

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Th 5

DATE: June 20, 2000

TO: Coastal Commissioners and Interested Parties

FROM: Mark Delaplaine, Federal Consistency Supervisor

RE: Negative Determinations Issued by Executive Director

PROJECT #:	NE-033-00
APPLICANT:	Marla Morrissey
LOCATION:	Los Osos Creek near Morro Bay, San Luis Obispo Co.
PROJECT:	Creek restoration
ACTION:	No effect
ACTION DATE:	06/05/2000

PROJECT #:	ND-038-00
APPLICANT:	Corps of Engineers
LOCATION:	Palos Verdes Shelf, Los Angeles Co.
PROJECT:	Modification of previous project to assist EPA pilot capping project (CD-52-00)
ACTION:	Concur
ACTION DATE:	06/19/2000

PROJECT #:	NE-042-00
APPLICANT:	Santa Barbara County Flood Control
LOCATION:	Santa Rosa Creek, Santa Barbara Co.
PROJECT:	Santa Rosa Creek Riparian Restoration Plan
ACTION:	No effect
ACTION DATE:	06/06/2000

PROJECT #:	ND-044-00
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Construct and use marine mammal facilities
ACTION:	Concur
ACTION DATE:	06/15/2000

PROJECT #:	ND-051-00
APPLICANT:	Corps of Engineers
LOCATION:	Palos Verdes Shelf, Los Angeles Co.
PROJECT:	Dredging and transportation of material for EPA pilot capping project (CD-52-00)
ACTION:	Concur
ACTION DATE:	06/19/2000

PROJECT #:	ND-055-00
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Construction of a mini-mart
ACTION:	Concur
ACTION DATE:	05/31/2000

PROJECT #:	ND-060-00
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Reopening accessway at Ocean Beach Park
ACTION:	Concur
ACTION DATE:	05/25/2000

PROJECT #:	NE-061-00
APPLICANT:	Orange County
LOCATION:	Santa Ana River, Huntington Beach, Orange Co.
PROJECT:	Temporary low-flow diversion of river flows to protect water quality
ACTION:	No effect
ACTION DATE:	05/26/2000

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June 5, 2000

Marla Morrissey
P.O. Box 6801
Los Osos, CA 93412

RE: **NE-033-00**, No-Effects Determination, stream restoration, south fork of Los Osos Creek, Los Osos, San Luis Obispo County

Dear Ms. Morrissey:

The Coastal Commission has received the above-referenced consistency submittal for a demonstration project designed to enhance steelhead habitat and restore stream habitat on the south fork of Los Osos Creek, southeast of Morro Bay. The project consists of enhancing six sites at meander bends in the creek, including constructing rootwad/log and rock structures, installing brush and willow mattresses, and temporary stream diversion during construction using a culvert and sandbags.

The applicant has coordinated with the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. The project has been designed based on the "California Salmonid Stream Habitat Restoration Manual" prepared by the Dept. of Fish and Game, and includes pre- and post-project monitoring and restoration of all disturbed areas with native vegetation.

The project is also within the coastal development permitting jurisdiction of San Luis Obispo County. In this case, the Coastal Commission staff declines to assert federal consistency jurisdiction, 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, as conditioned by the County, would 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. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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June 19, 2000

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

RE: **ND-038-00** Negative Determination, Army Corps, Modification to previously-concurred-with consistency determination (CD-54-95) for Port of Long Beach Queens Gate Channel Deepening to use material for pilot project to cover contaminants at Palos Verdes Shelf, offshore of Long Beach and San Pedro, Los Angeles County

Dear Mr. Koplin:

On September 13, 1995, the Coastal Commission concurred with the Army Corps' consistency determination (CD-54-95) for dredging of 5.6 million cu. yds. of material to deepen the Main Channel into the Port of Long Beach, with disposal as follows: 2 million cu. yds. at the Pier 400 Landfill, 2.1 million cu. yds. at the Main Channel Borrow Pit, and 1.5 million cu. yds. at the Energy Island borrow pit. On June 15, 1998, the Commission staff concurred with a negative determination (ND-63-98) for a modification of the project to allow up to 4 million cu. yds. to be disposed at an "anchorage area borrow pit."

The Corps has submitted a negative determination for further modification of the project to use 300,000 to 500,000 cu. yds. of this material for disposal as a pilot project associated with the Environmental Protection Agency's (EPA's) investigation of the feasibility of capping the historic "Superfund¹" site of DDTs and PCBs at White's Point on the Palos Verdes Shelf. Disposal of the remainder of the material would remain as previously authorized (see first paragraph).

¹ Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

EPA has submitted a consistency determination for the pilot/demonstration project for Commission consideration at the June 2000 meeting. National Oceanic & Atmospheric Administration studies have established that capping of the contaminated sediments is technically feasible, and EPA is proposing a limited capping project to further refine alternatives, look at behavior of different grain size capping material, monitor resuspension impacts, compare disposal equipment alternatives, and demonstrate that the site can be capped and obtain other field data on short-term processes and behavior of the cap as placed.

The Corps' submittal is in two parts (ND-038-00 & ND-051-00), because of EPA's need to obtain different grain sizes for experimentation in the pilot project. Finer sediments would be used from the Queens Gate Main Channel site (the subject ND-038-00); coarser sediments would be used from the Borrow Area AIII site (ND-051-00). All the material has been tested and is suitable for open ocean disposal.

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 proposed dredging is similar to (and has already been authorized through) the above-referenced Corps consistency and negative determinations (CD-54-95 and ND-63-98). The proposed disposal is similar to EPA's consistency determination (CD-52-00). We therefore **concur** with your negative determination for this revised 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,



(fw)

PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
California Department of Water Resources
Governors Washington D.C. Office
Environmental Protection Agency (Fred Schauffler)

CALIFORNIA COASTAL COMMISSION

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June 6, 2000

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

RE: **NE-042-00**, No-Effects Determination, Santa Barbara County Flood Control District, Santa Rosa Creek Restoration Plan, Santa Barbara Co.

Dear Mr. Treiberg:

The Coastal Commission has received the above-referenced no-effects determination for an erosion control and habitat restoration plan on Santa Rosa Creek in Santa Barbara County. This Santa Rosa Creek is a tributary to the Santa Ynez River, located more than 10 miles inland of the coastal zone boundary in Santa Barbara County. The proposal consists of erosion control activities and revegetation with native species within a 1 mile long by 100 ft. wide corridor along the creek, between the Santa Ynez River and Highway 246 to the north. The project is being jointly implemented with the Cachuma Resources Conservation District and the California Coastal Conservancy, and is also being coordinated with state and federal resource agencies, including the California Department of Fish and Game.

The project would reduce sedimentation into the Santa Ynez River, which would benefit downstream coastal zone resources. The habitat restoration features include 25 acres of planting along the creek banks, and the project would result in the creation of 1.8 acres of additional wetland habitat. Maintenance and monitoring plans have been incorporated into the project, and the project will be timed to minimize disturbance to breeding and nesting seasons of special status bird species.

In conclusion, the project would be located well inland of the coastal zone and would not adversely affect coastal zone resources. The Commission staff therefore **agrees** that the proposed project will not adversely affect coastal zone resources. Consequently, we

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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

Mark Delaplaine
(for) 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
Trish Chapman, Coastal Conservancy

CALIFORNIA COASTAL COMMISSION

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June 15, 2000

Ann Rosenberry
Naval Facilities Engineering Command
Southwest Division
2585 Callagan Highway, Building 99
San Diego, CA 92132-5180

RE: **ND-044-00**, Negative Determination to construct and use marine mammal facilities, Naval Amphibious Base, Coronado.

Dear Ms. Rosenberry:

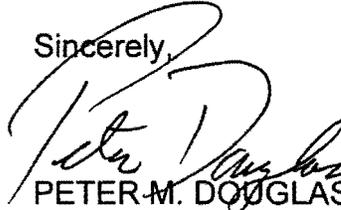
The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to construct and use a marine mammal facility on the Naval Amphibious Base, Coronado. The Navy will construct the proposed facility at three areas on the base. At Pier 2, the Navy proposes to construct a 30-foot by 60-foot marine mammal pen, which will house up to four dolphins. The construction at this site will include nets that hang to approximately 8 feet below the water surface, a landing, davit crane, floating dock with brow for access to the pens, a floating maintenance/security building, and repair of an existing floating dock. The floating dock will be held in place with ten concrete piles. At the foot of Pier 2, the Navy proposes to construct a Marine Mammal System compound. This compound consists of two concrete pool slabs (23 feet by 25 feet) sloped to a catch basin and 432-square-foot building with fish preparation area, walk-in freezer, sewer connection, and security fencing. Finally, the Navy proposes to construct a 50-foot by six-foot floating dock at Pier 3.

This project will not affect the California least tern, a federally listed endangered species, because it will not be constructed during the least tern nesting season. Additionally, the project will not affect any other sensitive flora and fauna. The project will displace a minor amount of soft-bottom estuarine habitat. However, this impact is not significant because of its small area affected, approximately 450 square feet, and because the pilings will provide habitat for invertebrates that require vertical surfaces. In addition, the Navy will construct the project in an area that is currently developed with similar military facilities. Therefore, the project is consistent with the existing land and water uses and visual resources of the area. Additionally, the project will not affect water quality resources of the coastal zone, because the area has sufficient water circulation to remove wastes associated with the animals and the facility's capacity is limited to four marine mammals, which will not generate significant amounts of waste. Finally, the

project will not affect recreational use of the coastal zone because it is located on a Navy facility where the public is excluded for military security reasons.

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

PMD/JRR

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June 19, 2000

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

RE: **ND-051-00** Negative Determination, Army Corps, Dredging at "Borrow Area AIII"
site, offshore of Long Beach and San Pedro, Los Angeles County

Dear Mr. Koplin:

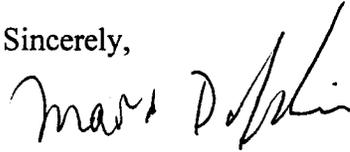
The Corps has submitted a negative determination for dredging at "Area AIII Borrow Site" of up to 20,000 cu. yds. of material for disposal as part of a pilot project associated with the Environmental Protection Agency's (EPA's) investigation of the feasibility of capping the historic "Superfund¹" site of DDTs and PCBs at White's Point on the Palos Verdes Shelf. EPA has submitted a consistency determination for the pilot/demonstration project for Commission consideration at the June 2000 meeting. National Oceanic & Atmospheric Administration studies have established that capping of the contaminated sediments is technically feasible, and EPA is proposing a limited capping project to further refine alternatives, look at behavior of different grain size capping material, monitor resuspension impacts, compare disposal equipment alternatives, and demonstrate that the site can be capped and obtain other field data on short-term processes and behavior of the cap as placed.

The Corps' submittal is in two parts (ND-038-00 & ND-051-00), because of EPA's need to obtain two different grain sizes for experimentation in the pilot project. Up to 20,000 cu. yds. of coarse sediments would be used from the new dredging at Borrow Area AIII (the subject ND-051-00); the remainder of the material (i.e., finer sediments) would be used from the Queens Gate/Main Channel site (ND-038-00). All the material has been tested and is suitable for open ocean disposal.

¹ Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

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 proposed dredging and disposal activities are similar to related actions described in EPA's consistency determination (CD-52-00). 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: Long Beach Area Office
California Department of Water Resources
Governors Washington D.C. Office
Environmental Protection Agency (Fred Schauffler)

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May 31, 2000

Ann Rosenberry
Long Range Planning/
Real Estate Team Leader
South Bay Area Focus Team, Southwest Division
Department of the Navy
Naval Facilities Engineering Command
2585 Callagan Hwy, Bldg. 99
San Diego, CA 92136-5198

Attn: Mike Petersen

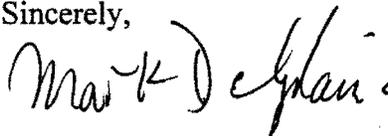
RE: ND-055-00 Negative Determination, U.S. Navy, Building Replacement/Mini-mart,
Naval Amphibious Base, Coronado, San Diego Co.

Dear Ms. Rosenberry:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for the in-kind replacement of a one-story, 17 ft. high, 7,000 sq. ft. mini-mart structure on the west side of Silver Strand Blvd., at the Naval Amphibious Base in Coronado. The project is within a developed portion of the base. Building colors would be earth tones, and the building size would be roughly the same as the existing building: the footprint would be slightly smaller, with the height 5 ft. higher than the existing building. The Navy has coordinated with the City of Coronado, which requested that the sign for the building be no larger than the existing building sign, and that it be placed low on the site to minimize its visibility from the highway. The Navy has agreed to modify the project to comply with the City's request. As modified, the building would be visually compatible with nearby Navy buildings, and the project would not adversely affect any scenic public views, including those to or from the ocean or San Diego Bay. No grading would be necessary and the project would not affect any environmentally sensitive habitat. 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,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
Department of Water Resources
Governor's Washington D.C. Office
City of Coronado (Tony Peña)
Community Development
1825 Strand Way
Coronado, CA 92118-3099

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May 25, 2000

Lt. Col. Scott W. Westfall
U.S. Air Force
Environmental Management
806 13th Street, Suite 116
Vandenberg Air Force Base, CA 93437-5242

Attn: John Gunderson

RE: **ND-060-00**, Negative Determination for the reopening accessway at
Ocean Beach Park, Vandenberg Air Force Base

Dear Lt. Col. Westfall:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Air Force proposes to re-open the vertical accessway from the parking lot at Ocean Beach Park to the beach on Vandenberg Air Force Base. This accessway was closed on March 1, 2000, as part of the Air Force's efforts to protect the snowy plover, a federally listed threatened species. In addition to closing the vertical accessway at Ocean Beach Park, the Air Force closed all but a half-mile of Surf and Ocean Beaches. The Commission concurred with the Air Force's consistency for these closures (for one season) in CD-19-00. The Air Force proposes to re-open the vertical accessway at Ocean Beach Park that passes underneath the railroad tracks. From there the Air Force will designate a trail leading through the dunes, but avoiding sensitive habitat including snowy plover nesting habitat. The access trail will lead to the half-mile of open beach. The proposed re-opening will increase beach-parking opportunities and provide for safe access underneath the railroad tracks. Additionally, the accessway will avoid sensitive dune and snowy plover habitat. Therefore, the proposed activity will not adversely affect public access or sensitive habitat.

In conclusion, the Coastal Commission staff agrees that the proposed modification 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,

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

PETER M. DOUGLAS
Executive Director

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

PMD/JRR

CALIFORNIA COASTAL COMMISSION

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May 26, 2000

Bill Tidwell, Manager
Operations and Maintenance
Orange County Public Facilities and
Resource Dept.
300 N. Flower St.
Santa Ana, CA 92702-4048

RE: **NE-061-00**, No-Effects Determination, Low Flow Diversion (Phase I), Santa Ana River, Huntington Beach, Orange Co.

Dear Mr. Tidwell:

The Coastal Commission has received the above-referenced request for emergency/federal consistency authorization for the diversion of summer flows in the Santa Ana River to protect downstream coastal water quality. The project consists of placing temporary diversion structures (sandbag berms) in three channels: the Santa Ana River, Talbert, and Greenville-Banning channels. The diversion facilities would all be outside the coastal zone. The low flows would be diverted to the sewer system. The project is intended to address serious health concerns caused by high bacteria levels in Huntington Beach's coastal waters. The project would commence June 1, and the facilities would be removed at the end of the summer season (September 15). The project would include water quality monitoring to assess the benefits of the diversion. The project has been coordinated with the U.S. Fish and Wildlife Service (and other "resource" agencies), which has not expressed concerns over Phase I of the project. A second phase of the project, which is not being implemented at this time, would involve berming at ocean inlets (Talbert March/Santa Ana River). This second phase would necessitate further federal consistency or coastal development permit review by the Commission. In addition, if the Phase I diversion is implemented in future years, additional federal consistency will be needed.

The Coastal Commission staff **agrees** that the 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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
Department of Water Resources
Governor's Washington D.C. Office
Erik Larsen, Corps of Engineers

