

CALIFORNIA COASTAL COMMISSION

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



Th 5

DATE: May 17, 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 #:	NE-109-96
APPLICANT:	Coast Rock Products
LOCATION:	Sisquoc and Santa Maria Rivers, Santa Barbara and San Luis Obispo Counties
PROJECT:	Sand and gravel mining
ACTION:	No effect
ACTION DATE:	5/4/99

PROJECT #:	NE-027-99
APPLICANT:	Robert Mayer Corporation
LOCATION:	City of Huntington Beach, Orange Co.
PROJECT:	Construction of hotel, residential, and retail uses
ACTION:	No effect/Waiver (needs coastal development permit)
ACTION DATE:	5/12/99

PROJECT #:	ND-029-99
APPLICANT:	Bureau of Indian Affairs
LOCATION:	Smith River Rancheria, Del Norte Co.
PROJECT:	Acquisition of 33.51 acre Ship Ashore Resort by Smith River Rancheria
ACTION:	Concur
ACTION DATE:	4/30/99

PROJECT #:	NE-033-99
APPLICANT:	Monterey-Salinas Transit
LOCATION:	Point Sur, Big Sur, Monterey Co.
PROJECT:	Reinstallation of communications tower antenna
ACTION:	No effect
ACTION DATE:	4/21/99

PROJECT #:	NE-035-99
APPLICANT:	Department of Parks and Recreation
LOCATION:	Pt. Sur, Big Sur, Monterey Co.
PROJECT:	Re-installation of communications antenna on Coast Guard Tower
ACTION:	No effect
ACTION DATE:	4/21/99

PROJECT #:	ND-037-99
APPLICANT:	Coast Guard
LOCATION:	Ballast Point, Point Loma, San Diego
PROJECT:	Maintenance Dredging, with nearshore disposal at Imperial Beach
ACTION:	Concur
ACTION DATE:	5/14/99

PROJECT #:	ND-042-99
APPLICANT:	Fish and Wildlife Service
LOCATION:	Clam Beach and Little River State Beach, Humboldt Co.
PROJECT:	Construction of temporary exclosures to protect snowy plover nests
ACTION:	Concur
ACTION DATE:	5/11/99

PROJECT #:	ND-044-99
APPLICANT:	Coast Guard
LOCATION:	entrance of Noyo Harbor, near Fort Bragg, Mendocino Co.
PROJECT:	Replacement of a damaged entrance beacon
ACTION:	Concur
ACTION DATE:	5/13/99

CALIFORNIA COASTAL COMMISSION

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May 4, 1999

Bob Kober
Coast Rock Products, Inc.
P.O. Box 5050
Santa Maria, CA 93456

RE: **NE-109-96** No Effects Determination, Coast Rock, Sand Mining, Santa Maria River, Santa Barbara and San Luis Obispo County

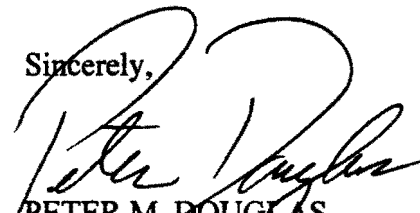
Dear Mr. Kober:

The Coastal Commission has received the above-referenced no-effects determination, dated August 29, 1996, for a sand mining and reclamation plan on the Sisquoc and Santa Maria Rivers along the border of San Luis Obispo and Santa Barbara County. This project is located well inland of the coastal zone boundary; however, as an Army Corps-permitted activity it must be reviewed under the federal consistency provisions for potential downstream coastal zone effects, such as shoreline erosion and anadromous fisheries. The originally proposed project raised significant concerns over coastal zone resource impacts as identified in our comment letters on the Draft EIR/EIS and Army Corps public notices. However the project was subsequently reduced in scope and modified as described in the December 1997 Final EIR/EIS, and in Santa Barbara County's Conditional Use Permit and Master Reclamation Plan (No. 92-CP-074 & 92-RP-001).

With the requirements and project modifications contained in these permits, we do not believe it is appropriate to require a consistency certification at this time for this continued mining activity, based on the following factors: (1) the proposed continued sand mining would be well inland of the coastal zone (a minimum of 19 miles from the shoreline); (2) the resource protection measures built into the project as approved by Santa Barbara and San Luis Obispo Counties and the Army Corps include extensive mitigation measures, continuing monitoring requirements for the life of the permit, and "re-opener" clauses providing for additional modifications and/or mitigation in the event monitoring shows effects different than anticipated); (3) the National Marine Fisheries Service has determined that with the included mitigation measures the project would not adversely affect steelhead trout; and (4) the detailed hydrological analysis and response to our comments supports the conclusion that the Corps- and County-approved rate and method of sand mining would avoid downstream effects on sand supply.

We therefore **concur** with your "No Effects" determination and agree that no further consistency review by the Commission is necessary for this project at this time. We reserve the right to review future sand mining on the Santa Maria River if monitoring or other evidence shows that the activities are having individual or cumulative adverse effects on coastal zone resources, in which case future consistency certifications may be required. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
Santa Cruz Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governor's Washington D.C. Office
Army Corps, Ventura Field Office (94-50249-TS)

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FAX (415) 904-5400

**JURISDICTION LETTER**

May 12, 1999

Scott Holbrook
Project Manager/Resource Ecologist
LSA Associates, Inc.
One Park Plaza, Suite 500
Irvine, CA 92614-5981

Project: **The Waterfront Development Project**
Location: **NW of the intersection of Pacific Coast Highway and Beach Boulevard, Huntington Beach, Orange County**

Coastal Commission Federal Consistency Jurisdiction No: **NE-027-99**

Coastal Commission File No. (if applicable):

U.S. Army Corps of Engineers Notice No. (if applicable):

If a nationwide permit, NWP number: **No. 26 Headwaters and Isolated Discharges**

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

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

___ Is not within the coastal zone and does not affect the coastal zone. Therefore no further Coastal Commission review is necessary.

___ Is a non-federal activity within the coastal zone and is in an area where the Commission has not delegated permit authority to the appropriate local agency. Therefore, it needs a coastal development permit from the Commission. Contact our _____ Area Office (see addresses on the following page) for details and permit application form. (Note: Receipt of a Coastal Commission-issued coastal development permit satisfies federal consistency requirements.)

___ Is a federally permitted activity within or affecting the coastal zone and does not otherwise need a coastal development permit from the Commission. Therefore, this project needs a consistency certification. Contact **James Raives at (415) 904-5292** for information on the federal consistency process. (Note: Receipt of a local government-issued coastal development permit, as opposed to a Coastal Commission-issued coastal development permit, does not satisfy federal consistency requirements.)

___ Is within or potentially affects the coastal zone and is a federal agency activity. Therefore it needs a consistency determination (or, at a minimum, a negative determination). Contact **James Raives at (415) 904-5292** for information on the federal consistency process.

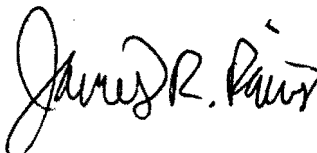
___ Is within the port of San Diego, Long Beach, Los Angeles, or Port Hueneme and is consistent with a certified Port Master Plan. Therefore, no further Coastal Commission review is necessary.

___ Is within one of the above ports but is not consistent with a certified Port Master Plan. Therefore, a Port Master Plan amendment is necessary.

___ We have insufficient information on the project location or details to determine jurisdiction. Please provide the following information:

XX The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project has or will receive a locally issued coastal development permit and is located within an area where such permits are appealable to the Coastal Commission; and (2) the proposed project does not significantly affect coastal resources or raise coastal issues of greater than local concern.

Sincerely,



James R. Raives
Federal Consistency Staff

cc: Meg Vaughn, South Coast Area Office
Russ Kaiser, Corps of Engineers

COASTAL COMMISSION AREA OFFICES:

Coastal Commission
North Coast Area Office
45 Fremont St., Ste. 2000
San Francisco, CA 94105
Tel. No. (415) 904-5260

Coastal Commission
Central Coast Area Office
725 Front St., Suite 300
Santa Cruz, CA 95060-4508
Tel. No. (408) 427-4863

Coastal Commission
South Central Coast Area
89 S. California St., Ste. 200
San Buenaventura, CA 93001
Tel. No. (805) 641-0142

Coastal Commission
South Coast Area Office
P.O. Box 1450
200 Oceangate 10th Floor
Long Beach, CA 90802-4325
Tel. No. (310) 590-507

Coastal Commission
San Diego Coast Area Office
3111 Camino Del Rio North, Ste. 200
San Diego, CA 92108-1725
Tel. No. (619) 521-8036

Coastal Commission
Energy and Ocean Resources
45 Fremont St., Ste. 2000
San Francisco, CA 94105
Tel. No. (415) 904-5240

Coastal Commission
Ports Coordinator
P.O. Box 1450
200 Oceangate 10th Floor
Long Beach, CA 90802-4325
Tel. No. (562) 590-5071

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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VOICE AND TDD (415) 904-5200



April 30, 1999

William Allan
Area Environmental Protection Specialist
Bureau of Indian Affairs
Sacramento Area Office
2800 Cottage Way
Sacramento, CA 95825

Re: **ND-29-99** Negative Determination, Bureau of Indian Affairs (BIA)
Loan for Land Acquisition, Smith River Rancheria, Del Norte Co.

Dear Mr. Allen:

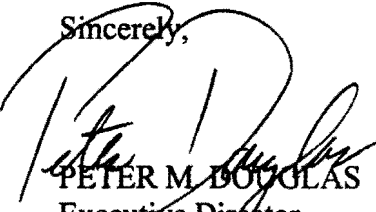
The Coastal Commission staff has received the above-referenced Negative Determination for a guaranteed loan to the Smith River Rancheria to enable the Rancheria to acquire 7 parcels, totaling 35.51 acres of land and containing the "Ship Ashore" Resort, in the Smith River area of Del Norte County. The land is located between Highway 101 and the mouth of the Smith River, and south of the existing Smith River Rancheria. The land currently contains a hotel and a recreational vehicle park.

The BIA states that the loan "...will provide a foundation for an entertainment/hospitality complex that will generate several million dollars for the Tribe and will provide a small land base for the Tribe to plan and develop future cultural and economic development projects." Nevertheless, no development is proposed at this time, according to the BIA. Moreover, the BIA is not aware of any plans the Tribe has for any expansion or redevelopment of the site. The BIA is not placing the land in trust, and the land will therefore continue to remain subject to all local controls, such as permit and zoning controls under the Del Norte County Local Coastal Program. Furthermore, the BIA also agrees that any request from the Rancheria that the BIA place the land in trust status, which *would* affect the Commission's and the local government's ability to regulate development on the property, would be submitted to the Coastal Commission for further federal consistency review.

Please note that in concurring with this negative determination we are not commenting on any plans for future intensification of development on the site, and we wish to put the BIA and the Tribe on notice that any future development or changed use of the property should be coordinated with the Coastal Commission and/or Del Norte County, as applicable, for coastal development permit review. In addition, any changes in the status of the land should be coordinated with the Coastal Commission for federal consistency implications.

In conclusion, we agree with your assessment that this activity 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,



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

CALIFORNIA COASTAL COMMISSION

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April 21, 1999

Michael Hernandez
Director of Operations
Monterey-Salinas Transit
One Ryan Ranch Rd.
Monterey, CA 93940-5703

RE: **NE-033-99**, No-Effects Determination for the placement of an antenna on the Coast Guard tower at Point Sur Light Station, Monterey County.

Dear Mr. Hernandez:

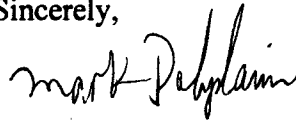
The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project consists of the re-installation of a previously existing antenna on the Coast Guard's newly constructed communications tower at the Point Sur Light Station, Monterey County.

The Coast Guard recently reconstructed its communication tower at Point Sur, after it received Commission approval, on September 10, 1998 (CD-100-98). The primary purpose of that tower is to provide communications support for Coast Guard activities. In reviewing that tower, the Commission raised concerns about the potential visual impacts from the proliferation of private antennae on the tower

On February 26, 1999, we concurred with Pacific Gas & Electric's (PG&E's) No-Effects Determination (NE-014-99) for the re-installation of a previously existing antenna on this tower. PG&E's was the first addition proposed to the Point Sur tower since the Commission's concurrence with CD-100-98. However, since the antenna had been previously installed on the old tower, and was shorter than the Coast Guard's tower, we determined that PG&E's antenna would be visually consistent with the Coast Guard tower. Monterey-Salinas Transit has submitted a similar application for re-installation of a previously existing antenna on the tower, and this antenna would also be visually consistent with (and shorter than) the Coast Guard tower.

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

Sincerely,



(for) PETER M. DOUGLAS
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

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April 21, 1999

Diane W. Beaumont
Telecommunications Systems Manager
Department of Parks and Recreation
Park Services Division-
Telecommunications Unit
1416 Ninth St.
Sacramento, CA 95814

Attn: Steve Soto - FAX 916 657-4747

RE: **NE-035-99**, No-Effects Determination for the placement of an antenna on the Coast Guard tower at Point Sur Light Station, Monterey County.

Dear Ms. Beaumont:

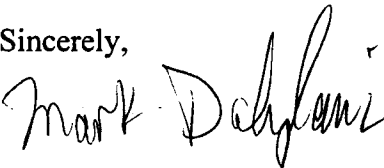
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In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


(fr) PETER M. DOUGLAS
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

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May 14, 1999

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

Attn: Roy Clark

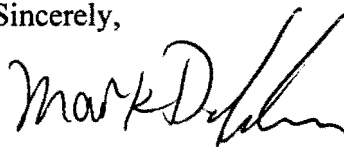
RE: **ND-037-99**, Negative Determination for maintenance dredging of existing berthing areas at the Coast Guard facility at Ballast Point, Point Loma, with nearshore disposal at Imperial Beach, San Diego County.

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes maintenance dredging of an existing berthing area at the Coast Guard facility at Ballast Point, Point Loma in the City of San Diego. Material dredged from this berthing area will be disposed of in a nearshore area near Imperial Beach. The Coast Guard proposes to remove approximately 45,000 cubic yards of material. The sediment is predominately sand and will be disposed of within the nearshore, and thus is being made available for beach replenishment.

The Coast Guard previously submitted, and the Commission concurred with, a consistency determination for dredging this area in 1994. That consistency determination, CD-26-94, evaluated the removal of 51,000 cubic yards of material with disposal at the same nearshore site near Imperial Beach. Like the previous project, the Coast Guard currently proposes to dredge material that is predominately clean sand and place that sediment in an area that will allow for beach replenishment. Therefore, the Coastal Commission staff agrees that the proposed project is the same as or similar to a previously approved consistency determination. 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 James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


(or) PETER M. DOUGLAS
Executive Director

ND-37-99
May 14, 1999
Page 2

cc: San Diego 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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May 11, 1999

Bruce G. Halstead
U.S. Fish and Wildlife Service
Arcata Fish and Wildlife Office
1125 16th Street, Room 209
Arcata, CA 95521

Attn: Robin Hamlin

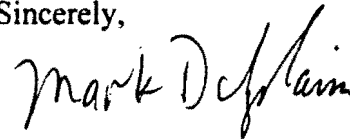
RE: **ND-042-99**, Negative Determination for the construction of temporary exclosures to protect snowy plover nests, Clam Beach and Little River State Beach, Humboldt County.

Dear Mr. Halstead:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes construction of temporary exclosures to protect snowy plover nests on Clam Beach and Little River State Beach, Humboldt County. The exclosures will meet the following specifications: triangular exclosures with sides 25 feet long or square exclosures with a perimeter of 50 feet, fencing material will be metal mesh (2 inches by 4 inches) and 4 feet high, and fencing material will be supported with metal fence posts. Temporary signs will be installed approximately 150 feet from the exclosures asking people to not disturb the fenced areas. The Service will construct the exclosures after it discovers any nests and will remove them after the eggs have hatched. The average incubation period is 27 days, and therefore, the Service expects that the exclosures will be present on the beach for less than one month. Additionally, the Service proposes to limit the exclosures to no more than four on the beach at any one time. The purpose of the exclosures is to protect the plover nests from damage due to recreational activities, vehicles, horses, and dogs.

The proposed project has the potential to affect recreational and visual resources of the coastal zone. However, the Commission staff believes that these potential impacts will not be significant. The beaches will remain open to public use during the nesting season. Additionally, the Service will not use mechanized equipment to install the exclosures. Finally, the access and visual impacts will be minor because the number of exclosures is limited to four and they will be on the beach for less than 30 days. 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 James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(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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May 13, 1999

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

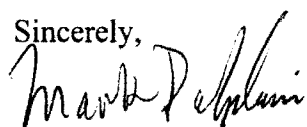
Attn: Louis Rivero

RE: **ND-044-99**, Negative Determination for the replacement of a damaged entrance beacon, entrance of Noyo Harbor, near Fort Bragg, Mendocino County.

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Coast Guard proposes to replace the damaged entrance daybeacon with a single-pile structure on top of an existing concrete foundation with a platform top. The structure will be outfitted with a lantern, solar panel, battery box, and two dayboards. The structure will stand 16 feet above the surface of the jetty. The project is located on the existing south jetty and will not require placement of fill into the marine environment. Additionally, the project will not result in any other impacts to marine resources. Also, the project is visually consistent with the existing daybeacon and will not affect visual resources of the coastal zone. Finally, the project is necessary to maintain marine navigation and as such will maintain existing commercial fishing and recreational boating uses. 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 James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

(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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