building, Ballast Point, San Diego

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of a one-story, 1,925 sq. ft. storage building at Coast Guard Moorings Ballast Point, on the east side of the Point Loma peninsula in San Diego. The project will be located in an already paved area, and adjacent to an existing administration building and concrete boat ramp. The project will not alter public views or affect environmentally sensitive habitat, runoff flows or water quality, public access, or any other coastal resources.

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,

  
(for) PETER M. DOUGLAS  
Executive Director

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

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November 14, 1999

Janet Newland  
Caltrans, District 5  
50 Higuera St.  
San Luis Obispo, CA 93401-5415

RE: **NE-096-99**, No-Effects Determination, Caltrans Highway 1 Road Maintenance, Cambria and Pismo Beach, San Luis Obispo County - SLO-1-34.5/41.1, 0.1/16.7

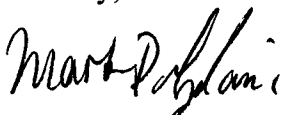
Dear Ms. Newland:

The Coastal Commission has reviewed the above-referenced no-effects determination for maintenance repairs to Highway 1 at two different sites, in Pismo Beach and Cambria, San Luis Obispo County. The proposed work at both sites consists of repaving the existing paved road and raising guard rails a small amount (only the additional height of the added paving).

The projects are within City and County permit jurisdictions (Pismo Beach, Grover City, and San Luis Obispo County); however Caltrans states that they are exempt from local government permitting requirements as "repair and maintenance activities." Caltrans has incorporated measures into the projects to avoid any effects on environmentally sensitive habitat and streams in the project areas.

The Coastal Commission staff concludes that the projects will not significantly affect coastal resources. We therefore **concur** with the conclusion that the proposed activities do not require consistency certifications pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: Santa Cruz Area Office  
Department of Water Resources  
Governor's Washington D.C. Office

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October 15, 1999

Peter Worcester  
Scripps Institution of Oceanography  
University of California, San Diego  
9500 Gilman Drive  
La Jolla, CA 92093

Re: **NE-103-99** - No Effects Determination for One-Month Extension for Cable and Sound Source Removal - Modification to CC-110-94 & CDP 3-95-40, Scripps Institution of Oceanography (Scripps) California Acoustic Thermometry of Ocean Climate/Marine Mammal Research Program (ATOC/MMRP)

Dear Mr. Worcester:

The Coastal Commission staff has received the above-referenced "No Effects" letter requesting a one-month extension of Scripps' plans to remove the ATOC/MMRP cable and sound source. As noted in our recent letter to you of September 9, 1999, the cable and sound source removal was among the conditions of approval by the Commission, and Scripps had agreed in a settlement agreement with environmental organizations (which was incorporated into Scripps' agreements with the Commission) that they would be removed "as soon as is feasible after the 2 year project." Our September 9, 1999, letter also informed Scripps that its request to NOAA's National Marine Sanctuary Program (NMSP) for a proposed extension of an entire year beyond October 31, 1999, for removal of the ATOC cable necessitated additional Coastal Commission review.

On September 20, 1999, NOAA's NMSP informed Scripps that it was unwilling to consider a one year extension, and instead limited its extension authorization to one month (through November 30, 1999). This letter stated: "The NMSP believes that even with difficulties, given sufficient upfront contingency planning, Scripps should have been able to remove the cable prior to permit expiration." Scripps has responded by: (1) appealing NOAA's NMSP decision; (2) informing NOAA's NMSP and the Commission that it will continue expeditious efforts to remove the cable in the next month, but with the understanding that these efforts may not be successful; and (3) submitting the subject "No Effects" determination to the Commission for a one-month extension while pursuing efforts to remove the cable and Scripps' administrative appeal of NOAA's NMSP decision.

It is clear from Scripps' "No Effects" request that Scripps is committed to continuing the removal efforts until they are successful. We appreciate Scripps' continued commitment to

Letter to Scripps

Oct. 15, 1999

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attempt to remove the cable and sound source this year, if possible, and we believe the proposed one-month extension request is reasonable and appropriate request and will assist Scripps in its efforts to expeditiously remove the cable and sound source.

Therefore, we concur with Scripps' "No Effects" determination and agree that no further consistency review by the Commission is necessary for this one-month extension request. Please note that any further extension requests will require further authorization by this agency pursuant to the above-referenced agreements between Scripps and the Commission. Feel free to contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(for) PETER M. DOUGLAS  
Executive Director

cc: Santa Cruz Area Office  
NMFS (Office of Protected Resources)  
NOAA (Stephanie Thornton, Helen Golde)  
OCRM (David Kaiser)  
California Department of Water Resources  
Governor's Washington D.C. Office