

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Tu 4**

**DATE:** November 15, 2000

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Mark Delaplaine, Federal Consistency Supervisor

**RE:** Negative Determinations Issued By Executive Director

<b>PROJECT #:</b>	NE-003-99
<b>APPLICANT:</b>	Santa Barbara County
<b>LOCATION:</b>	Montecito Creek, inland of the coastal zone boundary, Santa Barbara Co.
<b>PROJECT:</b>	Construct a debris basin
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	11/08/2000

<b>PROJECT #:</b>	ND-079-00
<b>APPLICANT:</b>	Navy
<b>LOCATION:</b>	Naval Amphibious Base, Coronado, San Diego Co.
<b>PROJECT:</b>	Construct a new instruction facility
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	11/01/2000

<b>PROJECT #:</b>	ND-093-00
<b>APPLICANT:</b>	National Park Service
<b>LOCATION:</b>	Golden Gate National Recreation Area, Fort Funston, San Francisco Co.
<b>PROJECT:</b>	Habitat Protection Closures
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	11/03/2000

PROJECT #:	ND-097-00
APPLICANT:	Corps of Engineers
LOCATION:	Ventura Harbor, Ventura
PROJECT:	Repair of detached breakwater
ACTION:	Concur
ACTION DATE:	10/25/2000

PROJECT #:	ND-107-00
APPLICANT:	Corps of Engineers
LOCATION:	Port of Los Angeles, Los Angeles Co.
PROJECT:	Deepen existing berths and fill borrow pit
ACTION:	Concur
ACTION DATE:	11/01/2000

## CALIFORNIA COASTAL COMMISSION

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



November 8, 2000

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

RE: **NE-003-99**, No-Effects Determination, Montecito Creek Debris Basin Project,  
Santa Barbara County

Dear Mr. Treiberg:

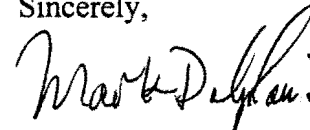
The Coastal Commission has received the above-referenced no-effects determination for the construction of a debris basin along Montecito Creek in Santa Barbara County. The proposed project is needed in response to flooding along the lower reaches of the creek during 1995 and again in 1997-98. The project is located outside the coastal zone just south of Casa Dorinda. The project would consist of an "inline" debris basin, widening the existing channel from 25 to 200 ft., to allow reduced stream velocities and settling of sediments. The design capacity would be 5,500 cu. yds. An existing rock and concrete wall on the east site of the creek would be replaced with a vertical concrete wall. Average depth of the basin would be 19 ft., and the total area of the basin would be 1.6 acres. The basin would be maintained to assure continued flood control capacity; the basin would be cleaned out when its capacity has been reduced by 25%, which the District estimated would occur approximately once every 5-7 years. Routine maintenance in the form of vegetation removal outside a pilot channel would also occur as needed and at least once per year.

The District states that the basin has been designed to capture primarily large debris (rocks and boulders), but will allow sand sized particles to pass through the basin. Therefore the project will not affect sand supply to the coast. The project will entail removal of trees and other vegetation (outside the coastal zone), which the District will mitigate through replanting at 10:1 and 5:1 ratios for oak and sycamore trees, respectively. The District will replace the existing concrete bottom with a natural bottom, thereby improving wildlife and fish habitat. Erosion controls will be applied during construction to minimize erosion and turbidity, and construction will be limited to the summer months (i.e., non-rainy season).

The District has consulted with the National Marine Fisheries Service (NMFS), which has determined that although the number of steelhead potentially affected is likely to be small, steelhead habitat could nevertheless be adversely affected. NMFS' ensuing biological opinion indicates the need for numerous measures to protect steelhead habitat, including (but not limited to): seasonal restrictions for certain activities, a number of temporary and permanent measures to maintain, protect and, where feasible, improve steelhead habitat, extensive monitoring of pre- and post-project conditions (including remediation if monitoring shows adverse effects, with remediation including possible removal of the project or improving other portions of Montecito Creek in a manner providing equivalent or higher habitat benefits), revegetation efforts (including the riparian vegetation mitigation discussed above), erosion and sedimentation controls, and measures to be taken during maintenance activities to minimize effects. The District has agreed to incorporate these measures into the project.

In conclusion, with the measures incorporated into the project, the Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the no-effects determination made pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



(fwd)

PETER M. DOUGLAS  
Executive Director

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

## CALIFORNIA COASTAL COMMISSION

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



November 1, 2000

K.W. Branch  
Commanding Officer  
Naval Air Station, North Island  
P.O. Box 357033  
San Diego, CA 92135-7033

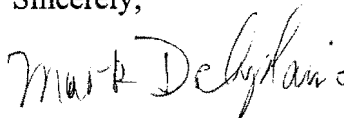
**RE: ND-079-00** Negative Determination, U.S. Navy, Building Replacement, Instruction Facility (P-212), Naval Amphibious Base, Coronado, San Diego Co.

Dear K.W. Branch:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a 22,000 sq. ft. building to be used as an instruction facility on the west side of Silver Strand Blvd., at the Naval Amphibious Base (NAB) in Coronado. The project would replace an existing, inadequately sized instruction facility building with a larger instruction facility. The existing building to be demolished is 18 ft. high, 52 ft. wide and 110 ft. long. The new building would be 34 ft. high, 70 ft. wide, and 160 ft. long. The new building would not be taller than surrounding structures nearby, would be painted in earth tones, and would be designed in compliance with the Navy's Base Exterior Architectural Plan for the NAB. The building would not obstruct ocean views and would be visually compatible with nearby Navy buildings. The project would not affect any environmentally sensitive habitat, and Best Management Practices would be incorporated into the project to protect water quality.

In conclusion, the Coastal Commission staff agrees with your conclusion 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,

*(foi)*   
PETER M. DOUGLAS  
Executive Director

cc: San Diego Area Office  
Department of Water Resources  
Governor's Washington D.C. Office  
City of Coronado (Mark Ochendusko)



## CALIFORNIA COASTAL COMMISSION

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



November 3, 2000

Brian O'Neill  
National Park Service  
Golden Gate National Recreation Area  
Fort Mason  
San Francisco, CA 94123

Attn: Terri Thomas

RE: **ND-093-00**, Negative Determination for Habitat Protection Closures,  
Fort Funston, Golden Gate National Recreation Area, San Francisco

Dear Mr. 

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The National Park Service (Service) proposes to protect habitat resources within Fort Funston, Golden Gate National Recreation Area, through closure of approximately 12 acres to off-trail recreational use by the public. The closure will protect habitat for a nesting colony of California State-threatened bank swallows, allow for the restoration of native plant communities, and protect public safety.

Because Fort Funston is federally owned land, it is excluded from California's coastal zone by the federal Coastal Zone Management Act (CZMA). Specifically, Section 304(1) of the CZMA provides, in part, that:

*Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.<sup>1</sup>*


The Commission staff reviews projects on federal land for their effects on coastal uses or resources. If the federal activity affects resources or uses of the coastal zone, the federal agency must prepare a consistency determination and submit it to the Commission for its review and concurrence.<sup>2</sup> In this case, in a letter dated August 3, 2000, the Commission staff identified the proposed activity as one that could possibly affect coastal zone resources. The Service has reviewed the activity and the requirements of the CZMA and has determined that the activity does not significantly affect coastal resources. To support this conclusion, the

<sup>1</sup> 16 USC § 1453(1)

<sup>2</sup> 16 USC § 1456(c)(1)

Service submitted a negative determination<sup>3</sup> to the Commission staff. After a thorough evaluation of the Service's negative determination and other related information, the Commission staff agrees with the Service's conclusions. Specifically, the Commission staff agrees that the proposed project will not significantly affect access to the shoreline. Although the closure will eliminate an existing undesignated trail to the beach, the public will still have access to the shoreline from existing designated trails to the north and south of the closed area. These designated trails are closer to the existing parking area, and thus provide the most convenient access to the shoreline. Additionally, the trail in the proposed closed area traverses steep slopes and cliffs and its use presents a risk to public safety. The trail also crosses through nesting habitat of the California listed threatened bank swallow and its use affects this habitat resource. Therefore, because there is existing access nearby and the closure is necessary to protect public safety and habitat resources, the proposed closure does not significantly affect access resources of the coastal zone. Additionally, the proposed project does not adversely affect habitat resources of the coastal zone. The project will close this area to public use and will eliminate a disturbance to nesting bank swallows. Additionally, the closure will allow for the restoration of native vegetation in this area. Therefore, the proposed activity will not adversely affect habitat resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone uses or resources. We, therefore, concur with the negative determination made pursuant to 15 CFR 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 Central Coast Area Office

PMD/JRR

---

<sup>3</sup> 15 CFR §930.35(d)



**CALIFORNIA COASTAL COMMISSION**

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



October 25, 2000

Robert E. Koplín  
Chief, Planning Division  
U.S. Army Corps of Engineers  
ATTN: Stephanie Hall  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-97-00 (Ventura Harbor Detached Breakwater Repair Project, City of San Buenaventura, Ventura County).

Dear Mr. Koplín:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for repairs to the detached breakwater at Ventura Harbor. On September 14, 1989, the Coastal Commission concurred with a consistency determination (CD-17-89) for construction of a shoreline protection project which included an extension of the existing detached breakwater. Since that time, the Commission has concurred with several modification and repair projects for the breakwater/groin/jetty system originally authorized in 1989. In this negative determination the Corps seeks authorization to repair the wave-damaged north end of the breakwater by placing approximately 27,500 tons of quarry rock in order to return the structure to its original design slope and footprint. Rock will be shipped to the site by barge if an island source is used, or by truck and barge if an inland source is used. The Corps will use an empty lot owned by the Ventura Harbor District as the project staging area, a site used by the Corps for previous dredging and repair projects at Ventura Harbor. Construction is expected to take 90 days and occur between October 2000 and January 2001.

The project will not adversely affect California least terns or western snowy plovers and will occur outside their nesting season. The U.S. Fish and Wildlife Service and National Marine Fisheries Service concluded that the proposed project will not adversely affect threatened or endangered species or the environmentally sensitive habitat that support such species. Public recreation impacts from barge movements and repair activities will be minimal, and the breakwater repair will improve navigation safety.

The project constitutes repair-in-kind of an existing structure. In addition, under the federal consistency regulations a negative determination can be submitted for an activity "which is the same or similar to activities for which consistency determinations have been prepared in the past." As discussed previously in this letter, we have concurred with similar consistency and

negative determinations for the construction of and various repairs and modifications to the original shoreline protection project (ND-76-00, ND-83-97, ND-21-94, ND-35-92, CD-168-97, CD-104-96, CD-17-89). We therefore concur with your negative determination for the repair project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas". The signature is written in a cursive style with a large initial "P" and "D".

PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
California department of Water Resources  
Governor's Washington, D.C., Office

**CALIFORNIA COASTAL COMMISSION**

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



November 1, 2000

Robert E. Koplin  
Chief, Planning Division  
U.S. Army Corps of Engineers  
ATTN: Larry Smith  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-107-00 (Pier 300 Berth 302-305 Deepening Project, Port of Los Angeles).

Dear Mr. Koplin:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for modifications to Stage 2 of the Pier 400 Deep Draft Navigation Improvement (DDNI) Project in the Port of Los Angeles. The proposed modification is the deepening of Berths 302 through 305 on Pier 300 in the Port of Los Angeles to accommodate deep-draft container vessels. Approximately 97,000 cu.yds. of material will be dredged to deepen the berths from -50 feet to -53 feet mean lower low water (MLLW). Dredging will be conducted using electric hydraulic and diesel clamshell dredges, and sediments deposited using submerged and floating discharge pipelines and bottom-dump barges. Sediments will be placed in the North Turning Basin Borrow Pit (an authorized in-water disposal site immediately southwest of Pier 300) in order to return the basin to its authorized depth of -81 feet MLLW. Dredging and disposal is estimated to last two weeks and occur in November 2000.

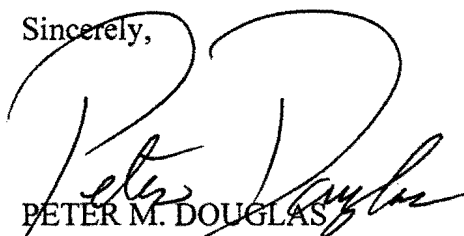
Since 1993, and as recently as August 2000, the Commission has concurred with numerous consistency determinations (CD-57-92, CD-2-97, and CD-50-00), negative determinations (ND-103-97, ND-25-99, and ND-49-00), and port master plan amendments (POLA PMPA Nos. 12, 13, 15, 17, and 19) for construction of the Port of Los Angeles DDNI project, which includes channel deepening, landfill and terminal construction, and mitigation measures for impacts to marine habitat. The subject negative determination is a further refinement of the original DDNI project. The proposed deepening of Berths 302-305 from -50 to -53 feet MLLW is also consistent with recent Commission concurrence with CD-50-00, which included deepening the main and inner harbor channels in the Port of Los Angeles to -53 feet (to accommodate deep-draft container vessels), and with the recent Executive Director concurrence with ND-49-00, which included deepening the navigation channel between Piers 300 and 400 from -50 to -53 feet MLLW (the proposed deepening of Berths 302-305 was inadvertently left out of ND-49-00, hence the need for this submittal).

Greater than anticipated consolidation of dredged sediments previously placed in the North Turning Basin Borrow Pit requires that additional dredged materials be placed in this pit in order to meet the Corps' environmental commitment to eliminate the borrow pit. The dredging of this borrow pit was approved by the Commission in ND-25-99 in order to provide structurally suitable fill material for the Stage 2 Pier 400 landfill. Backfilling the borrow pit to the surrounding grade is also required under ND-25-99. The sediments to be dredged are suitable for in-water disposal, as they underlie sediments which were previously tested and dredged as a part of the DDNI project and found suitable for ocean disposal. USEPA agrees that further testing of the sediments at Berths 302-305 is not required and that they are suitable for unconfined aquatic disposal.

The Corps states in the Draft Supplemental Environmental Assessment for the project that turbidity impacts generated by dredging and disposal of the sediments will be localized and short-term in nature, and that all applicable water quality control measures developed as a part of the larger and ongoing DDNI project are incorporated into the proposed project. The U.S. Fish and Wildlife Service does not object to the proposed project as it will occur outside of the California least tern nesting season and will not affect foraging opportunities for tern colonies that nest in the Port of Los Angeles.

In conclusion, the proposed project is similar to previous DDNI construction elements and subsequent modifications previously concurred with by the Commission and the Executive Director and found to be consistent with the California Coastal Management Program. The proposed dredging and disposal will occur in an existing navigation channel and at an authorized disposal site. The sediments to be dredged are clean and suitable for unconfined aquatic disposal, and potential impacts to marine resources from the project will not be significant. We therefore **concur** with your 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,



PETER M. DOUGLAS  
Executive Director

cc: South Coast District Office  
Port of Los Angeles  
California Department of Water Resources  
Governor's Washington, D.C., Office