

**CALIFORNIA COASTAL COMMISSION**

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



# Tu 9

**DATE:** August 25, 1999

**TO:** COASTAL COMMISSIONERS  
AND INTERESTED PARTIES

**FROM:** MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

**RE:** NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE  
DIRECTOR [Note: Executive Director decision letters are attached]

<b>PROJECT #:</b>	NE-041-99
<b>APPLICANT:</b>	Bixby Ranch Company
<b>LOCATION:</b>	The Market Place, between Westminster Ave. and San Gabriel River, Long Beach, Los Angeles Co.
<b>PROJECT:</b>	Road extensions, Shopkeeper and Studebaker Roads
<b>ACTION:</b>	Object (needs c.d.p.)
<b>ACTION DATE:</b>	8/9/99

<b>PROJECT #:</b>	ND-063-99
<b>APPLICANT:</b>	National Park Service
<b>LOCATION:</b>	Cabrillo National Monument, Point Loma, San Diego
<b>PROJECT:</b>	Relocation of entrance station
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	8/17/99

<b>PROJECT #:</b>	NE-066-99
<b>APPLICANT:</b>	Santa Barbara County Flood Control
<b>LOCATION:</b>	Santa Barbara County
<b>PROJECT:</b>	Annual routine maintenance of flood-control facilities
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	7/28/99

<b>PROJECT #:</b>	NE-068-99
<b>APPLICANT:</b>	Redwood Community Action Agency
<b>LOCATION:</b>	City of Eureka. Humboldt Co.
<b>PROJECT:</b>	Housing acquisition and rehabilitation program
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	8/11/99

PROJECT #:	ND-071-99.
APPLICANT:	HUD
LOCATION:	Table Bluff Rancheria, Humboldt Co.
PROJECT:	Construction of 6 new houses
ACTION:	Concur
ACTION DATE:	8/12/99

PROJECT #:	ND-072-99
APPLICANT:	Marine Corps
LOCATION:	Camp Pendelton Marine Corps Base, San Diego Co.
PROJECT:	Construction of military vehicle maintenance facility
ACTION:	Concur
ACTION DATE:	7/19/99

PROJECT #:	ND-073-99
APPLICANT:	Coast Guard
LOCATION:	Coast Guard Station, Humboldt Bay
PROJECT:	Use of beach nourishment material as shoreline protection
ACTION:	Concur
ACTION DATE:	8/13/99

PROJECT #:	ND-074-99
APPLICANT:	FAA
LOCATION:	Saddle Peak Mountain, Santa Monica Mountains
PROJECT:	Construction of a telecommunications tower
ACTION:	Concur
ACTION DATE:	7/20/99

PROJECT #:	NE-076-99
APPLICANT:	City of San Marcos
LOCATION:	Oceanside, San Diego Co.
PROJECT:	Oceanside-Escondido Bikeway Project
ACTION:	No effect
ACTION DATE:	8/17/99

PROJECT #:	NE-082-99
APPLICANT:	Carpinteria Sanitary District
LOCATION:	Carpinteria, Santa Barbara Co.
PROJECT:	Relocation of sewage pipe
ACTION:	No effect
ACTION DATE:	8/17/99

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FAX (415) 904-5400



August 19, 1999

Stephanie R. Scher  
Kane, Ballmer & Berkman  
515 South Figueroa Street, Suite 1850  
Los Angeles, CA 90071

Subject: NE-41-99 (Proposed Extension of Studebaker and Shopkeeper Roads (CESPL-CO-R-98-00636-PMG), City of Long Beach, Los Angeles County).

Dear Ms. Scher:

The Coastal Commission staff received your April 27, 1999, request for federal consistency review and a finding from the Commission that the above-referenced project is consistent with the California Coastal Management Program (CCMP). The proposed project involves the construction of a roadway to extend Shopkeeper Road by 760 feet and Studebaker Road by 730 feet, and includes placing fill in 0.58 acres of wetlands at the project site in the southeast portion of the City of Long Beach. The project is proposed by the Bixby Ranch Company (the property owner) and the City of Long Beach.

The Commission staff reviewed the information that you presented regarding previous City of Long Beach and Coastal Commission actions in the project area and we have determined that: 1) a valid coastal development permit **does not exist** that authorizes the proposed development and wetland impacts; and 2) a valid coastal development permit is required before the applicant may proceed with the proposed project. As a matter of policy, the Commission gives priority to the coastal development permit process over the federal consistency process. A Commission-approved coastal development permit, or Commission action on an appeal of a local government-approved permit, is equivalent to Commission concurrence with a consistency certification.

Concerning the information that you presented regarding previous City and Commission actions, none of those actions authorizes the contemplated development. First, Coastal Commission Permit Nos. P-2-7-73-216, P-4-11-74-3067 and P-78-4440 did not authorize the proposed extension of Studebaker and Shopkeeper Roads or any impacts to the adjacent wetlands. Second, City of Long Beach Local Coastal Development Permit Case No. 169-86 is not valid because it has expired. Third, City of Long Beach Local Coastal Development Permit Case No. 9104-23 is not a valid coastal development permit because the Commission never received a Notice of Final Local Action from the City. (Section 13572 of the California Code of Regulations and Section 21.25.904 of the Long Beach Municipal Code and the City's certified Local Coastal Program (LCP) require the City to provide the Commission with a Notice of Final Local Action for any appealable development

before an action may become effective. Because the Commission did not receive a Notice of Final Local Action for City of Long Beach Local Coastal Development Permit Case No. 9104-23, the necessary ten working day appeal period to the Commission has not yet been established.) Finally, neither the City of Long Beach SEADIP specific plan or the City of Long Beach's certified LCP constitute authorization for any development in the coastal zone.

Concerning the method of achieving Coastal Act compliance, the coastal development permit process, rather than the federal consistency process, is the correct method for the proposed project to receive a determination of consistency with the Coastal Act. Section 30600(a) of the Coastal Act requires that in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit. The City and the property owner are persons undertaking development in the coastal zone and therefore must obtain a coastal development permit.

The applicant for the proposed development must obtain a valid coastal development permit prior to proceeding with the proposed development. If any portion of the proposed project is located within the portion of the City of Long Beach that is covered by the Long Beach certified Local Coastal Program (LCP), then the applicant would apply to the City for a local coastal development permit. A coastal development permit approved by the City would be appealable to the Commission if it authorizes development within one hundred feet of a wetland. In addition, the applicant must apply directly to the Coastal Commission for a coastal development permit for any portion of the proposed development that is located on tidelands, submerged lands, or public trust lands, or on lands located within an uncertified area of the coastal zone.

Pursuant to the requirements of the federally-certified California Coastal Management Program (CCMP), a coastal development permit issued by the Commission will function as a consistency certification. Therefore, no additional consistency review would be necessary for that part of the proposed project that is located within the Commission's permit jurisdiction. However, a coastal development permit approved by the City of Long Beach for that part of the project within the city's permit jurisdiction will not satisfy the federal Coastal Zone Management Act requirements for federal consistency review. However, Commission action on an appeal of a local government-issued coastal development permit is equivalent to a consistency certification. If no appeal is made, it is necessary for the applicant to either submit a consistency certification to the Commission for that portion of the project, or request the Commission to waive the federal consistency requirement because the proposed activity does not significantly affect coastal resources.

The Commission staff has determined that your April 27, 1999, letter is not a consistency certification because it is lacking the information and data required by Section 15 CFR 930.58 of the NOAA implementing regulations. Section 930.60 of the regulations states in part that:

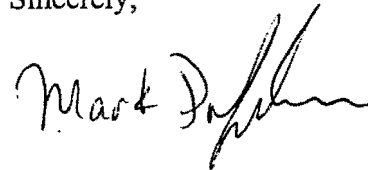
*(a) Except as provided in Section 930.54(e), State agency review of an applicant's consistency certification begins at the time the State agency receives a copy of the*

*consistency certification, and the information and data required pursuant to Section 930.58.*

Therefore, the time period for Commission review of the proposed development under the federal consistency process has not started. Furthermore, and as noted above, we believe the coastal development permit process is the appropriate mechanism for project review and analysis of conformance with the Coastal Act.

Please contact James Raives, Federal Consistency Coordinator, at (415) 904-5292 should you have any questions regarding the federal consistency process. Please contact Charles Posner at (562) 590-5071 should you have any questions regarding the Commission's coastal development permit process, or the site permit history cited earlier in this letter.

Sincerely,



(for) PETER M. DOUGLAS  
Executive Director

cc: Phelicia M. Gomes, Corps of Engineers  
Jack Humphrey, City of Long Beach Planning Department  
Jack Fancher, U.S. Fish and Wildlife Service

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August 17, 1999

Terry M. DiMattio  
Superintendent  
Cabrillo National Monument  
1800 Cabrillo Memorial Drive  
San Diego, CA 92106-3601

Subject: Negative Determination ND-63-99 (Entrance Station Relocation, Cabrillo National Monument, San Diego).

Dear Mr. DiMattio:

The Coastal Commission staff has reviewed your negative determination for relocation of the entrance station at Cabrillo National Monument. The National Park Service (NPS) proposes to relocate the existing entrance station to a site on U.S. Navy property north of the intersection of Cabrillo Memorial Drive/State Highway 209 and Cabrillo Road. The negative determination states that the entrance station will be relocated to: (1) provide an added measure of protection to the tidepools and sensitive coastal sage and maritime succulent scrub habitats on the western side of the monument; (2) better orient visitors to the monument; (3) introduce equity to the entrance fee program; and (4) eliminate a safety hazard which exists when visitors who currently do not wish to pay the entrance fee turn around in front of vehicles approaching the entrance station and exit the park against one-way traffic.

The Commission concurred with consistency determination CD-105-95 in December 1995 for the Cabrillo National Monument General Management Plan (GMP), which contained a conceptual plan for the proposed relocation of the entrance station. The consistency determination also included a commitment by the NPS to provide the Commission with more detailed plans and a federal consistency submittal for the entrance station relocation once that element of the GMP was ready for implementation. To that end the NPS prepared an Environmental Assessment (EA) for the project, concluded that the relocation of the entrance station will not affect the coastal zone, and submitted the subject negative determination. The NPS consulted with federal, state, and local government agencies, and with local community and environmental groups regarding the proposed location of the entrance station at meetings held

between February 1998 and May 1999. In addition, copies of the project Environmental Assessment were distributed to those agencies and groups in June 1999.

The proposed site of the relocated entrance station is on U.S. Navy property within the roadway of Cabrillo Memorial Drive/State Highway 209 and east of the entrance to Battery Ashburn South. The NPS proposes to construct two 375-foot-long lanes on the west side of the station aligned over the existing traffic lanes, one for monument traffic waiting to pay the entrance fee and one serving as a bypass lane for U.S. Navy, U.S. Coast Guard, and Point Loma Wastewater Treatment Plant employees, contractors, and visitors. A one-way exit lane would be added east of the existing traffic lanes. The relocated entrance station would be located between the incoming and outgoing lanes of traffic and would provide the possibility of collecting entrance fees as vehicles exit the monument. A turn-around lane for visitors deciding not to pay the entry fee would be provided just beyond the entrance station. Bollards would be installed to separate incoming and outgoing traffic lanes, and the NPS will consider installing a flashing amber light north of the relocated entrance station to alert southbound traffic that the entrance station is just ahead. Finally, bicycle lanes would be provided on the east and west sides of Cabrillo Memorial Drive through this location. The NPS cites its 1998 traffic study in its conclusion that operations at the relocated entrance station would not unduly delay those vehicles needing to access Navy, Coast Guard, and Treatment Plant facilities south of the entrance station.

The proposed relocation site is below the top of the existing road cut and east of Battery Ashburn South, which currently screens all views of the Pacific Ocean to the west. Construction activity will require widening the existing roadbed to the east into an area approximately 60 feet wide and 750 feet long, but will not affect views to or along the shoreline. The area to be excavated was previously disturbed by construction of Cabrillo Memorial Drive, the monument's maintenance facility and parking area, and Navy security fencing, utility lines and towers, and a transformer station. Non-native and non-sensitive native plants are present in the proposed construction area, and salvageable native plants will be transplanted to the Point Loma Ecological Preserve or the monument. The Environmental Assessment states that following completion of the project, native plants will be used to landscape disturbed areas, and drip irrigation will be installed prior to planting and removed in approximately two years once plants are established.

The negative determination states that the existing entrance station is in a location that allows visitors to enter the west side of the monument and visit the coastal area without being contacted by a ranger at the entrance station, without receiving pertinent resource information, and without paying the existing entrance fee. The NPS concluded in the 1996 Final EIS for the General Management Plan for Cabrillo National Monument, and again in the 1999 Environmental Assessment for the Entrance Station Relocation, that this current situation:

- Results in unmanaged use, may encourage overuse and misuse of the fragile tidepool area, and may contribute to the recent decline of several intertidal species at this site.

- Raises an equity issue in that existing entrance fees are paid by those who visit the upper portion of the monument but not those who only visit the west side coastal and tidepool area.

The Coastal Commission previously concurred with two consistency determinations (CD-140-96 and CD-136-97) submitted by the NPS for the Tidepool Protection, Education, and Research Program at the monument. This program was implemented in 1996 and includes closure of the southernmost and least-visited one-third of the tidepool area to allow natural restoration and scientific study. This program also places more NPS personnel at the coastal site to better inform the public about the nature of the tidepools and to enforce policies protecting tidepool resources. The NPS has determined that relocating the entrance station to the proposed site north of the Cabrillo Road intersection to the tidepools will further inform visitors that the tidepools are a part of Cabrillo National Monument and will encourage visitors to cooperate with the NPS in the protection and preservation of sensitive marine and terrestrial habitats in the coastal area of the monument.

Regarding the entrance fee equity issue, the negative determination states that:

*The National Park Service believes that the relocation of the entrance station will not reduce access to nor prevent visitors from visiting the coastal resources on the west side of the monument. By relocating the entrance station, the NPS is not imposing a fee to visit the west side coastal area, but is incorporating entry into this part of the monument into the current entrance fee program for the entire park, which itself is a coastal resource. Since the introduction of the entrance fee at Cabrillo NM in 1987, visitors who frequented the west side to explore the tidepools, hike the trails, fish or enjoy the solitude and views of the ocean, have avoided paying the entrance fee that those who visited the upper part of the monument have paid. This has raised the question of equity. The park service believes that in fairness to all visitors, everyone who is required by law to pay the entrance fee should do so when they enter the park.*

The NPS is not proposing any changes to the existing entrance fee schedule at Cabrillo National Monument, only to the location of the fee collection station. It will continue to cost visitors on foot, bicycle, or motorcycle \$2 per person to enter the monument and \$5 for those in a motor vehicle; both the per person and per vehicle permits are good for seven days from the date of purchase. In addition, the monument's annual pass costs \$15, is good for twelve months, and allows the holder and whoever is with him or her in a private vehicle to unlimited visits to the monument within that period. Finally, the Golden Eagle Passport, which costs \$50, allows unlimited visits nationwide to all national park areas that charge a fee, including Cabrillo National Monument.

The Coastal Commission staff agrees with the National Park Service that the proposed relocation of the entrance station at Cabrillo National Monument will not adversely affect the coastal zone. The relocation will allow the National Park Service to better serve the general public during visits to the monument, will lead to increased protection for and improved management of the fragile tidepool resources found along the western shore of the monument, and is consistent with



the monument's General Management Plan. 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: San Diego Coast Area Office  
California Department of Water Resources  
Governor's Washington, D.C., Office

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July 28, 1999

Karl Treiberg  
Environmental Coordinator  
Santa Barbara County Flood Control & Water Conservation  
District and Water Agency  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Subject: No Effects Determination NE-66-99 (Routine Flood Control Maintenance Plan for FY 1999/2000).

Dear Mr. Treiberg:

The Coastal Commission staff has received and reviewed the above-referenced no effects determination. The proposed project includes annual routine maintenance on various streams and flood control facilities in Santa Barbara County. Typical flood control maintenance activities include removal of obstructive vegetation from streambeds; applications of herbicide to obstructive and non-native vegetation, channel shaping associated with bank stabilization, and channel desilting. The District submitted similar plans for annual maintenance in 1998 and 1997, and after reviewing those plans we concurred with no effects determinations (NE-79-97 and NE-68-98) for the proposed work.

Several of the activities identified in the plan are within the coastal zone and are subject to the permit requirements of the Coastal Act. It appears that most of the activities within the coastal zone are under the coastal permit jurisdiction of either the County or the City of Santa Barbara; permits approved by those agencies would be appealable to the Commission. In situations such as this, the Commission usually waives federal consistency review if the project is appealable and does not raise any significant issues. After reviewing the maintenance plan, the Commission staff concludes it is appropriate to waive federal consistency review for those activities within the coastal zone.


For those activities located outside the coastal zone, the Commission staff evaluated the projects for effects on water quality, hydrology, sand supply, and habitat. With respect to water quality, the Commission staff has consistently expressed concerns about effects from the spraying of herbicides on the water quality of the coastal zone. However, the District proposes to use only herbicides that USEPA has approved for use in streams. Additionally, the District proposes several mitigation measures that will minimize the activities' effects on water quality in the coastal zone. With respect to stream hydrology, none of the activities proposed by the District will have a significant effect on hydrology in the coastal zone.

The removal of sediment from the streams scheduled for annual maintenance has the potential to affect sand supply resources of the coastal zone. Several of the projects involve the removal of material from streams that drain into the ocean. These projects could result in a loss of sand resources to local beaches. However, as in past years, the County is proposing to remove only small amounts of material from these systems. Therefore, the effect on sand supply will be insignificant. Based on this conclusion, the Commission staff agrees that the proposed desilting projects will not significantly affect sand supply resources of the coastal zone. However, the Commission staff requests, as was done in 1998, that the District consider placing compatible materials removed from streambeds for beach replenishment in the region. The application for routine maintenance in FY 2000/2001 should include an analysis of this option.

The Commission staff also evaluated the maintenance plan for adverse effects on habitat resources of the coastal zone. Most of the activities described in the plan do not appear to hold the potential to generate significant effects on habitat resources. Several of the projects described in the maintenance plan are located upstream from Goleta Slough and Carpinteria Slough, and include activities that have the potential to affect slough habitat by increasing the amount of sedimentation deposited into the slough. However, there are sediment traps on those streams below the maintenance projects, and the District designed the traps to minimize sedimentation impacts to the slough. Therefore, the Commission staff concludes that the proposed maintenance plan will not generate significant adverse effects on habitat resources of the coastal zone.

In conclusion, the Commission staff agrees that the proposed flood control maintenance plan will not adversely affect coastal zone resources. We therefore concur with your no effects determination made pursuant to 15 CFR 930.50. 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  
OCRM  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
California Department of Water Resources  
Governor's Washington, D.C., Office  
Corps of Engineers, Ventura Field Office

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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August 11, 1999

Kermit Thobaben  
Director of Planning  
Redwood Community Action Agency  
904 G Street  
Eureka, CA 95501

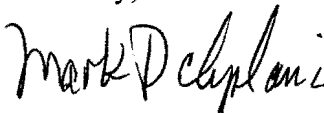
RE: **NE-068-99**, No-Effects Determination for review of federal assistance for the acquisition and rehabilitation program for low-income first-time home buyers in the City of Eureka, Humboldt County.

Dear Mr. Thobaben:

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 \$625,000 HOME Grant that includes federal funds to implement the acquisition and rehabilitation program for low-income first-time home buyers in the City of Eureka. The 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. 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 acquire, 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  
Department of Water Resources  
Governor's Washington D.C. Office



## CALIFORNIA COASTAL COMMISSION

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August 12, 1999

Michael Sweeney  
SHN Consulting Engineers and Geologists  
812 W. Wabash  
Eureka, CA 95501-2138

RE: **ND-071-99**, Negative Determination for the construction of 6 new houses, Table Bluff Rancheria, Humboldt County.

Dear Mr. Sweeney:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes construction of 6 new houses on the Table Bluff Rancheria, south of Humboldt Bay. The homes are located within an existing developed area, which includes 29 existing homes previously constructed to support the housing needs of the Rancheria. The Coastal Commission previously reviewed and concurred with a consistency determination for the construction of the original 29 homes, CD-014-90.

The project site drains towards Humboldt Bay and is approximately ½ mile from the Bay. Runoff from the site does not drain into a stream channel, but drains as surface flow over grassy slopes. Because of the distance and the vegetated nature of the slopes, non-point source pollution in the runoff from the project site will not reach the Bay. Instead it will be contained and absorbed by the vegetation. The Commission staff has consulted with the North Coast Regional Water Quality Control Board on this issue and concludes that the proposed project will not affect water quality resources of the coastal zone. The Commission staff, however, is concerned that future development on this project site may result in water quality impacts to Humboldt Bay. Therefore, the Commission staff encourages the Rancheria to incorporate best management practices to contain non-point source pollution into any future expansions of the residential uses in the Rancheria.

Additionally, the proposed project site was previously used for agricultural purposes. It is within the boundaries of the existing Rancheria and will not have new effects on agricultural resources. The Commission reviewed and approved the conversion of this agricultural use to residential use when it concurred with the previous consistency determination. The proposed project site does not support any sensitive habitat resources, and therefore, the project will not affect habitat resources of the coastal zone. Finally, the proposed project is visually consistent with the existing houses within the Rancheria, and therefore, the project will not affect visual resources of the coastal zone.

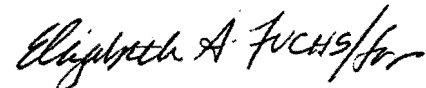
August 12, 1999

ND-071-99

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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 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  
Department of Water Resources  
Governor's Washington D.C. Office  
Cy Oggins

PMD/JRR

## CALIFORNIA COASTAL COMMISSION

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July 19, 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: Mark Anderson

RE: **ND-72-99** Negative Determination, U.S. Marine Corps, Tactical Maintenance Facility,  
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 military vehicle maintenance facility, west of Interstate 5 (I-5), within a developed portion of the Del Mar area of Camp Pendleton. The project would include an approximately 18,000 sq. ft. "hi bay," an approximately 18,000 sq. ft. warehouse, an approximately 10,000 sq. ft. shop and lessor offices, and parking spaces to serve the facility. The project would be located entirely within a previously-developed portion of the base. The project would be a maximum of 34 ft. above finished grade elevation, and the project site is surrounded by existing structures of similar heights and design. Therefore the project would not adversely affect any scenic coastal views. The project site is not located near any environmentally sensitive habitat areas. Runoff would be controlled through, among other things, use of nonstructural Best Management Practices and regular street sweeping of parking areas. Vehicle maintenance activities would be conducted entirely within closed systems, with no offsite runoff of pollutants from maintenance. With these measures, the project would not adversely affect water quality in the downstream Del Mar Boat Basin.

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 black ink, appearing to read "Peter M. Douglas".

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

*LU/FC/NDs/1999/072-99 pendleton*

## CALIFORNIA COASTAL COMMISSION

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August 13, 1999

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

Attn: Roy Clark

RE: **ND-073-99**, Negative Determination for the placement of sand seaward of the Coast Guard Station, Humboldt Bay to prevent erosion of existing facilities.

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes the placement of sand on the beach adjacent to the Coast Guard Station, Humboldt Bay, to prevent further erosion damage to an existing parking lot and building. The Coast Guard proposes to place 20,000 cubic yards of material that is at least 95% sand on 600 feet of shoreline. The sand will be placed between the existing structures and the existing riprap. The Coast Guard anticipates obtaining the sand from the City of Eureka's upland dredged material disposal site. If the Coast Guard's contractor proposes to obtain material from another site, the Coast Guard will consult with the Commission staff to determine if the new site raises any effects on coastal resources.

The proposed project results in the placement of sand within the intertidal area of Humboldt Bay. This activity will affect intertidal habitat. However, this impact will not be significant because of the small amount of sand. Additionally, benthic resources on the site have been adversely affected by the beach erosion and these organisms will re-colonize the intertidal portions of the site after the project is completed. Therefore, the Commission staff concludes that the effects on habitat resources will be minor.

Additionally, the proposed project will not significantly affect water quality resources of the coastal zone. The disposal of sand in the intertidal zone and its subsequent erosion will not significantly affect water quality because the material placed on the beach is 95% sand. Contaminants bind to finer grain particles such as silts and clays and, therefore, this material is physically and chemically suitable for beach use. The Coast Guard facility is located near the entrance to

August 16, 1999

ND-073-99

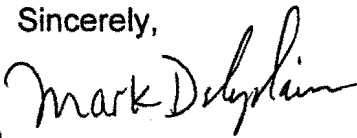
Page 2

Humboldt Bay where there are significant amounts of background turbidity in the Bay. Any additional turbidity caused by the project will not significantly affect water quality. Finally, the Coast Guard proposes measures to prevent hydrocarbons from the use of heavy equipment on the beach from degrading the Bay's water quality. These measures include preventing the tractor from entering the water, requiring the use of drip pans when the vehicle is parked, and requiring that any vehicle used on the beach be adequately maintained and free from leaks.

The proposed project will also beneficially affect sand supply resources of the area because it will return sand removed from the bay back into the littoral zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not significantly 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  
Department of Water Resources  
Governor's Washington D.C. Office

PMD/JRR

**CALIFORNIA COASTAL COMMISSION**

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



July 20, 1999

Keith Lusk  
NISC 1<sup>st</sup> Floor/ANI - 930  
FAA Western - Pacific Region  
15000 Aviation Blvd  
Lawndale, CA 90261

RE: ND-074-99 Negative Determination, Telecommunications Tower, Saddle Peak, Santa Monica Mountains, Los Angeles County

Dear Mr. Lusk:

We have received the above referenced negative determination for construction of a telecommunications tower on Saddle Peak near the City of Malibu. The tower is needed to transmit en route aircraft data to other FAA airspace system sites in the region. The tower will be located in an area with other existing telecommunications support facilities and antennae. While the proposed tower measures approximately 110 feet tall, it will not exceed the height of existing antennae (maximum of approximately 80 feet tall) due to the topography of the site. Therefore, the project will not significantly affect the visual resources of the coastal zone.

Biological surveys were conducted in October, 1998, and in June, 1999, to evaluate the effects of the proposed project on sensitive species. Based on the findings from the surveys, no species listed as endangered or threatened under the Endangered Species Act will be affected by the proposed project. The project will not significantly affect water quality in the area.

We therefore agree that this activity will not affect the coastal zone, and hereby 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,

A handwritten signature in black ink, appearing to read "Peter M. Douglas".

Peter M. Douglas  
Executive Director

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

**CALIFORNIA COASTAL COMMISSION**

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



August 17, 1999

Sarah Lozano  
Dudek & Assoc.  
605 Third St.  
Encinitas, CA 92024

Re: **NE-76-99** No Effects Determination, Oceanside-Escondido Bikeway Project,  
San Diego Co.

Dear Ms. Lozano:

The Coastal Commission staff has received the above-referenced no effects determination for the construction of a bike path within the existing North County Transit District's railroad right-of-way. The City of Oceanside has exempted the project from coastal development permitting requirements. The project is largely located inland of the coastal zone; however one or two segments of the path would be within the coastal zone. The project would facilitate public access and recreation and is consonant with Coastal Act goals, including those encouraging reducing traffic congestion, use of alternative forms of transportation (other than private automobile use), and air quality improvements. The project would not adversely affect sensitive wildlife species or any other coastal zone resources.

In conclusion, this project is a non-federal activity within the coastal zone and is in an area where the Commission has delegated permit authority to the appropriate local agency. The Coastal Commission staff declines to assert federal consistency jurisdiction for the proposed project, due to the fact that: (1) this project has received a coastal development permit waiver from the local government (City of Oceanside); and (2) neither inland nor coastal zone segments raise significant issues with respect to 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. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

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

**CALIFORNIA COASTAL COMMISSION**

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



August 17, 1999

Carpinteria Sanitary District  
c/o Jeff Brinkman  
Padre Associates  
5450 Telegraph Rd., Suite 101  
Ventura, CA 93003

Re: **NE-82-99** No Effects Determination, Sewer Line Relocation, Carpinteria Bluffs,  
Carpinteria, Santa Barbara Co.

Dear Mr. Brinkman:

The Coastal Commission staff has received the above-referenced no effects determination for relocating the sewer line crossing Lagunitas Creek, seaward of Highway 101 in the eastern portion of Carpinteria. The project is needed to avoid future spills of raw sewage into coastal waters. The project includes excavating a trench, placing a new sewer line across the creek, backfilling the trench. The project is located within the coastal zone and has received a coastal development permit from the City of Carpinteria; this permit is appealable to the Commission. In situations such as this, the Commission usually waives federal consistency review if the project is appealable and does not raise any significant issues. After reviewing the proposal, including the avoidance, post-project restoration and mitigation measures incorporated into the project, the Commission staff concludes it is appropriate to waive federal consistency review for this activity. Mitigation measures include minimizing soil disturbance, implementing best management practices to minimize erosion and water quality impacts, restoring and revegetating disturbed areas, and eradicating invasive non-native species.

In conclusion, the Coastal Commission staff declines to assert federal consistency jurisdiction for the proposed sewer line relocation project, due to the fact that: (1) this project has received 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. 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. Please contact Mark Delaplaine of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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

PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
California Department of Water Resources  
Governor's Washington, D.C., Office  
Corps of Engineers, Ventura Field Office (Jim Mace)