

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****Tu 5**

DATE: September 18, 2001

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 #:	NE-052-01
APPLICANT:	CALTRANS
LOCATION:	I-5 between Damon Street and Genesee Street, San Diego
PROJECT:	Pavement Repair
ACTION:	No effect
ACTION DATE:	09/04/2001

PROJECT #:	ND-053-01
APPLICANT:	Immigration and Naturalization Service
LOCATION:	Canyon del Sol, San Diego
PROJECT:	Drainage Improvements
ACTION:	Concur
ACTION DATE:	09/06/2001

PROJECT #:	ND-063-01
APPLICANT:	Coast Guard
LOCATION:	Coast Guard Station, San Diego
PROJECT:	Pier Repair
ACTION:	Concur
ACTION DATE:	08/28/2001

PROJECT #:	ND-067-01
APPLICANT:	Corps of Engineers
LOCATION:	San Lorenzo River, Santa Cruz
PROJECT:	Modifications to San Lorenzo River Flood-Control Project
ACTION:	Concur
ACTION DATE:	09/06/2001

PROJECT #:	ND-073-01
APPLICANT:	Coast Guard
LOCATION:	Port of Los Angeles, Los Angeles
PROJECT:	Fence Replacement
ACTION:	Concur
ACTION DATE:	09/07/2001

PROJECT #:	ND-075-01
APPLICANT:	Navy
LOCATION:	2.1 mi. offshore of Point Loma, San Diego
PROJECT:	Expendable Doppler Penetrometer
ACTION:	Concur
ACTION DATE:	08/24/2001

PROJECT #:	NE-081-01
APPLICANT:	Spaceport Systems International
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Renew Commercial Space License
ACTION:	No effect
ACTION DATE:	09/14/2001

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45 FREMONT STREET, SUITE 2000
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September 4, 2001

Bruce April
Caltrans
District 11
PO Box 85406
San Diego, CA 92186

RE: **NE-052-01**, No-Effects Determination for Pavement Repair on I-5
between Damon Street and Genesee Street, City of San Diego.

Dear Mr. April:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes Pavement Repair on I-5 between the Damon Street and Genesee Street overcrossing, in the City of San Diego. The City of San Diego has also determined that the project is exempt from a coastal development permit as a repair and maintenance activity.

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 Kathleen Stycket of the Coastal Commission staff at (415) 904-5295.

Sincerely,

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

(for) PETER M. DOUGLAS
Executive Director

cc: Roberta La Frate, Caltrans
San Diego Coast Area Office
Federal Highway Administration

PMD/KS



CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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September 6, 2001

Stephan Brooks, Project Manager
Immigration and Naturalization Service
U.S. Department of Justice
819 Taylor St., Room 3A28
Fort Worth, TX 76102

Re: **ND-053-01** Negative Determination, U.S. Department of Justice (INS), culvert removal and replacement of drainage channel at the U.S./Mexico Border, 1.6 miles west of the San Ysidro Port of Entry, City of San Diego

Dear Mr. Brooks:

The Coastal Commission staff has received the above-referenced negative determination for the replacement and modification of an existing drainage structure at the location known as Whiskey 8 drainage, in Canyon Del Sol. Originally constructed by the City of San Diego to route storm water around the city's wastewater treatment plant, the drainage has become unsafe for border patrol agents who monitor the area for illegal immigration activities. The INS states that the culvert system is used by illegal traffickers, and differences in the elevation of the Mexican/US border at this location expose border agents to projectiles and other hostile activities from across the primary border fence. Modifications to the open channel would substantially reduce this hazard.

The Whiskey 8 drainage is an ephemeral stream that receives storm water from residential and commercial areas within Mexico. The channel extends approximately 50 feet northward from the international border before emptying into a 72 inch concrete pipe. The channel is lined with rip-rap rubble and contains sparse vegetation comprised of exotic species such as castor bean and Russian thistle. The drainage is an open channel, 50 feet long by 25 feet wide (approximately 0.03 acres), which drains into the Tijuana River valley, southeast of the San Diego wastewater treatment plant on Dairy Mart Road.

The project will consist of the removal of 255 feet of existing 72 inch concrete pipe culvert and replacing it with a 35 foot wide by 100 foot long concrete lined trapezoidal channel. The existing channel has been previously disturbed and is lined with rip-rap, sewage, and debris. A total of 305 linear feet (0.035 acres) of waters of the United States will be affected by the project. Construction will clear the existing channel, install a catch basin and riser pipe at the downstream terminus of the channel to trap debris during flood flow conditions, and a riser pipe will be connected to the existing culvert.

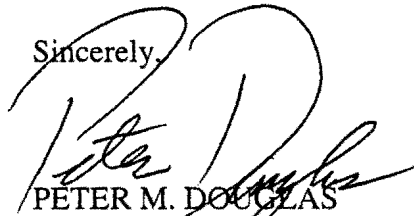
The INS has applied for a Section 404-Individual Permit from the Corps, a Streambed Alteration Agreement from the California Department of Fish and Game, and has received a Section 401 Water Quality Certification from the California Regional Water Quality Control

Board. The INS has incorporated best management practices for the project, and it will not affect any federally listed endangered or threatened species, critical habitat or wetlands. Mitigation options to off-set losses of non-wetland waters of the U.S. consist of the construction of a rip rap area on the eastern side of the new channel. This area would parallel the bottom of the channel and be designed to retain some water after flood events. A baffle will be constructed at the upstream end of the rip-rap to dissipate flow energies and ensure that water is directed to the mitigation area. The purpose of the mitigation is to compensate for the affected functions of the resource, even though those functions are currently limited.

The Commission staff agrees that with the measures the INS has incorporated into the project, there will be no adverse impact to coastal resources resulting from the project.

We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Kathleen Stycket of the Commission staff at (415) 904-5295 should you have any questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
California Department of Water Resources
Army Corps, San Diego Field Office
RWQCB, San Diego Region

CALIFORNIA COASTAL COMMISSION

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



August 28, 2001

Dave Stalters
Chief, Environmental Division
U.S. Coast Guard
ATTN: Roy Clark
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

Subject: Negative Determination ND-063-01 (Pier replacement at Coast Guard Activities Facility, San Diego).

Dear Mr. Stalters:

The Commission staff has reviewed the above-referenced negative determination for replacement of a section of an aging timber pile pier at the Coast Guard Activities Facility on North Harbor Drive, San Diego. The project involves removing the last 95 feet of an existing 250-foot-long timber pile pier and one of two floating docks. These will be replaced with 100 feet of concrete floating dock secured by concrete piles and accessed by a gangway from the remaining timber pile pier. The project will reduce San Diego Bay pier/float coverage at this facility by 170 square feet. In addition, replacing the timber piles and pier with concrete piles and floats should reduce the release of wood treatment contaminants into the bay.

The Coastal Commission staff agrees with your conclusion that no adverse impacts to coastal resources will result from the project, and 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,

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

(PMD)

PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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September 6, 2001

Kenneth E. Hitch
U.S. Army Corps of Engineers
Sacramento District
1325 J St.
Sacramento, CA 95814-2922

ATTN: Mike Dietl

Re: **ND-067-01** Negative Determination, Army Corps, Modification to CD-17-96
and CD-20-94, San Lorenzo River Flood Control Project, Santa Cruz

Dear Mr. Hitch:

In 1994 and 1996, the Commission concurred with CD-17-96 and CD-20-94 Army Corps proposals for flood control activities on the San Lorenzo River (CD-17-96 and CD-20-94). The Corps has submitted a negative determination for modifications to its activities consisting of: (1) placing soil over previously authorized riprap, to allow vegetation to grow on the riprap; (2) modifying several storm outfall structures; and (3) renovating an existing pumping station with stormwater treatment units to remove fine sediments and suspended solids from runoff before it reaches the San Lorenzo River. We initially indicated our support for the modifications, as long as the Corps would agree to include additional measures to protect water quality, which have been agreed to in item #3 above. We were additionally concerned when it appeared that the activity might not be able to be implemented without a fall breaching of the downstream lagoon (and with juvenile steelhead in the lagoon); however that concern has been resolved by a natural breaching of the lagoon, which neither the Corps nor the City was responsible for. Therefore, we agree with your assessment that coastal zone resources will not be adversely affected by the modified project, and that the modifications do not trigger the need for a new consistency determination. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

(for) Mark Delaplaine
PETER M. DOUGLAS
Executive Director

cc: Santa Cruz District Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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September 7, 2001

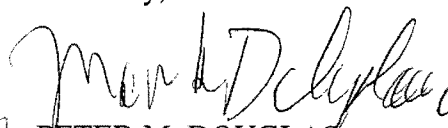
Dave Stalters
Chief, Environmental Division
U.S. Coast Guard
ATTN: Louis Rivero
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

Re: **ND-73-01** Coast Guard, Negative Determination, fence replacement, San Pedro, Los Angeles County

Dear Mr. Stalters:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of an existing chain link fence at the Los Angeles Lighthouse, located at the entrance to Los Angeles Harbor. The existing fence has deteriorated and is no longer functional. The replacement fence would be the same as the previously-existing fence. We agree with your conclusion that no adverse impacts to coastal resources would result from the project. We therefore **concur** with your negative determination for the project made pursuant to Section 15 CFR 930.35 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: South Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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August 24, 2001

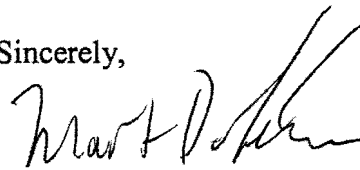
Robin Skinner, Manager
Environmental, Safety and Health Office
Attn: Jill Lomeli
Department of the Navy
Naval Facilities Engineering Service Center
1100 23rd Ave.
Port Hueneme, CA 93043-4370

RE: **ND-75-01** Negative Determination, Navy, Test Probe, Doppler Penetrometer,
Offshore of Point Loma, San Diego

Dear Ms. Skinner:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's proposal to conduct test probes using a Doppler Penetrometer to test seafloor characteristics (particularly shear strength) 2.1 miles offshore of Point Loma in San Diego. The tests would last three days and their impacts would be minimal. The Commission staff has previously concurred with two negative determinations for similar proposals offshore of Ventura County (ND-037-01 and ND-107-98). Like the previous tests, the proposed tests would be short term in nature and would not adversely affect marine resources, environmentally sensitive habitat, or public access and recreation. 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 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: Ventura Area Office
Governors Washington D.C. Office
Corps of Engineers, San Diego Field Office

CALIFORNIA COASTAL COMMISSION

46 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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September 14, 2001

Orlando C. Severo
Spaceport Systems International
3769-C Constellation Road
Lompoc, CA 93436

RE: **NE-081-01**, No-Effects Determination for the renewal of a commercial space license for a commercial spaceport on Vandenberg Air Force Base

Dear Mr. Severo:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. In this submittal, the applicant argues that the required license renewal does not require a consistency certification. In 1994, the Commission concurred with CC-042-94, a consistency certification for the construction and operation of a commercial spaceport at Vandenberg Air Force Base. Spaceport Systems International has applied for a renewal of its Federal Aviation Administration's commercial space license.

The regulations implementing the Coastal Zone Management Act (CZMA) includes within its definition of a federal permit or license, the following:

1. *Renewals ... of federal license or permit activities not previously reviewed by the State agency;*
2. *Renewals ... of federal license or permit activities previously reviewed by the State agency which are filed after and are subject to management program changes not in existence at the time of original State agency review; and*
3. *Renewals ... of federal license or permit activities previously reviewed by the State agency which will cause an effect on any coastal use or resource substantially different than those originally reviewed by the State agency.¹*

As described above, the proposed renewal is for an activity that the Commission has previously reviewed. In addition, the Commission has not significantly modified its coastal management program in a manner that would affect the spaceport. Finally, the proposed project does not have any effects on coastal uses or resources that are substantially different from those that were originally reviewed by the Commission. Therefore, the Commission staff concludes that

¹ 15 CFR §930.51(b)

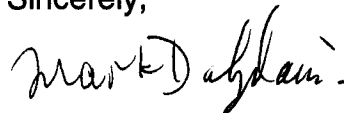
September 14, 2001

NE-81-01

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the proposed renewal is a not a permit or license requiring federal consistency review. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification pursuant to 15 CFR § 930.50. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(s) PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
Michon Washington, Federal Aviation Administration

PMD/JRR