

**CALIFORNIA COASTAL COMMISSION**

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

RECORD PACKET COPY

**Th 12**

**DATE:** November 19, 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-095-99
APPLICANT:	Union Pacific Railroad
LOCATION:	Laguna Channel, City of Santa Barbara
PROJECT:	Bridge Replacement
ACTION:	Object
ACTION DATE:	10/29/2001

PROJECT #:	NE-032-00
APPLICANT:	Caltrans
LOCATION:	Near Summerland, Santa Barbara County
PROJECT:	Disposal of dredged material
ACTION:	No effect
ACTION DATE:	10/26/2001

PROJECT #:	ND-087-01
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Humboldt Bay National Wildlife Refuge, Humboldt Co.
PROJECT:	Install water well to support wetland restoration
ACTION:	Concur
ACTION DATE:	11/7/2001

PROJECT #:	ND-099-01
APPLICANT:	Navy
LOCATION:	San Diego Bay Naval Bases (NSSD, NAB, NASNI, and NSC)
PROJECT:	Placement of Markers to delineate boundaries of security zones
ACTION:	Concur
ACTION DATE:	11/15/2001

PROJECT #:	ND-101-01
APPLICANT:	National Oceanic and Atmospheric Administration
LOCATION:	Pillar Point, San Mateo County, offshore to Pioneer Seamount
PROJECT:	Transfer of California (ATOC/MMRP) Cable from Scripps to NOAA, and use of cable for passive acoustic research
ACTION:	Concur
ACTION DATE:	11/19/2001

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October 26, 2001

Gary Ruggerone, Chief  
Environmental Planning  
Caltrans, District 5  
50 Higuera St.  
San Luis Obispo, CA 93401-5415

RE: **NE-032-00**, No Effects Determination, Caltrans Highway 192 Culvert Replacement,  
Garrapata Creek, near Summerland, Santa Barbara County

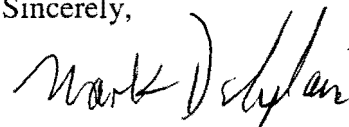
Dear Mr. Ruggerone:

The Coastal Commission has reviewed the above-referenced no-effects determination for the abandonment of an existing culvert and constructing a new culvert on Highway 192 at Garrapata Creek, near Summerland, Santa Barbara County.

The project is within Santa Barbara County's coastal development permit jurisdiction, within an area where such permits are appealable to the Coastal Commission. In such cases, the Commission staff generally waives the federal consistency requirement. Caltrans has incorporated measures into the project to avoid adverse effects on environmentally sensitive habitat. Construction will be limited to the non-rainy season. Erosion control measures have been incorporated into the project. No wetlands or environmentally sensitive habitat would be affected. No equipment will operate within the stream. All disturbed areas will be restored to pre-project conditions.

In conclusion, the Coastal Commission staff declines to assert federal consistency jurisdiction, due to the fact that: (1) this project has or will receive 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 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,

  
(for) PETER M. DOUGLAS  
Executive Director

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

## CALIFORNIA COASTAL COMMISSION

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October 29, 2001

Barry O'Regan, P.E.  
HDR Engineering, Inc.  
271 Turn Pike Drive  
Folsom, CA 95630

RE: **NE-95-99**, No-Effects Determination, Union Pacific Railroad, Bridge Replacement,  
Laguna Channel, City of Santa Barbara

Dear Mr. O'Regan:

The Coastal Commission staff has reviewed the above-referenced consistency submittal by the Union Pacific Railroad for the replacement of an existing bridge over Laguna Channel, north of Cabrillo Blvd., in the City of Santa Barbara. The existing bridge is a 3-span, 44 ft. long timber pile trestle ballast deck bridge, which is in deteriorated condition and in need of immediate replacement. The replacement bridge (which has been implemented; this is an after-the-fact situation) is a 3-span, 52 ft. long concrete slab girder bridge. The design was chosen to facilitate flood increased flows under the bridge. The project requires a coastal development permit (CDP) from the City of Santa Barbara, within an area where such permits are appealable to the Coastal Commission. The applicant received an emergency exclusion for some initial emergency work (placement of 60 concrete bags at the base of the wingwalls); however the applicant has not received a CDP for the bridge replacement itself.

Given that over two years have elapsed without an application to the City for a CDP being filed for the bridge replacement, the Coastal Commission staff disagrees that the proposed project will not adversely affect coastal zone resources, and we therefore object to the conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. In the future, we may be able to waive the requirement for Commission review of a consistency certification, *if* the applicant receives a CDP from the City, so please keep us apprised as to the status of (and any conditions imposed on) any such locally issued CDP. If you have any questions, please contact Mark Delaplaine, federal consistency supervisor for the Commission staff, at (415) 904-5289.

Sincerely,

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

PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
Department of Water Resources  
Governor's Washington D.C. Office  
Army Corps, Ventura Field Office (Army Corps File No. 199916225-PMG)  
City of Santa Barbara (Jan Hubbell)

**CALIFORNIA COASTAL COMMISSION**

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November 7, 2001

Frans B. Lowman  
SHN Consulting Engineers & Geologists, Inc.  
812 Wabash  
Eureka, CA 95501-2138

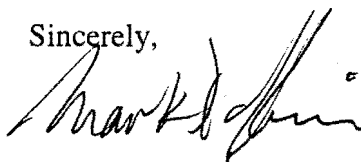
RE: **ND-087-01**, Negative Determination, U.S. Fish and Wildlife Service,  
installation of water well to support wetland restoration, Humboldt Bay National  
Wildlife Refuge, Humboldt County

Dear Mr. Lowman:

The Coastal Commission staff has reviewed the above-referenced negative determination for the installation of a 12 inch diameter water well to a depth of 500 ft. at the Humboldt Bay National Wildlife Refuge. The purpose of the water well is to support and enhance wetland restoration on the refuge. The Commission has authorized and supported Fish and Wildlife Service restoration activities at the refuge in its concurrence with consistency determinations for the acquisition of the land for restoration purposes (CD-7-88), as well as for management plans and specific restoration activities at the refuge (CD-33-92 and CD-40-91). These concurrences have included authorizations of hydrological modifications when proposed to improve wetland habitat. The proposed well would yield up to 200 gallons/minute, which would be used to water an area up to 80 acres. Humboldt County (Division of Environmental Health) has reviewed the well and assures it will be constructed and operated to County well standards.

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

Sincerely,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office  
U.S. Fish and Wildlife Service  
Department of Water Resources  
Governor's Washington D.C. Office



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November 15, 2001

L.R. Hering  
Department of the Navy  
Commander Naval Region Southwest  
937 No. Harbor Drive  
San Diego, CA 92132-0058

Attn: Jason T. Baltimore

RE: **ND-099-01**, Negative Determination for the Placement of Markers to  
delineate boundaries of security zones, San Diego Bay Naval bases

Dear Captain Hering:

The Coastal Commission staff has reviewed the above-referenced negative determination for the placement of markers to delineate boundaries of security zones recently designated at several San Diego Bay Naval bases, including: the Naval Station San Diego (NSSD), the Naval Amphibious Base (NAB) the Naval Air Station North Island (NASNI) in Coronado, and the Naval Supply Center (NSC) in San Diego.

As the Commission staff noted in concurring with the Coast Guard's negative determination for the establishment of these security zones (ND-88-01), the restricted areas are either already restricted, or are adjacent to and constitute relatively minor expansions of existing restricted areas, in the immediate vicinity of Navy piers and bases. These areas are not typically used for recreational or commercial boating, and the restrictions will not adversely affect navigation or boating in San Diego Bay. The Navy's current proposal contains one new area to be included, an area immediately surrounding the three existing piers just north of Ballast Point, on the east site of Point Loma.

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." On October 16, 2001, the Commission staff concurred with the above-mentioned Coast Guard negative determination (ND-88-01) for a similar activity. We therefore agree with the Navy that this project is similar to the previously-concurred with negative determination, and we hereby 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.

Finally, we are standardizing a request that will be made for all future federal consistency submittals for projects that can affect navigational information compiled by the National Oceanic and Atmospheric Administration (NOAA). The request is for notification to NOAA, upon project completion, to enable NOAA to update its nautical charts. We therefore request that project include the following commitment:

Within 30 days of the completion of the proposed development, the applicant will provide written verification to the California Coastal Commission that the applicant has submitted to NOAA:

- 1) as-built drawings, blueprints, or other engineering documents which depict the completed development;
- 2) geographic coordinates of the location, using a Differential Geographic Positioning System (DGPS) unit or comparable navigational equipment; and
- 3) the applicant's point of contact and telephone number.

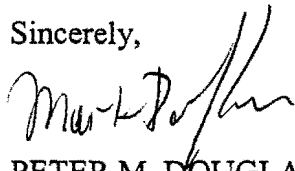
The NOAA contact is:

Ms. Lyn Preston, Chief,  
Nautical Data Branch, NOAA  
N/CS26 Station 7350  
1315 East West Highway  
Silver Spring, MD 20910

Phone: (301) 713-2737 ext. 123.

Thank you for your attention to this request.

Sincerely,

(for)   
PETER M. DOUGLAS  
Executive Director

cc: San Diego Coast Area Office  
City of Coronado  
Department of Water Resources  
Governor's Washington D.C. Office  
Coast Guard  
NOAA, Lyn Preston, Gerry Wheaton



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November 19, 2001

David Evans  
National Oceanic and Atmospheric Administration  
Office of Ocean and Atmospheric Research  
1315 East-West Highway  
Silver Spring, CA 20810

Attn: Stephanie Harrington

RE: **ND-101-01**, Negative Determination, National Oceanic and Atmospheric Administration (NOAA), Transfer of the California Acoustic Thermometry of Ocean Climate/Marine Mammal Research Program (ATOC/MMRP) Cable from Scripps Institution of Oceanography (Scripps) to NOAA, and use of cable for passive acoustic research, from Pillar Point, San Mateo County, offshore to the Pioneer Seamount, 48 nautical miles offshore of San Francisco

Dear Dr. Evans:

The Coastal Commission staff has reviewed the above-referenced negative determination for the transfer of the California ATOC cable from Scripps to NOAA, and use of the cable for passive acoustic research. Two NOAA divisions, the Pacific Marine Environmental Laboratory (PMEL) and the Ocean Exploration Program (OEP), will jointly manage the cable and publish the data. The cable was originally slated for removal at the end of ATOC/MMRP active acoustic transmissions (see CC-110-94 & CDP 3-95-40). However the Commission has been granting time extensions to Scripps (see NE-103-99, NE-111-99), based on the understanding that NOAA would either: (a) take over cable ownership and responsibilities, and only use the cable for passive acoustic activities; or (b) remove the cable. NOAA has now submitted this negative determination describing and clarifying its use of the cable as well as its ongoing responsibilities.

NOAA has attached a 4-element vertical line array (VLA) to the cable end, which rests at an ocean depth of 930 meters (m). The four hydrophone elements are spaced roughly 30 meters apart, up to 120 m above the seafloor (see web site below for schematic). The hydrophones are tuned for all frequencies between 1-1000 Hz. NOAA has developed a web site where the data can be observed, which can currently be accessed at:

<http://www.pmel.noaa.gov/vents/acoustics/pioneer.html>

NOAA has made it clear that no experiments using active acoustics will be allowed to use the cable. NOAA has also made it clear that it is assuming all responsibilities for maintenance and removal of the cable, and if the cable is no longer being used, it will remove the cable,

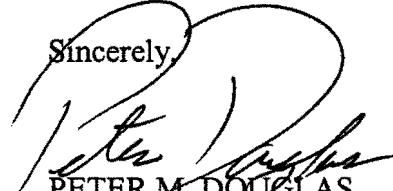
unless it provides an analysis convincing the Commission (and the National Marine Sanctuary Program (NMSP)), that removal of the cable would be more environmentally damaging than leaving it in place. In addition, if it is left in place, NOAA agrees to ensure that the cable will not be used for any active acoustics.

NOAA has also addressed concerns raised over the integrity of the data received and over potential use of the cable by non-NOAA entities. NOAA states:

*The entire Pioneer Seamount hydrophone array system is controlled by NOAA (and partner University of Washington) from hydrophone through the public web site. This includes the data flow and the electrical power on the cable. The military has no access to the data stream other than the same read-only access provided the public. Any attempt to alter the signal would be obvious from the signal and electrical outputs. There is no means for anyone to attach anything to the cable without us knowing it, and if they installed an active sound source on this cable or any other cable in the region, we would hear it up to 1 kHz on this system and on other systems deployed in the Pacific.*

With these understandings, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources, and, in fact, will benefit our understanding of marine resources through public dissemination of the passive acoustic data collected. We, therefore, concur with your negative determination made pursuant to 15 CFR Section 930.35. 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: Santa Cruz District Office  
NOAA, Molly Holt  
MBNMS, Bill Douros  
NOAA National Marine Sanctuary (NMS) Program, John Armor  
Scripps, Peter Worcester  
NOAA/PMEL (Chris Fox)  
San Francisco State University (Toby Garfield)  
NMFS (Office of Protected Resources)  
State Lands Commission  
OCRM (David Kaiser)  
California Department of Water Resources  
Governor's Washington D.C. Office