

## CALIFORNIA COASTAL COMMISSION

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



# Tu 11

**DATE:** September 19, 2000 **RECORD PACKET COPY**

**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 #:	ND-064-00
APPLICANT:	Bureau of Indian Affairs
LOCATION:	Smith River Rancheria, Del Norte Co.
PROJECT:	Conveyance of land into trust status
ACTION:	Concur
ACTION DATE:	09/12/2000

PROJECT #:	ND-070-00
APPLICANT:	Coast Guard
LOCATION:	Point Arena Light Station, Mendocino Co.
PROJECT:	Installation of Weather Tower
ACTION:	Concur
ACTION DATE:	08/23/2000

PROJECT #:	ND-075-00
APPLICANT:	Corps of Engineers
LOCATION:	Oceanside Harbor, San Diego Co.
PROJECT:	One-Year Dredging Project
ACTION:	Concur
ACTION DATE:	08/22/2000

PROJECT #:	NE-091-00
APPLICANT:	Caltrans
LOCATION:	Interstate 5 in National City and Carlsbad, San Diego Co.
PROJECT:	Install overhead signs
ACTION:	No effect
ACTION DATE:	08/23/2000

PROJECT #:	NE-096-00
APPLICANT:	Caltrans
LOCATION:	Interstate 5 in Northern San Diego County
PROJECT:	Repave highway
ACTION:	No effect
ACTION DATE:	09/07/2000

PROJECT #:	ND-098-00
APPLICANT:	Veterans Affairs
LOCATION:	Veteran's Administration Medical Center, San Francisco
PROJECT:	Landscaping Project
ACTION:	Concur
ACTION DATE:	09/08/2000

PROJECT #:	NE-099-00
APPLICANT:	Caltrans
LOCATION:	Interstate 5 near Mission Bay, San Diego
PROJECT:	Replace median barrier
ACTION:	No effect
ACTION DATE:	09/07/2000

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September 12, 2000

Virgil Akins  
Bureau of Indian Affairs  
Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002-0292

Attn: Terry Lincoln


RE: **ND-064-00**, Negative Determination for the conveyance of four parcels into trust, Smith River Rancheria, Del Norte County.

Dear Dr. Akins:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to place into trust three parcels owned by the Smith River Rancheria Tribal Council and one property owned by an individual member of the Rancheria. On three of the four parcels, the Rancheria proposes to maintain the current use, two parcels are used for residential purposes and the third parcel is used for a mobile home park. On the fourth parcel, the tribe proposes to construct a Head Start facility and parking lot. As stated in the environmental assessment for the Head Start facility, the project is located on a previously disturbed area adjacent to Highway 101 in an area developed with other Rancheria facilities. That parcel does not support environmentally sensitive habitat or wetlands. Therefore, the project will not affect visual or habitat resources of the coastal zone. Additionally, the project site does not support public recreation or other high priority coastal uses.

Therefore, 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,

  
(PMD) PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office

## CALIFORNIA COASTAL COMMISSION

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August 23, 2000

Sherry Shirkey, Chief  
Real Property Branch  
Maintenance and Logistics Command Pacific  
U.S. Coast Guard  
Coast Guard Island, Bldg. 54D  
Alameda, CA 94501-5100

RE: **ND-70-00** Negative Determination, Coast Guard, NOAA Weather Tower, USCG Point Arena Light Station, Point Arena, Mendocino Co.

Dear Ms. Shirkey:

The Coastal Commission staff has reviewed the above-referenced negative determination for the installation of a 40 ft. high, NOAA weather tower on federal (Coast Guard) land in Point Arena. The project would replace an existing, 40 ft. high similar tower that is located 10 ft. closer to the bluff edge than the proposed tower. In addition, the tower's visual effects would be the same as a previously-existing similar antenna that existed at the site until 1984. To address potential shoreline/blufftop erosion concerns, the Coast Guard has committed that if further blufftop erosion occurs, it will not seek authorization for future construction of any bluff retaining walls, seawalls and/or other blufftop or shoreline protective works. With this commitment, the project would reduce geologic risks when compared to the existing antenna, and the visual impacts from the antenna would be the same as or slightly less than the existing antenna.

The project will not affect public access or recreation because the location of the tower is not currently available for public use, and construction will not interfere with public access. Finally, the Coast Guard has coordinated with the U.S. Fish and Wildlife Service and the State Historic Preservation Officer, and has incorporated measures to assure that the construction activities will avoid impacts to birds and other sensitive wildlife species, as well as archaeological resources.

In conclusion, the Coastal Commission staff agrees with your determination that the proposed project will not adversely affect coastal zone resources. We therefore concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

A handwritten signature in cursive script that reads "Mark D. Douglas".

(fny) PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office  
Department of Water Resources  
Governor's Washington D.C. Office

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August 22, 2000

Mr. George Beams, P.E.  
Chief, Construction-Operations Division  
Attn: Erik Larsen/Russ Kaiser  
U.S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Blvd.  
Los Angeles, CA 90017-3401

RE: **ND-075-00** Negative Determination, Army Corps, Maintenance Dredging,  
Oceanside Harbor, Oceanside, San Diego County

Dear Mr. Beams:

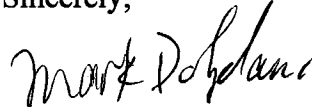
On July 20, 1994, the Coastal Commission concurred with the Army Corps' consistency determination for the Six-year Maintenance Dredging Program for Oceanside Harbor (CD-53-94), including maintenance dredging to existing dredged depths of up to 400,000 cu. yds. of sandy material per year (occurring biannually (twice each year)), with beach or nearshore disposal south of the Oceanside Pier. That project was similar to a similar consistency determination for a six year dredging program for Oceanside that the Commission had concurred with in 1990 (CD-8-90).

The Corps has submitted a negative determination for one additional year of Oceanside maintenance dredging, with nearshore disposal, and with the same environmental commitments included in CD-53-94, including scheduling the dredging outside the least tern and snowy plover nesting season (i.e., dredging to occur between September 15 and March 15). This project was originally submitted as a request for a 10 year authorization under the negative determination process, but at the request of the Commission staff the Corps reduced the scope to a one year request.

Under the federal consistency regulations 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." As discussed above, the Commission has concurred with

similar consistency determinations for this project (CD-53-94 and CD-8-00). We therefore **concur** with your negative determination for this project 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  
California Department of Water Resources  
Governors Washington D.C. Office

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August 23, 2000

Bruce L. April  
Department of Transportation  
District 11  
P.O. Box 85406  
San Diego, CA 92186-5406

Re: **NE-91-00** No Effects Determination, Caltrans, Overhead Signs, I-5, National City and Carlsbad, San Diego Co.

Dear Mr. April:

The Coastal Commission has received your "No Effects" Determination for the of installation two overhead changeable message signs on I-5, within Caltrans rights-of-way, near West 18<sup>th</sup> St. in National City (freestanding) and Carlsbad (attached to the Tamarack Ave. bridge). Caltrans states both cities consider the projects exempt from coastal development permit requirements, based on the Commission's regulations that implement Coastal Act Section 30610, which incorporate guidelines for public utility repair and maintenance activities, including "installation, modification, or removal of regulatory, warning or informational signs...".

We **agree** with your "No Effects" letter, your statement that the signs would not adversely affect any environmentally sensitive habitat, recreational traffic, public views, cultural resources, or any other coastal zone resources, and your conclusion that no consistency certification needs to be submitted for this project. If you have questions about this letter, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

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

(for) PETER DOUGLAS  
Executive Director

cc: San Diego Area Office  
California Dept. of Water Resources  
Governors Washington, D.C. Office

## CALIFORNIA COASTAL COMMISSION

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September 7, 2000

Bruce L. April  
Department of Transportation  
District 11  
P.O. Box 85406  
San Diego, CA 92186-5406

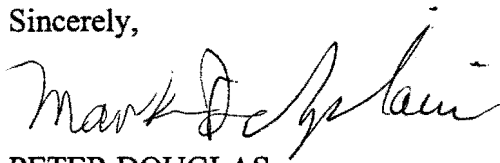
Re: **NE-96-00** No Effects Determination, Caltrans, I-5 pavement rehabilitation, Encinitas, Carlsbad, and Oceanside, San Diego Co.

Dear Mr. April:

The Coastal Commission has received your "No Effects" Determination for pavement rehabilitation on I-5, within the cities of Encinitas, Carlsbad, and Oceanside. Caltrans states these three cities consider the projects exempt from coastal development permit requirements, based on the Commission's regulations that implement Coastal Act Section 30610, which incorporate guidelines for public utility repair and maintenance activities.

The project includes temporary lane closures, but only at night. We **agree** with your "No Effects" letter, your statement that these maintenance activities would not adversely affect any environmentally sensitive habitat, recreational traffic, public views, cultural resources, or any other coastal zone resources, and your conclusion that no consistency certification needs to be submitted for this project. If you have questions about this letter, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

  
PETER DOUGLAS  
Executive Director

cc: San Diego Area Office  
California Dept. of Water Resources  
Governors Washington, D.C. Office



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September 8, 2000

Janice E. Bressler  
Office of Regional Counsel  
Department of Veterans Affairs  
4150 Clement Street, Bldg. 210  
San Francisco, CA 94121

Re: **ND-98-00** Negative Determination, San Francisco Veterans Affairs Medical Center,  
Landscaping project

Dear Ms. Bressler:

The Coastal Commission staff has reviewed the above-referenced negative determination for a landscaping project at the San Francisco Veterans Affairs Medical Center, at 42<sup>nd</sup> Ave. and Clement St. in San Francisco's Richmond District. The project consists of installing a retaining wall/sign wall, approximately 6 ft. high and 60 ft. long, at the southeastern entrance to the medical center. The project also includes various plantings (trees, shrubs, and grass) in the vegetated area in front of the center. The project is located on federal land and partly outside (landward of) the coastal zone boundary, which traverses the medical center. The project would not adversely affect any scenic coastal public views, public recreation, or environmentally sensitive habitat, and the project will not otherwise affect coastal resources.

In conclusion, the Coastal Commission staff agrees with your determination that the proposed project will not adversely affect coastal zone resources. We therefore concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine", written over a printed name.

(for) PETER M. DOUGLAS  
Executive Director

cc: North Central Coast Area Office  
Assistant Counsel for Ocean Services  
California Department of Water Resources

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September 7, 2000

Bruce L. April  
Department of Transportation  
District 11  
P.O. Box 85406  
San Diego, CA 92186-5406

Re: **NE-99-00** No Effects Determination, Caltrans, I-5 median barrier replacement, I-5/San Diego River bridge, San Diego

Dear Mr. April:

The Coastal Commission has received your "No Effects" Determination for the replacement of an existing metal median barrier with a concrete median barrier where I-5 crosses the San Diego River. The project is needed for public safety, to reduce cross median accidents. The project is within the Commission's original coastal development permit jurisdiction; however Caltrans states it is exempt from coastal development permit requirements, based on the Commission's regulations that implement Coastal Act Section 30610, which incorporate guidelines for public utility repair and maintenance activities.

No in-water construction is proposed, and the only project impact is the visual impact from temporary removal of median landscaping. The area will be re-landscaped with the same species upon project completion. Therefore, we **agree** with your "No Effects" letter, your statement that this activity would not adversely affect any environmentally sensitive habitat, recreational traffic, public views, cultural resources, or any other coastal zone resources, and your conclusion that no consistency certification needs to be submitted for this project. If you have questions about this letter, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine", written over the typed name of Peter Douglas.

(for)

PETER DOUGLAS  
Executive Director

cc: San Diego Area Office  
California Dept. of Water Resources  
Governors Washington, D.C. Office