

**CALIFORNIA COASTAL COMMISSION**

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



# Th 10

**DATE:** July 22, 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-034-99
APPLICANT:	Santa Barbara County Flood Control
LOCATION:	San Ysidro Creek, Summarland area, Santa Barbara Co.
PROJECT:	San Ysidro Creek Maintenance
ACTION:	No effect
ACTION DATE:	6/30/99

PROJECT #:	NE-036-99
APPLICANT:	San Luis Obispo County
LOCATION:	Old Creek Rd., Cayucos, San Luis Obispo Co.
PROJECT:	Road Repair, Site M380
ACTION:	No effect
ACTION DATE:	7/9/99

PROJECT #:	ND-038-99
APPLICANT:	Navy
LOCATION:	Naval Post Graduate School, Monterey, and offshore waters
PROJECT:	Fiber optic cable and oceanographic instrumentation device
ACTION:	Concur
ACTION DATE:	7/9/99

PROJECT #:	ND-054-99
APPLICANT:	Fish and Wildlife Service
LOCATION:	Public beaches in northern California
PROJECT:	General approval for placement of exclosures around snowy plover nests
ACTION:	Concur
ACTION DATE:	6/24/99

PROJECT #:	ND-056-99
APPLICANT:	Air Force
LOCATION:	Pillar Point Air Force Station, San Mateo Co.
PROJECT:	Repair of access road, curb, fence, and related facilities
ACTION:	Concur
ACTION DATE:	7/1/99

PROJECT #:	ND-058-99
APPLICANT:	Marine Corps
LOCATION:	Camp Pendelton Marine Corps Base, San Diego Co.
PROJECT:	Construction of a 25,470 square foot concrete and masonry two-story building
ACTION:	Concur
ACTION DATE:	6/25/99

PROJECT #:	ND-059-99
APPLICANT:	Marine Corps
LOCATION:	Camp Pendelton Marine Corps Base, San Diego Co.
PROJECT:	Construction of an addition to an existing armory
ACTION:	Concur
ACTION DATE:	6/24/99

PROJECT #:	NE-061-99
APPLICANT:	Coastal San Luis Resource Conservation District
LOCATION:	Chorro Creek near Morro Bay, San Luis Obispo Co.
PROJECT:	Instream habitat improvements
ACTION:	No effect
ACTION DATE:	6/30/99

PROJECT #:	ND-062-99
APPLICANT:	Marine Corps
LOCATION:	Del Mar Area, Camp Pendelton Marine Corps Base
PROJECT:	Construction of MEF Command Operations Center
ACTION:	Concur
ACTION DATE:	6/25/99

*H drive: ND/August ND/REPORT*

*G drive: LU/FC/Staff Reports/1999/August ND REPORT*

## CALIFORNIA COASTAL COMMISSION

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



June 30, 1999

Karl Treiberg  
Santa Barbara County Flood Control  
123 E. Anapamu Street  
Santa Barbara, CA 93101

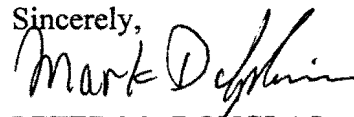
RE: NE-034-99, No-Effects Determination for the San Ysidro Creek Maintenance Project, Summerland area, Santa Barbara County.

Dear Mr. Treiberg:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed flood-control maintenance activities on San Ysidro Creek include removal of obstructive vegetation, downed trees, and invasive non-native vegetation, relocation of rock to the toe of an eroding bank, and revegetation of eroded areas. Most of the project is located inland of the coastal zone boundary and will not affect resources of the coastal zone. Specifically, the proposed project will not affect any rare or sensitive wildlife or plant species including steelhead trout and California red-legged frog. Additionally, the project does not include removal of sediment from the creek and will not affect sand supply resources. A portion of the project is located within the coastal zone and subject to the coastal development permit requirements of Santa Barbara County. Since that permit is appealable to the Commission and the project does not significantly affect coastal resources or raise coastal issues of greater than local concern, the Coastal Commission staff declines to assert federal consistency jurisdiction over this project.

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: 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

## CALIFORNIA COASTAL COMMISSION

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



July 9, 1999

Jill Ogren  
San Luis Obispo County  
Engineering Department  
County Government Center  
San Luis Obispo, CA 93408

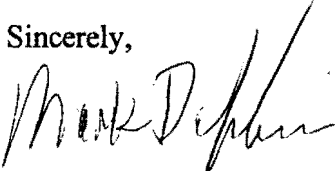
RE: **NE-036-99**, No-Effects Determination for the repair of Old Creek Road at Site M380, Cayucos, San Luis Obispo County.

Dear Ms. Ogren:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed repair of Old Creek Road, at Site M380 near Cayucos, San Luis Obispo County, includes the placement of ½ ton sized rock slope protection at the base of the bank of Old Creek and up 7.5 feet. A three by three-foot key will be excavated for the rock and a vegetated rip rap design will be used. During construction, the County will use a dam to divert water flows. The dam will be completely removed after completion of the project. The project is necessary to repair storm damage to the bank of the road.

The proposed project is located adjacent to Old Creek. This portion of the creek provides habitat for both the red-legged frog and the tidewater goby, federally listed species. However, the Fish and Wildlife Service has issued a general Section 7 consultation report for both of these species in this area. The proposed project will be constructed in a manner consistent with those general Section 7 consultations. Additionally, the proposed project requires a coastal development permit from San Luis Obispo County. However, the project is within the area where locally issued coastal development permits are appealable to the Commission. In this case, if the project raises any Coastal Act issues, the Commission can address them through the appeal's process. Therefore, the Commission staff concludes that a separate federal consistency review is not necessary. The Staff, therefore, **waives** the requirement for a federal 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

July 9, 1999  
ND-036-99  
Page 2

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  
Phelicia Gomes, Corps of Engineers

PMD/JRR

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



July 9, 1999

Edward Thornton  
Naval Post Graduate School  
Oceanography Department  
1 University Circle  
Monterey, CA 93943-5000

RE: **ND-038-99**, Negative Determination for the Fiber optic cable and oceanographic instrumentation device, Naval Post Graduate School, Monterey, and offshore waters

Dear Professor Thorton:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to install oceanographic instrumentation into Monterey Bay. The instrumentation consists of a fiber optic and power supply cable connecting the instruments to the Rapid Environmental Assessment Laboratory located in the old sewer control building on Naval Post-Graduate School property seaward of Del Monte Boulevard. The instruments will be located one kilometer offshore and will consist of the following devices:

1. A precision pressure transducer to measure waves and tides;
2. An acoustic Doppler profiler to measure current and wave profiles to the surface;
3. An underwater video camera to measure the small-scale bedforms at the site;
4. A hydrophone receiver to measure the ambient noise on the inner shelf in response to wave breaking and atmospheric forcing;
5. Underwater power/data terminus.


These devices will be mounted on poles jettied into the seabed extending up to 1.2 meters (four feet) from the bed.

The proposed project will not affect coastal resources. The Navy has agreed to use an existing trench constructed by the City of Monterey through dune habitat or to hire dune biologists to aid in cable routing and revegetation. With this modification, the project will not affect dune habitat. The cable will be placed on soft-bottom marine habitat and routed to avoid rocky subtidal habitat. Through natural shoreline processes, the cable will be buried. As sited and designed, the proposed project will not affect marine habitat. The proposed project will not affect commercial or recreational fishing because the instruments are placed in an area that has very little fishing (there is no trawl fishing within state waters and hook and line and trap fisheries will not be affected) and the cable will naturally be buried. Additionally, the proposed project will not affect whales.

Scientists have documented injuries to whales from cables on the ocean floor. In this case, however, the cable extends only a short distance offshore and is in relatively shallow water. The only species of whale potentially affected by the project is the California gray whale. That species is known to forage on the ocean floor and could potentially be tangled in the cable. However, the gray whale generally does not forage during its migration. Therefore, the placement of a cable on the ocean floor, in this case, will not affect the gray whale. Finally, the project will have temporary and minor affects on public beach use during installation of the cable across the public beach. Since the cable will be installed without the use of mechanized equipment, buried in the sand, and completed within one day, the project's effect on recreational resources will not be significant.

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,

  
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

PMD/MPD



## CALIFORNIA COASTAL COMMISSION

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



June 24, 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-054-99**, Negative Determination for the construction of temporary  
exclosures to protect snowy plover nests in Mendocino, Humboldt, and Del Norte  
Counties.

Dear Mr. Halstead:

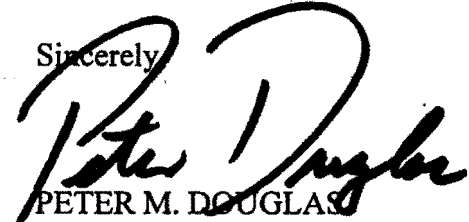
The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes construction of temporary exclosures to protect snowy plover nests within publicly owned beaches within Mendocino, Humboldt, and Del Norte Counties. The exclosures will meet 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. 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

and the Service has committed to avoiding impacts to lateral and vertical accessways. Additionally, the Service will not use mechanized equipment to install the exclosures, except for trucks to transport equipment and personnel to the site. Finally, the access and visual impacts will be minor because 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,



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/JRR

## CALIFORNIA COASTAL COMMISSION

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



July 1, 1999

James Johnston, Environmental Planner  
Dept of the Air Force  
30 CES/CEV  
806 13<sup>th</sup> St., #16  
Vandenberg AFB, CA 93437-5242

Re: **ND-056-99** (Air Force, Landslide Repair, Vandenberg Air Force Base, Pillar Point Annex, San Mateo County)

Dear Mr. Johnston:

We have received the above referenced negative determination for the repair and maintenance of Air Force facilities at Pillar Point. The project is necessary to repair damage from landslides and cliff retreat, and to continue safe use of facilities at Pillar Point. The proposed project involves realigning the northern portion of Loop Road, modifying the intersection of southern Loop Road and the access road to Building 212, and monitoring Building 17 for possible future demolition.

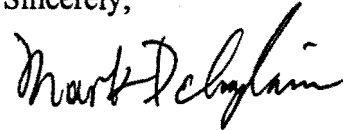
The northern portion of Loop Road will be reconstructed to the south of the existing road, outside of the landslide area. A retaining wall, approximately 8-15 ft. high, will be constructed along the south side of the road. The wall will be revegetated with native plants and/or designed to avoid visual impacts from the public beach to the north. All areas of disturbance will be recontoured and hydroseeded.

Although the Air Force's proposal originally included partial demolition of Building 17, the Air Force now states that the building will not be demolished, but will be monitored. The Air Force anticipates that the building may need to be demolished within several decades. Therefore, this negative determination does not cover the demolition of Building 17.

No species listed under the Endangered Species Act will be affected by the project. Water resources will be protected by limiting construction activities to the dry season and using Best Management Practices to assure adequate erosion control measures. Public access to the beach will not be affected by the project.

We agree with your conclusion that the project will not affect coastal zone resources. 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,



(for) Peter M. Douglas  
Executive Director

cc: North Coast Area Office  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
OCRM  
Dept of Water Resources  
Governor's Washington D.C. Office

## CALIFORNIA COASTAL COMMISSION

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



June 25, 1999

R.E. Kinder, Major  
U.S. Marine Corps  
Deputy, Assistant Chief of Staff  
Environmental Security  
Box 555010  
Camp Pendleton Marine Corps Base  
Camp Pendleton, CA 92055-5010

Attn: Patricia Martinez

RE: **ND-58-99** Negative Determination, U.S. Marine Corps, Development/Testing Facility, MCTSSA Area, Camp Pendleton Marine Corps Base, San Diego Co.

Dear Major Kinder:

We have received your negative determination for the construction of a 25,470 sq. ft., two-story building and ancillary parking and storage lots, within the Marine Corps Tactical Systems Support Activity (MCTSSA) area of Camp Pendleton. The project would be seaward of Interstate 5 (I-5), and located within an existing developed area of the base. The project would replace 64 temporary trailers currently at the site. The project would be sited adjacent to comparably-sized or larger development, and would therefore would not affect any scenic coastal views. The project site is not located near any environmentally sensitive habitat areas. Runoff will be controlled through, among other things, use of nonstructural Best Management Practices, and the project would not adversely affect water quality.

Therefore, we **agree** that the proposed project will not affect any coastal zone resources, and we **concur** with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Delaplaine", written over a horizontal line.

for **PETER M. DOUGLAS**  
Executive Director

Page 2

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

058-99 pendleton

## CALIFORNIA COASTAL COMMISSION

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



June 24, 1999

R.E. Kinder, Major  
U.S. Marine Corps  
Deputy, Assistant Chief of Staff  
Environmental Security  
Box 555010  
Camp Pendleton Marine Corps Base  
Camp Pendleton, CA 92055-5010

Attn: Patricia Martinez

RE: ND-59-99 Negative Determination, U.S. Marine Corps, Armory Expansion, Del Mar Area, Camp Pendleton Marine Corps Base, San Diego Co.

Dear Major Kinder:

We have received your negative determination for the construction of an 11,018 sq. ft., one-story building and parking lot, which would be an addition to an existing armory in the Del Mar Area of Camp Pendleton. The project would be seaward of Interstate 5 (I-5), and located within an existing developed area of the base. The project would be located below the highway and adjacent to comparably-sized or larger development, and would therefore would not affect any scenic coastal views. The project site is not located near any environmentally sensitive habitat areas. Runoff will be controlled through, among other things, use of nonstructural Best Management Practices, and the project would not adversely affect water quality.

Therefore, we **agree** that the proposed project will not affect any coastal zone resources, and we **concur** with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

Page 2

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

059-99 pendleton



## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

• VOICE AND TDD (415) 904-5200



June 30, 1999

Malcolm McEwen  
545 Main Street, Suite B-1  
Morro Bay, CA 93442

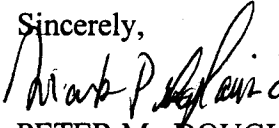
RE: NE-061-99, No-Effects Determination for the in-stream habitat improvements,  
Chorro Creek, San Luis Obispo County.

Dear Mr. McEwen:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes the placement of rock wing deflectors, mid-stream boulder clusters, root wads, and digger logs. This project will add complexity and in-stream cover to the creek and help develop narrower stream cross-section and sort substrate. The purpose of the project is to improve the steelhead trout habitat within the creek. The project will have minor impacts on vegetation, fish, and wildlife resources during construction. However, the benefits from the project will mitigate for any construction related impacts. Therefore, the project will not adversely affect habitat resources of the coastal zone. Additionally, the project will restore the stream to its more natural conditions and will improve the visual quality of the resource.

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: Central Coast Area Office  
OCRM  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
Department of Water Resources  
Governor's Washington D.C. Office  
Phelicia Gomes, Corps of Engineers, Ventura Field Office



## CALIFORNIA COASTAL COMMISSION

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



June 25, 1999

R.E. Kinder, Major  
U.S. Marine Corps  
Deputy, Assistant Chief of Staff  
Environmental Security  
Box 555010  
Camp Pendleton Marine Corps Base  
Camp Pendleton, CA 92055-5010

Attn: Patricia Martinez

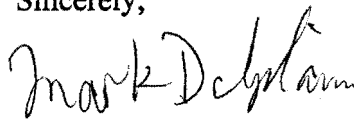
RE: **ND-62-99** Negative Determination, U.S. Marine Corps, MEF Command Operations Center, Del Mar Area, Camp Pendleton Marine Corps Base, San Diego Co.

Dear Major Kinder:

We have received your negative determination for the construction of a two-story structure with adjacent parking and storage lots, within the Del Mar area of Camp Pendleton. The project would be seaward of Interstate 5 (I-5), and located within an existing developed area of the base. The project site is on the site of a previously-existing but demolished building, and has also been used for parking and storage. The project is needed because the current MEF headquarters is out of compliance with fire and other security codes. The project would be sited adjacent to comparably-sized or larger development, and would therefore would not affect any scenic coastal views. The project site is not located near any environmentally sensitive habitat areas. Runoff will be controlled through, among other things, use of nonstructural Best Management Practices, and the project would not adversely affect water quality.

Therefore, we **agree** that the proposed project will not affect any coastal zone resources, and we **concur** with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

(for)   
PETER M. DOUGLAS  
Executive Director

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

062-99 pendleton