

CALIFORNIA COASTAL COMMISSION

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



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Tu 11

DATE: March 23, 2000

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

RE: NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE DIRECTOR

PROJECT #:	NE-067-99
APPLICANT:	San Luis Obispo County
LOCATION:	Old Creek Road, near Cayucos, San Luis Obispo Co.
PROJECT:	Culvert repairs
ACTION:	No effect
ACTION DATE:	02/24/2000

PROJECT #:	ND-020-00
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Emergency beach closures to protect snowy plover from March 1 to March 14
ACTION:	Concur [see CD-019-00 for rest of plover season]
ACTION DATE:	02/25/2000

PROJECT #:	NE-022-00
APPLICANT:	Caltrans
LOCATION:	Highway 1, Adobe Creek, north of San Simeon, San Luis Obispo Co.
PROJECT:	Interim and permanent repairs of damaged culvert
ACTION:	No effect
ACTION DATE:	03/20/2000

PROJECT #:	ND-023-00
APPLICANT:	Navy
LOCATION:	Naval Station, San Diego
PROJECT:	Modification of previously approved dredging project
ACTION:	Concur
ACTION DATE:	03/03/2000

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February 24, 2000

Mark Cassady
Essex Environmental
890 Osos Street, Suite B
San Luis Obispo, CA 93401

RE: **NE-067-99**, Culvert repairs, Old Creek Road, near Cayucos.

Dear Mr. Cassady:

The Coastal Commission has received and reviewed the above-referenced consistency submittal for repairs of two culverts on Old Creek Road, near Cayucos, San Luis Obispo County. The County public works department will conduct the repairs, which require a coastal development permit from the County. Since the proposed work is within 100 feet of the stream, the coastal development permit is appealable to the Commission. Pursuant to the California Coastal Management Program, the Commission's review of a permit appeal functions as a concurrence with a consistency certification. Although the proposed project raises potential impacts on federally listed threatened species, the California red-legged frog and the tidewater goby, the project will avoid impacts to these species per the requirements of the biological/conference opinion for coastal listed species, dated August 29, 1997. With the mitigation measures incorporated into that opinion and into the proposed project, the activity will not affect sensitive species.

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,

Mark Douglas
(for) PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office
Department of Water Resources
Governor's Washington D.C. Office
Tiffany Welch, Corps of Engineers

PMD/JRR



CALIFORNIA COASTAL COMMISSION

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February 25, 2000

Duane A Lamb, Colonel
Commander
Department of the Air Force
30th Space Wing
30 SPTG/CC
1301 California Blvd., Ste. C203
Vandenberg AFB, California 93437-6250

RE: **ND-20-00** Negative Determination, Interim access management plan to protect snowy plovers, Minuteman, Wall, Surf, and Ocean Beaches, Vandenberg Air Force Base (AFB), Santa Barbara County

Dear Col. Lamb:

The Coastal Commission staff has received the above-referenced negative determination from the Air Force, accompanied by a consistency determination (CD-19-00), for "interim" modifications to increase restrictions on public access at Vandenberg Air Force Base (AFB) to protect the western snowy plover, a federally listed threatened species. The restrictions involve closures during the plover nesting season, March through September. Under this interim plan, only three beaches at Vandenberg will be all or partially open; the proposal includes: (1) full access to 0.5 mile of Surf Beach (near Surf Station); (2) military personnel and civilian fishing (limited access, subject to a VAFB-issued pass) access only to the northernmost 0.25 mile of Wall Beach; and (3) military access only to Minuteman Beach (where there are no nesting plovers, and where national security restrictions preclude public access). The remaining beaches where snowy plovers nest, including the popular Ocean Beach just south of the Santa Ynez River mouth, and the portion of Wall Beach just north of the Santa Ynez River mouth, will be closed during the nesting season.

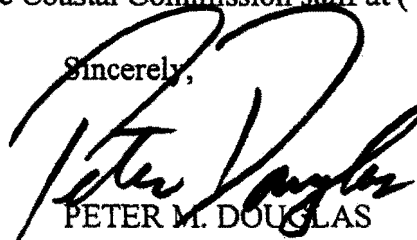
The Air Force has submitted this plan in two parts because the measures are needed as soon as the plover nesting season begins (March 1, 2000), whereas the Commission cannot review a consistency determination until its next regularly scheduled monthly meeting (beginning March 14, 2000). Thus, procedurally, two separate actions are needed: (1) this negative determination to cover the period between March 1, 2000, and the March 14, 2000, Commission meeting; and (2) a consistency determination for the rest of the nesting season. The accompanying consistency determination is scheduled for the March 14, 2000, Commission meeting. The Air Force also expects to return to the Commission with a long-term plan by August 1, 2000.

In 1995 the Commission concurred with the Air Force's consistency determination for a one-year "linear" closure at Ocean Beach (CD-67-95); those restrictions were continued in ensuing years. The Air Force's monitoring results indicated decreasing plover nesting success, and on June 25, 1999, the U.S. Fish and Wildlife Service recommended an immediate emergency closure of 3 miles of publicly accessible beaches (starting just south of Surf Station and continuing 3 mi. further south) where the greatest concentrations of plover nesting occurs. The Air Force complied with this recommendation, and on September 2, 1999, we concurred with your after-the-fact negative determination for beach closures (south of Surf Station) for the summer 1999 snowy plover nesting closure (ND-87-99).

The Fish and Wildlife Service supports the current proposal as an interim measure, as long as it is accompanied with the enforcement and monitoring measures the Air Force has committed to. If this approach does not improve plover nesting success, the Service is likely to press for further access restrictions.

Normally an activity restricting public access would necessitate formal Commission review as a consistency determination. However, in this instance the need for immediate action to protect snowy plovers, combined with the fact that this matter covers only a 2-week period (until the matter can be being brought before the Commission), leads us to agree to review this determination as an administrative matter. Consequently, the Coastal Commission **concurs** with your 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,



PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
Department of Water Resources
Governor's Washington D.C. Office
U.S. Fish and Wildlife Service (Lee Ann Naue)
Santa Barbara County (Greg Mohr)
CCC Access Coordinator (Linda Locklin)

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March 20, 2000

Dave Hacker
Caltrans, District 5
50 Higuera St.
San Luis Obispo, CA 93401-5415

RE: **NE-022-00**, No-Effects Determination, Caltrans Highway 1 Road Maintenance, Adobe Creek, San Luis Obispo County

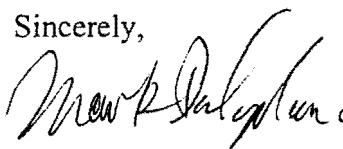
Dear Mr. Hacker:

The Coastal Commission has reviewed the above-referenced no-effects determination for emergency storm damage repair to Highway 1 at the Adobe Creek crossing, north of San Simeon in northern San Luis Obispo County. The proposed work consists of both interim and permanent repair of the stream crossing. The interim repair is after-the-fact, consisting of removing failed pipe sections and installing corrugated metal pipe into the existing culvert, with rocks holding the pipe in place. The permanent repair consists of replacing the damaged concrete pipe sections and endwall at their original alignment and elevation. The project also includes a "vortex rock-weir" to create scour pools for California red-legged frogs.

The project is within San Luis Obispo County's coastal development permit jurisdiction. However Caltrans states the County considers the project exempt because it is "in-kind" replacement of an existing facility. Caltrans has incorporated measures into the project to avoid adverse effects on environmentally sensitive habitat. The project and its specific habitat avoidance and restoration measures have been coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

The Coastal Commission staff concludes that, with the habitat protection measures incorporated into it, the project will not significantly affect coastal zone resources. We therefore **concur** with your 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 Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
Department of Water Resources
Governor's Washington D.C. Office
Army Corps of Engineers (Tiffany Welch)



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March 3, 2000

Ann Rosenberry
Department of the Navy, Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

RE: **ND-23-00** Negative Determination, U.S. Navy, Dredging Modifications, Pier 3, Naval Station San Diego

Dear Ms. Rosenberry:


The Coastal Commission staff has received the above-referenced negative determination for modifications to a previously-concurred-with consistency determination for maintenance dredging at Pier 3, located on the east side of San Diego Bay at the Naval Station San Diego. In 1994 the Commission concurred with this project (CD-51-94); at that time the Navy proposed disposal at LA-5 of 172,000 cu. yds. of clean (i.e., suitable for ocean disposal) material. On July 1, 1997, the Commission staff concurred with project modifications (ND-66-77); the modified project consisted of disposal of a total of 144,000 cu. yds. of material, with 92,000 cu. yds. going to an upland site, and 52,000 cu. yds. going to LA-5. The project has recently been further revised; the current proposal is for a total of 184,500 cu yds. material, with 85,500 cu. yds. going to LA-5 and 99,000 cu. yds going to an upland site outside the coastal zone. EPA has reviewed the Navy's most recent test data and agrees the 85,500 cu. yds. of material proposed for LA-5 disposal is suitable for open ocean disposal.

The current project also includes a Navy commitment for restoration of the Naval Outlying Landing Field (NOLF) site in Imperial Beach, an upland site which received previous disposal of some material, prior to questions raised by residents of Imperial Beach, the San Diego RWQCB, and the nearby (and downstream) Tijuana Slough National Wildlife Refuge. In light of the concerns raised the Navy ceased disposal at that site and has removed the material and agreed to restore the site to its pre-disposal condition. Upland disposal will now occur at the Lakeside Caster JV Reclamation Area (Lakeside Land Company), which is outside the coastal zone and a RWQCB-approved site.

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." The Commission previously concurred with dredging at Pier 3, with ocean disposal of the clean sediments at LA-5, and upland disposal of unsuitable material in a manner similar to that proposed here. Therefore, we agree with the Navy that this

modified dredging project does not raise any new issues with respect to coastal zone effects on marine resources or water quality not previously considered by the Commission. We therefore 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
Governors Washington D.C. Office
EPA (Stephen John)
Army Corps of Engineers (David Zoutendyk)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

MAR 16 2000

Ms. Sara J. Wan, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

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Tu 11a

Captain James W. Phillips, Commanding Officer
United States Navy
Naval Surface Warfare Center
Port Hueneme Division
4363 Missile Way
Port Hueneme, California 93043-4307

Dear Madam Chair and Captain Phillips:

The purpose of this letter is to transmit to the California Coastal Commission (Commission) and the Navy, the Office of Ocean and Coastal Resource Management's (OCRM's) report on the coastal effects from the Navy's Surface Warfare Engineering Facility (SWEF) at Port Hueneme, California. This report is the culmination of the mediation that OCRM conducted between the Commission and the Navy. I believe that the enclosed report will provide the Commission and the Navy with the information needed to resolve the issues regarding effects from the SWEF and the Navy's "negative determinations" that preceded the mediation as well as improve future coordination through the Coastal Zone Management Act Federal Consistency requirement. I encourage the Commission and the Navy to continue to coordinate on these issues to determine how the Navy can respond to the technical panel's recommendations.

OCRM appreciates the opportunity to assist the Commission and the Navy in this matter. The success of the mediation was due to the guidance and directions of the Commission, and the cooperation, diligence and flexibility of the Navy. The negotiations were also successful because of the hard work, collaboration, professionalism and patience of the Commission staff, Navy staff and the Citizen Observer. Discussing these matters and arranging the technical panel was no small task. I would like to recognize the substantial contributions by the Commission's Mr. Mark Delaplaine, the Navy's Ms. Suzanne Duffy and Mr. Chuck Hogle, and the Citizen Observer Mr. Lee Quaintance.

Finally, the contributions of the scientists that participated on the technical panel cannot be overstated. The esteemed panel members volunteered their very limited time, were diligent and thorough in their participation and evaluations, and provided information of tremendous value for the Commission's and the Navy's considerations. A very special thank you goes to Dr. Ross Adey, Dr. Robert C. Beason, Dr. John D'Andrea, Dr. Joe A. Elder, and Mr. Edwin Mantiply.



OCRM expects to present its report to the Commission and the Navy at the April 2000, Commission meeting in Long Beach. If you have any questions or need further assistance, please contact Mr. David W. Kaiser, Federal Consistency Coordinator, Coastal Programs Division, OCRM, at (301) 713-3098, extension 144.

Sincerely,



Jeffrey R. Benoit
Director

Enclosure

cc: Peter Douglas, Commission
Mark Delaplaine, Commission
Suzanne Duffy, Navy
Chuck Hogle, Navy
Lee Quaintance
Dr. Ross Adey
Dr. Robert C. Beason
Dr. John D'Andrea
Dr. Joe A. Elder
Mr. Edwin Mantiply