

CALIFORNIA COASTAL COMMISSION

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



Tu 8

Date: June 21, 1999

To: Coastal Commissioners And Interested Parties

From: Mark Delaplaine, Federal Consistency Supervisor

Re: Negative Determinations Issued By Executive Director

PROJECT #:	ND-002-99
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Parking and Transportation improvements
ACTION:	Concur
ACTION DATE:	6/11/99

PROJECT #:	ND-039-99
APPLICANT:	NMFS
LOCATION:	Russian River, Sonoma County, to Soquel Creek, Santa Cruz Co.
PROJECT:	Critical habitat designation for steelhead trout
ACTION:	Concur
ACTION DATE:	6/1/99

PROJECT #:	ND-040-99
APPLICANT:	BLM
LOCATION:	Black Sands Beach, King Range, Shelter Cove, Humboldt Co.
PROJECT:	Construction of new parking area
ACTION:	Concur
ACTION DATE:	6/7/99

PROJECT #:	ND-043-99
APPLICANT:	Army
LOCATION:	Presidio of Monterey, City of Monterey
PROJECT:	Investigation of soil contamination
ACTION:	Concur
ACTION DATE:	6/21/99

PROJECT #:	ND-045-99
APPLICANT:	Fish and Wildlife Service
LOCATION:	Humboldt Bay National Wildlife Refuge, Humboldt Co.
PROJECT:	Construction of headquarters building
ACTION:	Concur
ACTION DATE:	5/25/99

PROJECT #:	NE-046-99
APPLICANT:	Redwood Community Action Agency
LOCATION:	City of Eureka, Humboldt Co.
PROJECT:	Low income housing rehabilitation projects
ACTION:	No effect
ACTION DATE:	5/21/99

PROJECT #:	ND-048-99
APPLICANT:	Fish and Wildlife Service
LOCATION:	Eel River Wildlife Management Area, Humboldt Co.
PROJECT:	Installation of exclosures to protect the snowy plover
ACTION:	Concur
ACTION DATE:	5/21/99

PROJECT #:	NE-049-99
APPLICANT:	Caltrans
LOCATION:	Canada del Corral Creek and Highway 101, Post Mile 35.2
PROJECT:	Replace failed steel risers, Santa Barbara Co.
ACTION:	No effect
ACTION DATE:	5/27/99

PROJECT #:	NE-050-99
APPLICANT:	City of Oceanside
LOCATION:	Between Oceanside Blvd. and Mesa Dr. off El Camino Real, Oceanside, San Diego Co.
PROJECT:	Extension of Rancho Del Oro From Oceanside Blvd. to Mesa Dr.
ACTION:	No effect
ACTION DATE:	5/27/99

PROJECT #:	ND-051-99
APPLICANT:	USGS
LOCATION:	Offshore of Southern California, between Point Dume (L.A. County) and the U.S. - Mexican Boarder
PROJECT:	Seismic survey to map earthquake faults
ACTION:	Concur
ACTION DATE:	6/3/99

PROJECT #:	ND-052-99
APPLICANT:	Fish and Wildlife Service
LOCATION:	Eureka Slough Wildlife Area, Humboldt Co.
PROJECT:	Acquisition of land owned by Department of Fish and Game
ACTION:	Concur
ACTION DATE:	5/28/99

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45 FREMONT, SUITE 2000
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FAX (415) 904-5400



June 11, 1999

Vivian Goo
Deputy Public Works Officer
Naval Air Weapons Station
ATTN: James Danza
1000 23rd Avenue
Port Hueneme, CA 93043-4301

Subject: Negative Determination ND-2-99, U.S. Navy, parking lot improvements and road extension partly within jurisdictional wetlands at Naval Air Weapons Station, Point Mugu, Ventura County.

Dear Ms. Goo:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's proposed parking and road improvements at the Naval Air Weapons Station (NAWS) at Point Mugu (Exhibits 1-4). The project site is located approximately one-third mile inland of the coastal zone boundary in a developed area of the NAWS and includes the following elements: (1) a 0.6-acre paved road extension connecting two paved parking lots at the NAWS's recreation fields and community support buildings; (2) a 1.06-acre gravel community support building parking lot; and (3) a 0.7-acre gravel recreation field parking lot. The two proposed parking lots are sites which are currently used for parking by Navy personnel when recreation and community events are scheduled at the adjacent facilities; they are not used on a continuous, daily basis. The 2.36 acres proposed for development includes 0.99 acres of upland and 1.37 acres of jurisdictional wetlands as delineated in 1994 by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (Exhibit 4).

The Navy stated in its submittal that portions of the proposed project were completed in early 1998 prior to review by the Coastal Commission and Corps of Engineers (Exhibit 5). This activity included: (1) filling 0.03 acres in the proposed recreation area parking lot with 6 inches of gravel (approximately 25 cubic yards) to improve an unofficial road which connected two existing paved parking lots; and (2) blading 0.91 acres at the community support parking area to smooth out ruts and improve parking conditions; no fill was added but approximately 150 cubic yards of soil was shifted and spread across the site. The Navy stated that by March 1999, and after the effects of winter rainfall, all traces of blading and spreading were gone and the site had returned to its pre-disturbance condition.

The Navy reports that parking in the area of the community support facilities (Community Center, Chapel, and Theatre) and the recreation fields has been inadequate for several years. As a result, Navy personnel using these sites have been parking their cars in two adjacent degraded wetland areas which are now proposed to be developed as gravel parking lots. As a part of its submittal, the Navy examined alternative parking areas and determined that potential alternatives are either located in similar degraded and isolated wetland habitat, too far from the recreation fields and community buildings they are to serve, in active antenna fields, or immediately adjacent to residential areas.

The Navy's ecologist reports in the negative determination that the project site is a severely degraded, isolated salt panne habitat type, surrounded by a sparse, low-growing pickleweed habitat type, and is dominated by non-native grasses. The site is level, drains poorly, exhibits extremely limited natural resource values, and does not support any federal or state listed species or species of concern. The degraded wetlands at and adjacent to the project site are not tidally influenced, are located 1,600 feet from the nearest water conveyance system, and lack water except during and after rainfall. These wetlands are not feasibly restorable due to their isolation and distance from tidal waters; in addition, they are located in a developed area of the NAWS (Exhibit 2). The gravel base to be spread across the two areas currently used for parking would allow rainfall to continue to percolate into the ground and would not generate off-site runoff or adverse water quality effects on the coastal zone.

Although the proposed project is located inland of and will not affect the coastal zone, the Navy is nevertheless mitigating the wetland fill associated with the project in conjunction with obtaining a Corps of Engineers Pre-Discharge Notification under Nationwide Permit Number 26 (Headwaters and Isolated Waters Discharges). In 1997 the Navy completed construction of the Point Mugu Laguna Road Wetland Restoration Project, which restored and enhanced approximately 35 acres of tidal wetlands at the former Point Mugu Public Works yard, an upland site north of Mugu Lagoon (Exhibit 2). The project returned tidal flows to the site, created mudflat, creek, and salt marsh habitat, and developed two nesting islands for the endangered California least tern; the habitats are functioning and the Navy is monitoring the site using accepted wetland restoration success criteria.

While the Navy has not yet established a formal wetland mitigation bank for this site under the Corps of Engineers' mitigation bank guidelines, the Navy is coordinating with the Corps regarding placing this restoration site into the Corps' mitigation bank program. In the interim, the NAWS's Public Works Planning Branch maintains a record of Navy development projects at the Point Mugu complex utilizing the mitigation credits established by the Laguna Road Restoration Project. In the subject proposal, the Navy proposes to mitigate the 0.94 acres of project wetlands disturbed in 1998 at a ratio of 5:1, thereby using 4.7 acres of mitigation credits from the Laguna Road Restoration Project, and will mitigate the remaining 0.43 acres of project wetlands at a ratio of 3:1, using 1.29 acres of mitigation credits. The Laguna Road Restoration Project contains sufficient credits to accommodate the six acres of mitigation credits to be used by the subject parking and road project.

The proposed development is similar to wetland alteration outlined in a 1996 negative determination submitted by the Navy for recreational and residential improvements at the NAWS. In ND-40-96, the Navy proposed filling 3.03 acres of degraded and isolated wetlands at a site outside the coastal zone approximately one-third mile further inland from the parking areas proposed in the subject negative determination. The Executive Director concurred with ND-40-96 after determining that the wetland was not restorable due to its degraded condition, its tidal and hydrologic isolation, the surrounding intensity of development, because it did not support coastal zone species such as birds, fish, or other marine organisms that migrate through the coastal zone, and because mitigation through the creation of new tidal wetlands was incorporated into the project.

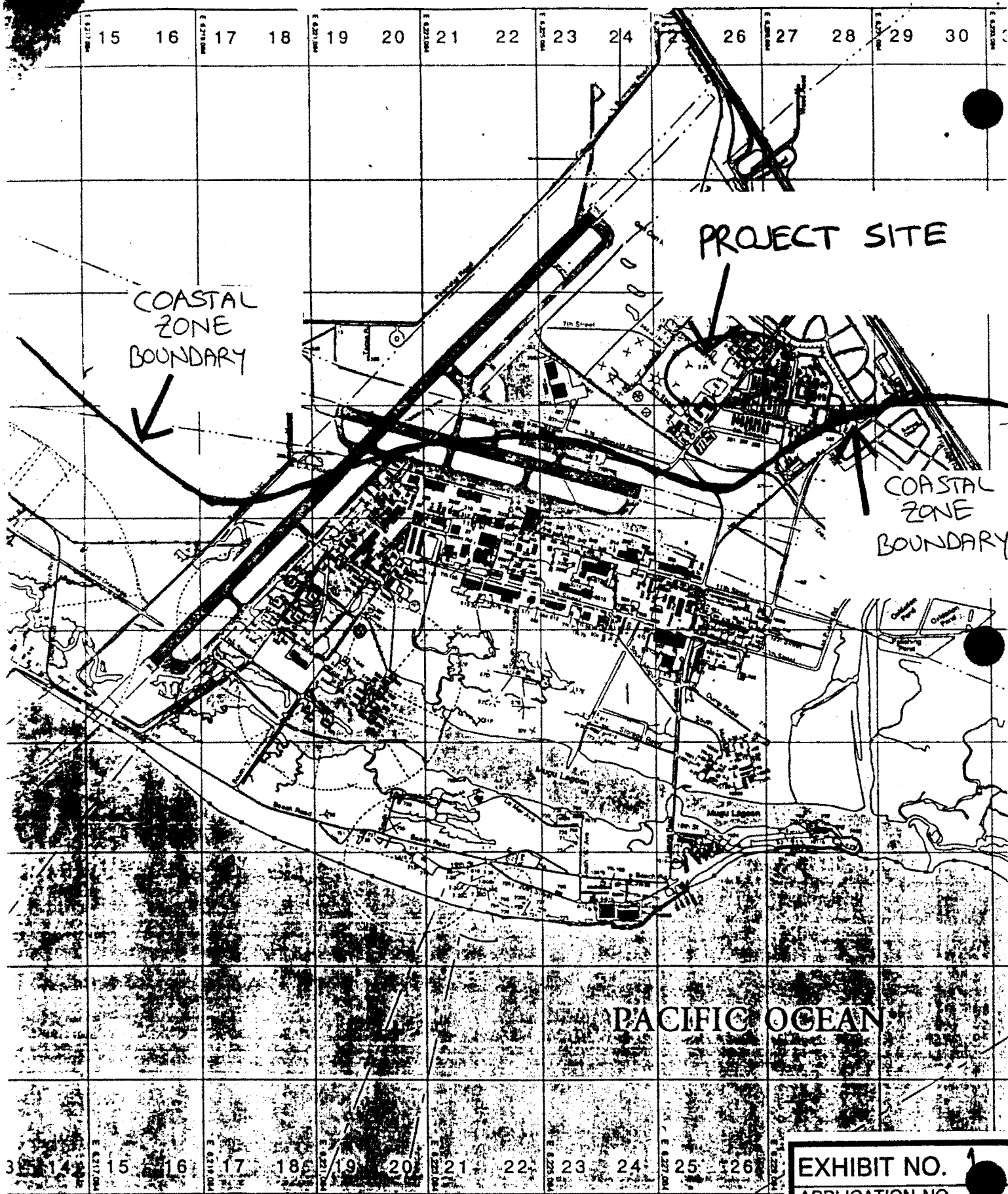
The Executive Director believes it is appropriate to concur with the subject negative determination for the same reasons. The Commission staff agrees with the Navy that the 2.36-acre project site is located outside the coastal zone because it is on federal land (which is excluded from the coastal zone) and is inland of the coastal zone boundary, that the 1.37 acres of non-tidal wetlands on the site are severely degraded, hydrologically isolated, and not feasibly restorable, and that the proposed project would not adversely affect wetlands, water quality, or other marine habitat and resources within the coastal zone. We therefore **concur** with the negative determination made pursuant to 15 CFR Section 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,



for PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
U.S. Army Corps of Engineers, Ventura
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington, D.C., Office



IF SHEET IS LESS THAN 11" X 17" IT IS A REDUCED PRINT-SCALE REDUCED ACCORDINGLY

EXHIBIT NO. 1

APPLICATION NO.

ND-2-99

California Coastal Commission

In general . . .
 No tidal inundation
 Isolated
 No presence of water
 Sparse wetland vegetation or
 dominated by non-native grasses
 Large areas of salt panne.

PROJECT
 SITE

In general . . .
 Located adjacent to large body of
 high quality wetland
 Water present/tidal flush
 Vegetated or aquatic environment
 High species diversity, including
 sensitive species

LAGUNA ROAD
 RESTORATION
 SITE

EXHIBIT NO. 2
 APPLICATION NO.
 ND-2-99

Examples of high quality and
 low quality wetlands

Wetland

0.5 0 0.5 Miles



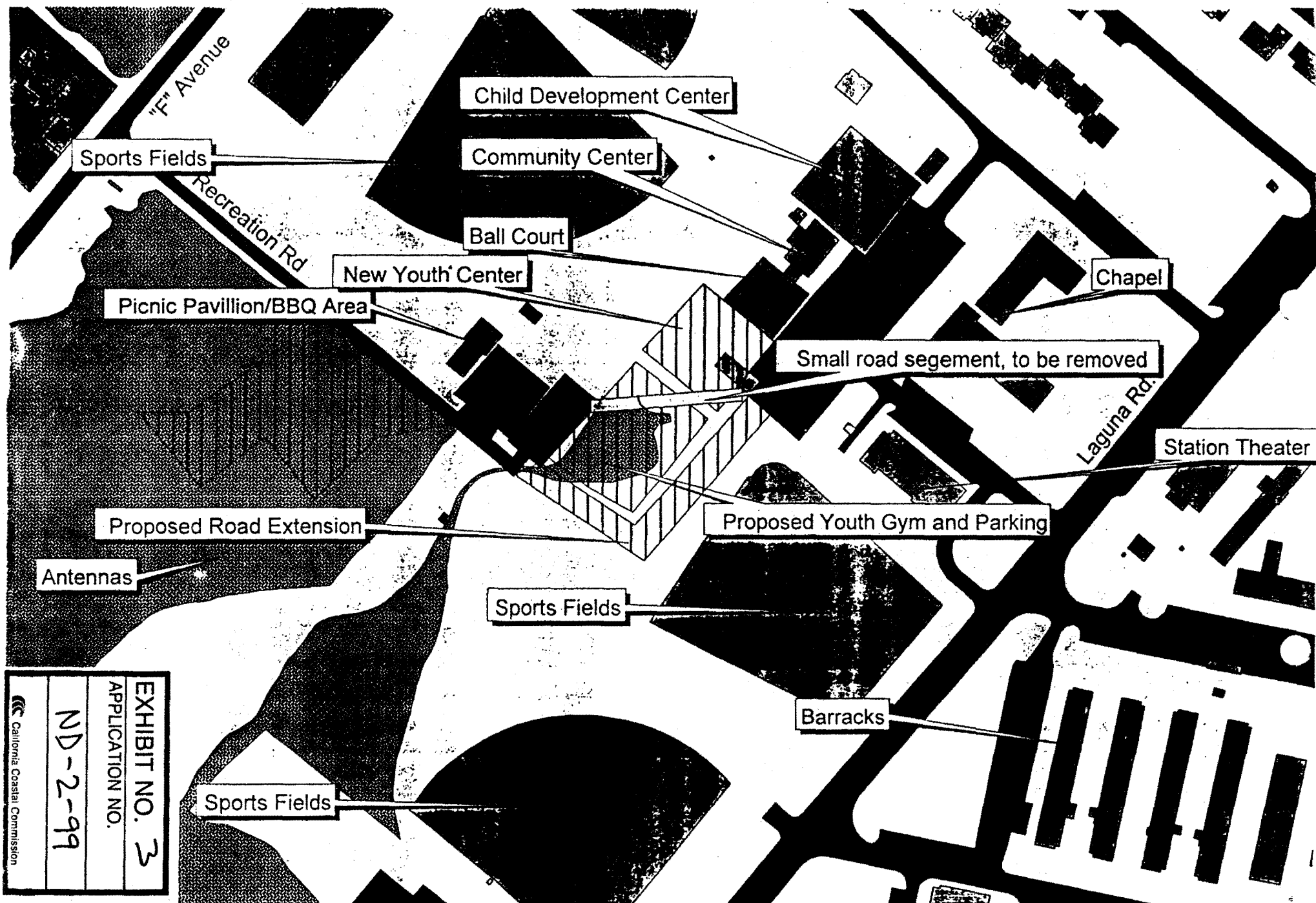
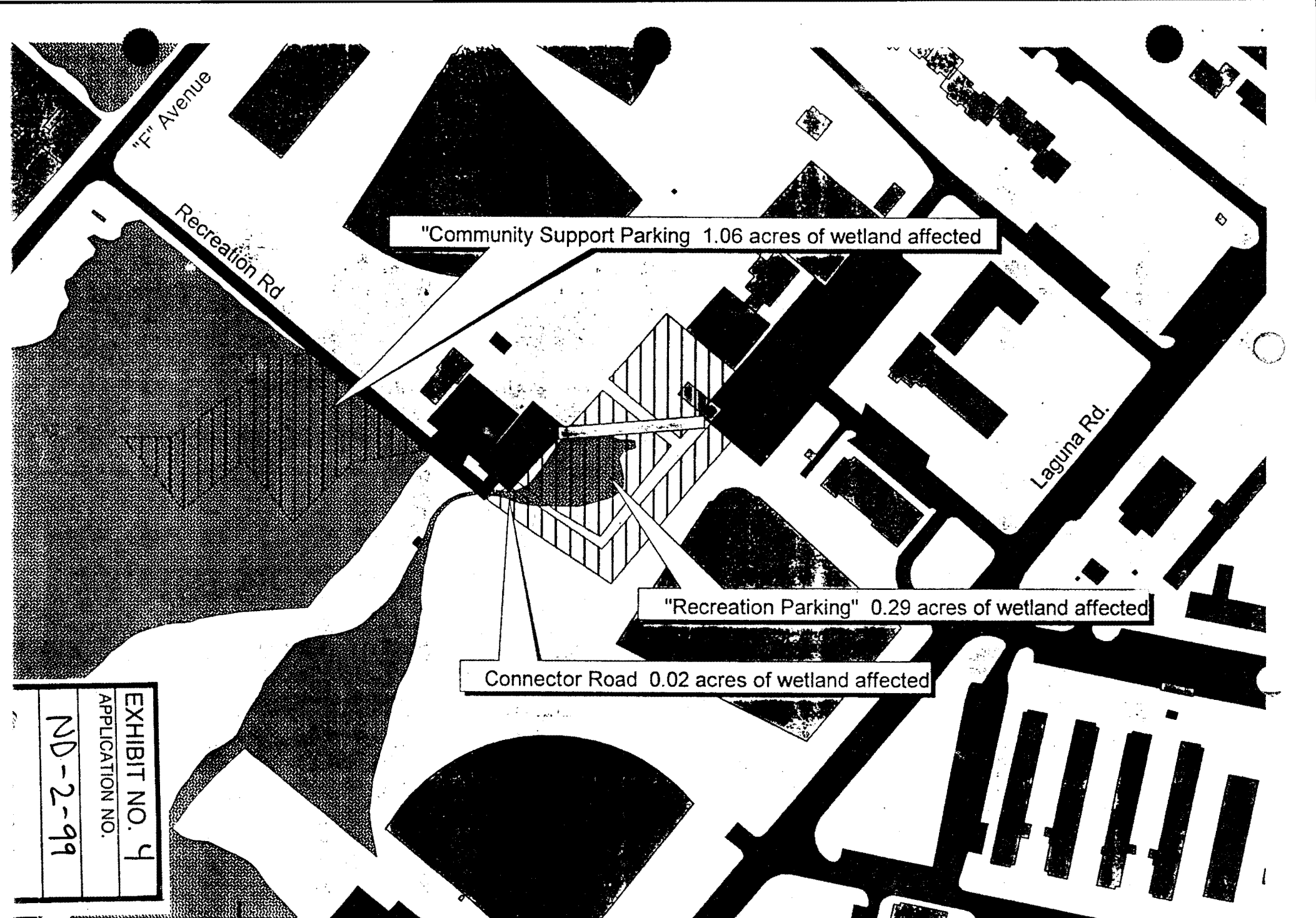


EXHIBIT NO. 3
APPLICATION NO.
ND-2-99

Existing and Future
Community Support Facilities

California Coastal Commission



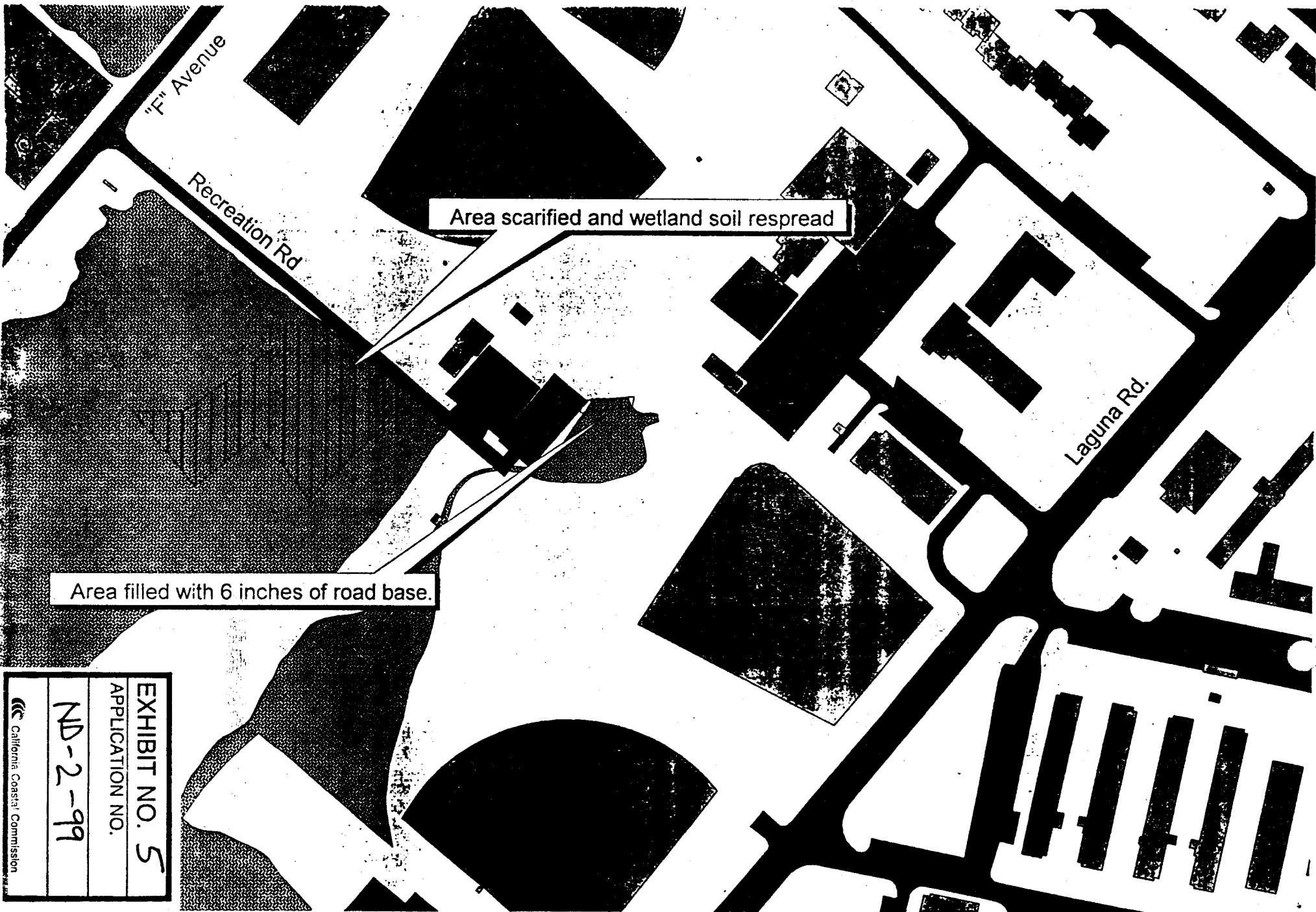
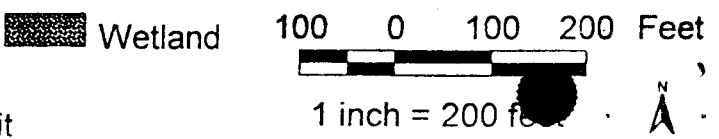


EXHIBIT NO. 5
 APPLICATION NO.
 ND-2-99
 California Coastal Commission

Wetland Areas
 Affected - pre-permit

- Existing paved roads and parking
- Gray are existing facilities
- Wetland Areas Affected - pre-permit



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45 FREMONT STREET, SUITE 2000
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June 1, 1999

Hilda Diaz-Saltier
Director, Office of Protected Resources
Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Silver Spring, MD 20910

RE: ND-39-99 Negative Determination, Designation of critical habitat for steelhead trout, various river reaches and estuarine areas in the coastal zone

Dear Ms. Diaz-Soltero:

We have received your negative determination for the designation of various critical habitat areas for steelhead trout. The locations proposed for designation are all river reaches and estuarine areas accessible to steelhead trout listed as threatened or endangered under the Endangered Species Act in coastal river basins in the following locations:

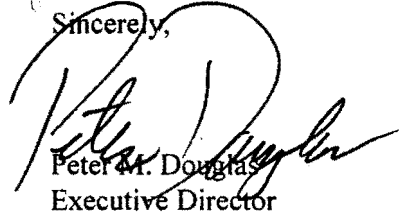
1. from the Russian River to Soquel Creek (inclusive);
2. in the Sacramento and San Joaquin Rivers and their tributaries;
3. from the Pajaro River (inclusive) to, but not including, the Santa Maria River; and
4. from the Santa Maria River to Malibu Creek (inclusive).

Critical habitat includes all waterways, substrate, and adjacent riparian zones below longstanding naturally impassable barriers. The Service's proposal for designated habitat also includes areas under the jurisdiction of the San Francisco Bay Conservation and Development Commission; however, this negative determination covers only those regions in the California coastal zone, subject to the Coastal Commission's jurisdiction.

Designation of critical habitat would not, in and of itself, restrict human activities within an area or mandate any specific management or recovery actions. No development or other habitat measures are proposed as part of the Service's negative determination. Subsequent actions which would restrict public activities would need future Commission review. Under federal consistency regulations (Section 930.35(d), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." This project is similar to a consistency determination designating critical habitat for coho salmon in Central and Northern California, which the Commission concurred with in CD-173-97.

We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5270 if you have any questions.

Sincerely,



Peter M. Douglas
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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June 7, 1999

Lynda J. Roush
Bureau of Land Management
Arcata Resource Area
1695 Heindon Road
Arcata, CA 95521-4573

RE: **ND-040-99**, Negative Determination for the construction of a new parking area and trailhead at Black Sands Beach, Shelter Cove, Humboldt Co.

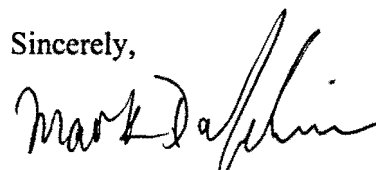
Dear Ms. Roush:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes construction of a new parking area and trailhead at Black Sands Beach. The proposed facility consists of a paved parking area to accommodate 40 vehicles, a 500 square-foot restroom with flush toilets, drinking water pedestrian paths to a scenic overlook, minimally intrusive lighting, emergency phone, landscaping, and paved access road. Additionally, at the end of Beach Road (below the proposed parking area), BLM will construct an overflow parking area with handicapped parking. Finally, BLM proposes to upgrade the existing access trail to the beach by placing compacting gravel on it.

After a thorough review, the Commission staff has concluded that the proposed project will not significantly affect coastal resources. The purpose of the project is to improve public access to the shoreline and recreational use of the area. Therefore, the project will have a beneficial effect on public access and recreational resources. The proposed project site was previously graded and does not contain any environmentally sensitive habitat. In order to avoid impacts to the water quality of nearby streams, the BLM proposes to collect runoff water in a drain that contains a filter and discharge it into an area containing geofabric and vegetation for energy dissipation and pollution absorption. The North Coast Regional Water Quality Control Board recommended these measures as a method to minimize non-point source pollution.

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,

(fw) 
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



June 21, 1999

James M. Wilson
Director, Environmental and Natural Resources
Department of the Army
ATTN: Melissa Hlebasko
P.O. Box 5004
Monterey, CA 93944-5004

Subject: Negative Determination ND-43-99 (Motor Pool Soil Contamination Investigation,
Presidio of Monterey)

Dear Mr. Wilson:

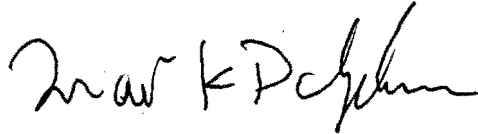
The Coastal Commission staff has reviewed your negative determination for investigation of potential soil contamination at the former motor pool in the Lower Presidio area of the Presidio of Monterey. The Army reports that spills and discharges of hazardous materials or wastes (such as solvents, lubricants, and fuels) may have occurred when the motor pool was operational. As a result, an investigation of potential contamination at this site is proposed in order to assess whether remedial action is necessary to protect human health and the environment. The proposed activity involves collecting soil samples from 16 soil borings for chemical analysis, excavating soil and investigating soil conditions at the vehicle lift, pump island, and oil/water separator sites, and demolishing Building 124. Soil samples will be collected in areas where releases of hazardous materials are likely to have occurred.

The Environmental Analysis prepared for the contamination investigation concluded that the proposed activities will not affect the coastal zone. Drilling of soil borings and soil excavation will not affect sensitive habitat or species at this existing developed area. The Army states that potential impacts to cultural resources will be minimized by providing archaeological monitoring of intrusive field activities and by recovering any significant cultural material that might be exposed. Adverse effects to cultural resources will be resolved through a memorandum of agreement that was executed among the Army, State Historic Preservation Office, and the Advisory Council on Historic Preservation.

The Coastal Commission staff agrees that the proposed investigation of potential soil contamination at the former motor pool at the Presidio of Monterey will not adversely affect the

coastal zone. 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,



(for)

PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
California Department of Water resources
Governor's Washington, D.C., Office

g/land use/federal consistency/negative determination/1999/043-99

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

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May 25, 1999

Kim Forrest
Fish and Wildlife Service
Humboldt Bay National Wildlife Refuge
1020 Ranch Road
Loleta, CA 95551

RE: **ND-045-99**, Negative Determination for the construction of a headquarters office building for the Humboldt Bay National Wildlife Refuge

Dear Ms. Forrest:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes construction of a 3,600 square-foot headquarters office building and visitor center for the Humboldt Bay National Wildlife Refuge. The facility will be located on the Salmon Creek Unit of the refuge in the community of Loleta. The proposed building will include seven offices, a multi-purpose conference room, lobby and reception area, restrooms, storage areas, observation deck, mechanical and electrical control room, and landscaping with native plants. The project will be constructed on an approximately ½ acre disturbed site. The site previously supported a barn that burned down 20 years ago. The site now includes the old concrete barn foundation, exotic plants, and noxious weeds.

The proposed project does not affect resources of the coastal zone. The project site was previously developed and does not support any environmentally sensitive habitat or wetland resources. The project will provide for public use of and education on the wildlife refuge, and therefore, supports public access and recreational resources. The project is located in an area that contains other development including a house, shop, barn, horse barn, and three storage buildings and is the location of the existing refuge headquarters (existing house). The building is physically and architecturally consistent with the other development on the site. Therefore, it will not affect existing land uses or visual 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 James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Douglas".
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 21, 1999

Ken Terrill
Director of Housing
Redwood Community Action Agency
904 G Street
Eureka, CA 95501

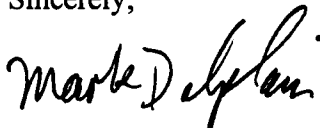
RE: **NE-046-99**, No-Effects Determination for review of federal assistance for the purpose of funding repair and maintenance activities on existing housing units in the City of Eureka, Humboldt County.

Dear Mr. Terrill:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. According to your no-effects letter, the City of Eureka has received a \$500,000 HOME Grant that includes federal funds to undertake approximately 26 housing rehabilitation projects in the City of Eureka. This rehabilitation work is designed to eliminate existing health and safety problems as well as structural repairs through low interest loans. There will be no new construction other than the possibility of single bedroom additions in severely overcrowded conditions. At this funding phase, no specific development plans are available. Additionally, any development funded by this program will be subject to review by City of Eureka and may require a coastal development permit.

At this phase of the development, the project does not raise any significant coastal issues. The funds will be used to maintain and improve existing development in an already developed area. Therefore, the project will not affect coastal growth patterns, visual resources, existing recreation resources, or habitat resources. 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.

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 21, 1999

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

Attn: Jim Watkins

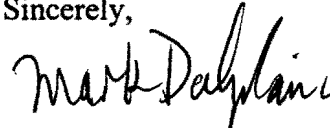
RE: **ND-048-99**, Negative Determination for the construction of temporary
exclosures to protect snowy plover nests, Eel River Wildlife Management Area,
Humboldt County.

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 within the Eel River Wildlife Management Area, Humboldt County. The exclosures will meet the following specifications: square exclosures with sides 12.5 feet long 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 three 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 27, 1999

Gary Ruggerone
California Department of Transportation
Environmental Planning
50 Higuera Street
San Luis Obispo, CA 93401-5415

Attention: Angela Watkins

RE: **NE-049-99**, No-Effects Determination for the replacement of steel risers on
Highway 101 at Canada del Corral Creek, Post Mile 35.2, Santa Barbara County.

Dear Mr. Ruggerone:

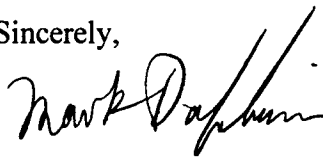
The Coastal Commission staff has reviewed the above-referenced consistency submittal. The proposed project includes the replacement of failed steel risers on Canada del Corral Creek and Highway 101, Post Mile 35.2, Santa Barbara County. Caltrans proposes to abandon the existing culverts feeding the arch culvert and backfilling them with concrete slurry. A new riser will be erected to drain the roadway by auguring down the arch culvert from the highway median. All work will be accessed through the arch culvert.

The proposed project will not affect resources of the coastal zone. All work will be completed within an existing culvert. Additionally, the project will not require the removal of vegetation. Finally, to avoid impacts to the steelhead trout, Caltrans agreed to the following conditions recommended by the National Marine Fisheries Service:

1. Construction activities shall be limited to periods of low flow;
2. If it becomes necessary to divert flow around the work area, then a temporary, partial stream diversion plan shall be implemented;
3. No drilling spoils shall enter flowing water.

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.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

May 27, 1999

NE-049-99

Page 2

cc: South Central Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Jim Mace, Corps of Engineers

PMD/

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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May 27, 1999

Bill Teas
City of Oceanside
Community Service Department
Civic Center
300 North Coast Highway
Oceanside, CA 94054-2885

Applicant: **City Of Oceanside**
Project: **Extension of Rancho del Oro**
Location: **Between Oceanside Blvd. And Mesa Drive, east of El Camino Real, Oceanside, Oceanside**

Coastal Commission File No: **NE-050-99**

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.

Sincerely,



James R. Raives
Federal Consistency Staff

cc: San Diego Coast Area Office
Corps of Engineers, San Diego Field Office

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
200 Oceangate, 10th Floor
Long Beach, CA 90802-4325
Tel. No. (310) 590-5071

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
South Coast Area Office
Ports Coordinator
200 Oceangate, 10th Floor
Long Beach, CA 90802-4325
Tel. No. (310) 590-5071

CALIFORNIA COASTAL COMMISSION

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



June 3, 1999

William Normark
Coastal and Marine Geology Team, MS 999
United States Geological Survey
345 Middlefield Rd.
Menlo Park, CA 94025

RE: **ND-51-99** Negative Determination, United States Geological Survey (USGS), seismic survey, Southern California offshore waters

Dear Mr. Normark:

The Coastal Commission staff has received the above negative determination for a two-week seismic survey to map subsea earthquake faults and aquifers between Point Dume in Los Angeles County and the U.S./Mexican Border. On May 11, 1999, the Coastal Commission objected to USGS' previously-submitted consistency determination for this survey (CD-32-99). The Commission's objection was based on concerns over effects on marine mammals from surveying during nighttime hours (when visibility reduces the effectiveness of implementing monitoring and avoidance measures). The Commission informed USGS that if it would resubmit the project deleting nighttime surveying, it could be authorized by the Executive Director as a negative determination.

USGS has modified the project in response to the concerns raised by the Commission. The modifications include:

1. The survey will not operate within the 3 mile limit of State waters.
2. A safety zone of 100 meters will be observed for all marine mammals, including pinnipeds, odontocetes and mysticetes.
3. The airgun source will not be operated during nighttime periods when darkness limits observation of mammals within the safety zone.

USGS would still use the lower-intensity (and higher frequency) Hunttec source at night, but not the airgun. The Hunttec source would be towed at a 100 meter depth, and the horizontal and upward spreading of sound from this source is minimal (i.e., it is a fairly highly directionally-oriented source, compared to an airgun, with its more uniform sound spreading). In addition, USGS has provided a "mean spectral analysis" which shows that the predominant frequency of the Hunttec source is in the 3 kHz (kiloHertz) to 5 kHz range, with very little power in the low frequency (i.e., below 1 kHz) range. It is the low frequency range which typically raises the greatest level of concern over marine mammal harassment¹. The Hunttec source fits into the class

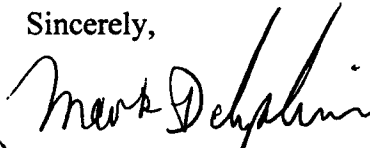
¹ Richardson, W. J., C. R. Greene, et al. (1995). Marine Mammals and Noise. New York, Academic Press.

of sonars characterized as a "bottom profiler." Bottom profilers are commonly used in the marine environment, generally operate within the frequency range of 0.4 – 30 kHz², and, based on current human understanding of anthropogenic sounds, are not a type of sonar that have raised significant environmental concerns to date.

Most of the current concern over noise impacts on marine mammals has focused on low frequency sound, primarily because it travels so much farther in the marine environment. Higher frequency sounds are common but have not been studied or, to date, raised significant environmental concerns. Richardson et al. (see footnote 2 below) states: "The disturbance and physical effects of sonars on marine mammals deserve more study, given the wide use of sonars, the high power of some units, and paucity of relevant data." Nevertheless, given the absence of data at this time that would lead to concerns over this type of sonar, the Commission staff believes the Hunttec source does not raise similar concerns as the airgun and believes it is appropriate to authorize its use at night. This position could change in the context of future surveys if new information were to disclose potential adverse reactions from this type of sonar use.

In conclusion, the Coastal Commission staff agrees that, as modified in accordance with Commission direction, and with the marine mammal and other resource protection measures as discussed in CD-32-99 still included, the project is consistent with the California Coastal Management Program. Therefore, under the authority delegated to its staff by the Commission on May 11, 1999, we hereby **concur** with your negative determination for this modified project 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: Long Beach and San Diego Area Offices
Michael Fisher, USGS
Jon Childs, USGS
NOAA Assistant Administrator
OCRM
Department of Water Resources
Governor's Washington D.C. Office
NMFS (Ken Hollingshead)

² Low-frequency Sound and Marine Mammals: Current Knowledge and Research Needs, Committee on Low-frequency Sound and Marine Mammals, Ocean Studies Board, Commission on Geosciences, Environment, and Resources, National Research Council, March 21, 1994.

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



May 28, 1999

Kim Forrest
U.S. Fish and Wildlife Service
Humboldt Bay National Wildlife Refuge
1020 Ranch Road
Loleta, CA 95551

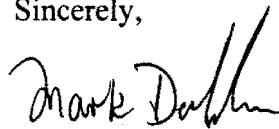
RE: **ND-052-99**, Negative Determination by U.S. Fish and Wildlife Service for the acquisition of Eureka Slough Wildlife Area, currently owned by Department of Fish and Game, Eureka.

Dear Ms. Forrest:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service proposes to acquire the Eureka Slough Wildlife Area, which is currently owned by the California Department of Fish and Game. The purpose of the transfer is to simplify management of the area. The Department's site consists of 3.59 acres of saltmarsh habitat. The Department does not own any other property in the immediate vicinity of the slough. The Service, however, owns 100 acres of saltmarsh immediately adjacent to the Department's property. The proposed acquisition will place most of the slough under one management agency. The acquisition will not change the site's land use or management priorities, which is primarily for the protection of wildlife habitat. Public access to the site is not currently available because the only vehicular access to the area is on Highway 101 where there is no safe place to park or safe way to cross the highway. Therefore, the project will not affect public access 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 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

PMD/