

## CALIFORNIA COASTAL COMMISSION

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



## RECORD PACKET COPY

W 9

**DATE:** January 23, 2001**TO:** COASTAL COMMISSIONERS AND INTERESTED PARTIES**FROM:** MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR**RE:** NEGATIVE DETERMINATIONS ISSUED BY EXECUTIVE DIRECTOR

<b>PROJECT #:</b>	ND-111-00
<b>APPLICANT:</b>	Corps of Engineers
<b>LOCATION:</b>	Santa Ana River, Orange Co.
<b>PROJECT:</b>	2000 Lower Santa Ana River , Reach 1 Dredging Project (implementation of previously concurred with consistency determination)
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	01/03/2001

<b>PROJECT #:</b>	ND-114-00
<b>APPLICANT:</b>	Navy
<b>LOCATION:</b>	South end of Point Loma, Cabrillo National Monument, San Diego
<b>PROJECT:</b>	100 ft. tower
<b>ACTION:</b>	Object
<b>ACTION DATE:</b>	01/23/2001

<b>PROJECT #:</b>	ND-115-00
<b>APPLICANT:</b>	Marine Corps
<b>LOCATION:</b>	Del Mar Boat Basin, Camp Pendleton Marine Corps Base, San Diego Co.
<b>PROJECT:</b>	Installation of boat lift
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	12/15/2000

PROJECT #:	NE-117-00
APPLICANT:	Boeing
LOCATION:	Vandenberg Air Force Base, Sta. Barbara Co.
PROJECT:	EELV Security Fence
ACTION:	No effect
ACTION DATE:	12/15/2000

PROJECT #:	ND-118-00
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Sta. Barbara Co.
PROJECT:	Interim Closure of Santa Ynez River Mouth
ACTION:	Concur
ACTION DATE:	12/18/2000

PROJECT #:	ND-120-00
APPLICANT:	National Park Service
LOCATION:	Cabrillo National Monument, San Diego
PROJECT:	Extension of tidepool protection
ACTION:	Concur
ACTION DATE:	01/12/2001

PROJECT #:	ND-123-00
APPLICANT:	Coast Guard
LOCATION:	Morro Bay, San Luis Obispo County
PROJECT:	Modification to previously approved boat dock
ACTION:	Concur
ACTION DATE:	01/17/2001

PROJECT #:	NE-124-00
APPLICANT:	Caltrans
LOCATION:	Encinitas, San Diego Co.
PROJECT:	Acquisition of land for implementation of HCP
ACTION:	No effect
ACTION DATE:	12/29/2000

PROJECT #:	ND-125-00
APPLICANT:	Navy
LOCATION:	San Clemente Island, Los Angeles Co.
PROJECT:	Tomahawk Flight Test Operations
ACTION:	Concur
ACTION DATE:	01/10/2001

PROJECT #:	ND-127-00
APPLICANT:	National Weather Service
LOCATION:	Near Miramar NAS, San Diego
PROJECT:	Improvements to communications and data gathering equipment
ACTION:	Concur
ACTION DATE:	12/15/2000

PROJECT #:	NE-129-00
APPLICANT:	Department of Parks and Recreation
LOCATION:	Point Sur, Monterey County
PROJECT:	Repair of Trail and Relocation of Restrooms
ACTION:	No effect
ACTION DATE:	12/20/2001

PROJECT #:	ND-001-01
APPLICANT:	Coast Guard
LOCATION:	Bolinas, Marin Co.
PROJECT:	Installation of an antenna
ACTION:	Concur
ACTION DATE:	01/19/2001



**CALIFORNIA COASTAL COMMISSION**

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



January 3, 2001

Robert E. Koplin, P.E.  
Chief, Planning Division  
U.S. Army Corps of Engineers  
ATTN: Lisa Louie, CESPL-PD-RN  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-111-00 (Lower Santa Ana River Excavation Project, Orange County).

Dear Mr. Koplin:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for the Lower Santa Ana River Excavation Project in Orange County. The Corps of Engineers proposes to excavate 500,000 cu.yds. of clean, beach-compatible sand from the lower Santa Ana River flood control channel between the Fairview Channel and the Pacific Ocean in order to return the channel to its design grade. Approximately two miles of the proposed project is within the coastal zone and one mile is inland of the coastal zone boundary. The proposed project is the final construction element of the Lower Santa Ana River Mainstem Project (CD-29-88), concurred with by the Commission in 1988. Ownership of this reach of the flood control channel has been turned over to Orange County with the stipulation that the excess sediment that has accumulated over the past ten years during construction of the Mainstem Project would be removed by the Corps and the channel returned to its final design grade.

This negative determination also provides for disposal of all excavated materials. Between 20,000 and 40,000 cu.yds. of sand will be placed on the California least tern nesting island within the Santa Ana River salt marsh. The balance of the excavated sand will be disposed at one or more of the following locations: the Newport Beach groinfield, the -15 to -30 foot MLLW nearshore zone off Newport Beach, or Surfside/Sunset beaches. Excavation will involve the use of a hydraulic

dredge and pipelines, earthmoving equipment, and dump trucks and follow a construction scenario similar to that used during the original channel excavation in 1991. It is expected that the nearshore disposal site would be maximized because it has the least hauling costs of all the disposal alternatives. Excavation and disposal is scheduled to occur between January and December 2001; no work within the lower portion of the channel segment (Station 6+50 to 33+00) or within foraging areas of the California least tern will occur between April 15 and September 15 (the least tern nesting season) except as agreed to by the U.S. Fish and Wildlife Service.

The negative determination also states that:

*In addition to construction activities described above, the Corps has agreed to provide a minimum of 2,000 cu.yds. of material to the City of Newport Beach for Newport Bay beach replenishment. Material would be placed at four different locations: 43<sup>rd</sup> and River, 18<sup>th</sup> and Bay, 10<sup>th</sup> and Bay, and Balboa Island (South Bay Front). City forces will be used to transport materials from the river mouth to the four indicated locations. The City will be responsible for providing an appropriate environmental assessment for the proposed disposal sites and obtaining the appropriate permits required for this action, in addition to providing their own means of transportation. Although the Corps is providing the material, the Corps will not be held accountable for any actions taken by the City during transportation and placement of material taken from Reach 1 of the Santa Ana River.*

Notwithstanding the aforementioned beach replenishment plans of the City of Newport Beach, Coastal Commission action on this Corps of Engineers negative determination **does not authorize** any transport or disposal of excavated Santa Ana River sediments proposed by the City of Newport Beach. Any such activity will require the City to obtain a separate coastal development permit from the Commission.

The proposed excavation and disposal of sand from the Lower Santa Ana River flood control channel has the potential to generate adverse affects on coastal resources, in particular, public recreation, marine habitat, and endangered species. However, environmental commitments made by the Corps of Engineers will ensure that adverse project effects will be temporary and less than significant. The Supplemental Environmental Assessment (SEA) for the project states that:

*Recreational activities, such as fishing, bird watching, biking, horseback riding, hiking, and jogging, would be affected in the following ways:*

*During, and for a short period of time following, dredging of sediment material, fishing and bird watching activities may be hindered because of the disturbance of wildlife habitat would result in a decrease in the number of fishes and birds . . . .*

*There would be air quality, aesthetic, and noise impacts to horseback riders, hikers, and joggers resulting from the operation of equipment . . . .*

*Due to the temporary nature of the project, impacts on these recreational uses are considered to be adverse, but not significant.*

The placement of up to 460,000 cu.yds. of clean sand on or immediately offshore of northern Orange County area beaches will be a significant and positive recreational benefit of the project.

Regarding marine habitat, the SEA states that:

*The channel excavation activities will result in disturbance of the benthic and intertidal channel communities. The impact will be short-term as recolonization will occur once the sediment removal has ended. In fact, excavation of the channel to design grade will maintain the larger tidal prism created as a result of the original project construction activities.*

To ensure protection of sensitive marine resources during excavation work the Corps of Engineers will require the project contractor to prepare and implement a "Spill Prevention, Containment, and Countermeasures Plan" that specifies fueling procedures, equipment maintenance procedures, and containment and cleanup measures to be followed in the event of a spill of fuels, oils, or other hazardous materials.

As a result of coordination with the U.S. Fish and Wildlife Service, the Corps of Engineers agreed to a number of environmental commitments regarding the protection of endangered and sensitive species and their habitats which are found in and adjacent to the excavation and disposal sites:

- *The portion of the reach north of the northern-most tidal gate of the Santa Ana River saltmarsh may be dewatered year-round, provided that other nearby foraging areas (i.e., Talbert Channel and Marsh, Newport Slough, Santa Ana River mouth) and water flow to the tidal gates of the saltmarsh are maintained and undisturbed during the least tern nesting season.*
- *Material may be discharged into nearshore waters during the least tern nesting season only south of Prospect Street. Discharge will be allowed to commence as early as Labor Day, but no earlier.*
- *An estimated 20,000 to 40,000 cubic yards of clean, coarse, sandy material will be placed onto the California least tern nesting island within the Santa Ana River saltmarsh, improving its habitat value and increasing the elevation of the island by two to four feet. Maximum height placement on the island will be restricted to the height in which material does not erode into the surrounding channels. The sides of the island will be graded at an angle to avoid any major future erosion. Placement of the material onto the island will be restricted to the months outside of the breeding/nesting season if terns are present. If terns are not present, placement of materials onto the island may occur if clapper rails are also not present. The fence surrounding the island will be disturbed.*
- *An existing crossing located in the channel adjacent to the east side of the tern island may be improved in order to allow trucks to haul and deposit material onto the island. The crossing improvement will be approximately 12 feet in width and 40 feet in length. This crossing area will reinforce the soft bottom area to support the weight of the trucks. Once all the material has been deposited onto the least tern island, the channel will be returned to its original condition.*
- *In order to avoid potential impacts associated with the nesting season of the California least tern, any dredging-related activities in the channel inverts of Reach 1 would be preferred to occur during the winter, but will be allowed to occur year round. The potential exists that winter storms and consequent presence of water in the channel may delay excavation within the channel and prevent completion of such work by April 15.*



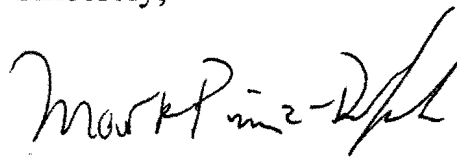
- *If it is determined that dredging (if chosen) cannot be completed prior to April 15, the Corps will initiate informal consultation with the U.S. Fish and Wildlife Service (USFWS) relative to potential impacts to the California least tern. If any impacts are considered to affect the terns' ability to successfully forage and nest by USFWS, dredging operations shall be halted until the tern nesting season has ended or otherwise negotiated minimization measures are in place.*
- *During the spring and summer (March 1 to September 15), material at the Surfside-Sunset location may be stockpiled only on the dry portion of the beach above mean higher high water (MHHW) to be redistributed only within the dry portion of the beach to avoid impacts to grunion spawning and California least tern foraging areas.*
- *Although light-footed clapper rails are not currently present, trucks hauling materials in the reach adjacent to the panhandle area of the north marsh will be restricted to the levee on the opposite side of the marsh during light-footed clapper rail breeding season (March 15 to August 15) to avoid disturbance to possible clapper rails in the area. The U.S. Fish and Wildlife Service will be contacted one month after breeding season begins to determine whether clapper rails are present. If not, the levee closest to the marsh may be used.*

With these environmental commitments, the proposed excavation and disposal activities will not adversely affect endangered and sensitive species and their habitats.

In conclusion, the proposed project is the final element of the Lower Santa Ana River Mainstem Project (CD-29-88) and provides additional details not included in CD-29-88 regarding the disposal of clean sands excavated from the flood control channel. The proposed excavation was previously found to be consistent with the California Coastal Management Program, and the sands to be excavated are clean and suitable for beach and/or nearshore disposal at sites historically used for beach replenishment. With the environmental commitments incorporated into the project by the Corps of Engineers, potential impacts to public recreation, marine habitat, and endangered species and their habitats 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,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: South Coast District Office  
City of Newport Beach  
County of Orange  
California Department of Water Resources  
Governor's Washington, D.C., Office

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January 23, 2001

T. Stanford  
Department of the Navy  
Program Executive Office  
2531 Jefferson Davis Highway  
Arlington, VA 222-42-5165

RE: **ND-114-00**, Negative Determination for the installation of a 100-foot tower at the southern end of Point Loma, San Diego, CA.

Dear Mr./Ms. Stanford:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed 100-foot tower would be mounted on three reinforced concrete support piles. The tower's main structure would be three support legs about 20 feet apart at the base and tapering to 11 feet at the top. Related electronic equipment would be stored in an existing building.

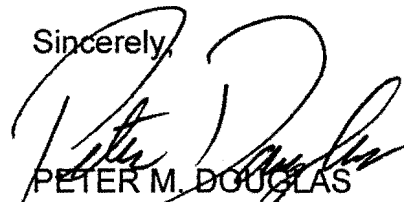
In its negative determination, the Navy states that it can presume Commission concurrence if the Commission does not act within 45 days from October 1, 2000. The Commission staff disagrees with this statement on two accounts. First of all, any time clock appropriate to this negative determination does not begin until the Commission receives the submittal. The Commission received the negative determination on November 13, 2000. Second, pursuant to the federal regulations applicable at the time that the Navy submitted this project, the Commission has 90 days from receipt of the negative determination to respond (15 CFR §930.35(d)). The 90-day period ends on February 11, 2001.

In addition, the Commission staff believes that the proposed project would affect visual resources of the coastal zone. Section 30251 of the Coastal Act provides for the protection of visual resources of the coastal zone and is an enforceable policy of the California Coastal Management Program. The Commission staff believes that the proposed tower would be highly visible from upland and water areas in the coastal zone. Specifically, the proposed project would be located in a highly scenic area that is visible to the public from upland areas and recreational boaters in the bay. The project site is also near the Cabrillo National Monument, which draws thousands of visitors each year. The proposed 100-foot tower would be highly visible from the coastal zone and is not consistent with the visual character of the area, which consists mostly of a rugged coastal peninsula. Although there is another tower near the proposed project, it is not nearly as tall and seems to be located a fair distance from the proposed project. Therefore, the

Commission staff concludes that the project would affect visual resources of the coastal zone.

In conclusion, the Coastal Commission staff **disagrees** with the Navy's conclusion that the proposed project would not affect coastal resources. The Commission staff, therefore, **objects** to the Navy's negative determination made pursuant to 15 CFR. Section 930.35(d) and believes that the proposed project requires a consistency determination pursuant to Section 307(c)(2) of the federal Coastal Zone Management Act (16 USC §1456(c)(2)). 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  
Terri DiMattio, Cabrillo National Monument  
NOAA  
Assistant Counsel for Ocean Services  
OCRM  
California Department of Water Resources  
Governors Washington D.C. Office

PMD/JRR

## CALIFORNIA COASTAL COMMISSION

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December 15, 2000

S.W. Norquist  
Natural Resources Department  
Marine Corps Base Camp Pendleton  
P.O. Box 555010  
Camp Pendleton, CA 92055-5010

Attn: Patricia Martinez

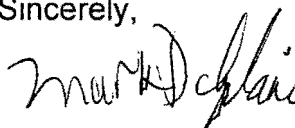
RE: **ND-115-00**, Negative Determination for the installation of a boatlift, Del  
Mar Boat Basin.

Dear Mr./Ms. Norquist:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed boatlift will be installed along an existing quay wall and will include offshore tracks to allow the lift to be moved over the water. The tracks will require 18 to 20 pilings and will include a walkway. The project will not require the creation of new landfill.

The project will result in the placement of pilings into the marine environment. This fill will not significantly affect aquatic resources because the amount of fill is small and the pilings will provide vertical surfaces for marine organisms to use. Based on the maps submitted, the project is not located in an area that contains eelgrass habitat or supports endangered or threatened species. The project is located in an area that supports other boating facilities and is visually consistent with the area. In conclusion, the Coastal Commission staff **agrees** that the proposed project will not significantly affect coastal zone 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,

(PMD)   
PETER M. DOUGLAS  
Executive Director

cc: San Diego Coast Area Office

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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December 15, 2000

Jeanne R. Beesley  
The Boeing Company  
5301 Bolsa Avenue  
Huntington Beach, CA 92647-2099

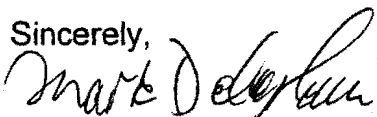
RE: **NE-117-00**, No-Effects Determination for the installation of a security fence at Space Launch Complex 6 (SLC-6), Vandenberg Air Force Base, Santa Barbara County.

Dear Ms. Beesley:

The Coastal Commission staff has received and reviewed the above-referenced no-effects determination. The proposed fence will be installed around Boeing's facility within SLC-6. The facility was reviewed and approved by the Commission in its concurrence with the Air Force's proposed Evolved Expendable Launch Vehicle project CD-49-98. In reviewing the previous project, the Commission raised concerns about the proposed fence because it included wetland fill. In response to that concern, the Air Force deleted the fence from the proposed project. The currently proposed fence will span the existing wetlands and will not result in any loss of wetland habitat. The Boeing Company provided a wetland delineation with its submittal that demonstrates that fence poles will not be installed in an area that contains wetland vegetation, soil, or hydrology. Additionally, the proposed fence will be installed in an already developed area within Vandenberg Air Force Base. This area is far from publicly accessible areas and the project will not affect access to the shoreline, recreational uses, or visual resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed project will not affect coastal zone resources. We, therefore, concur with the no-effects determination made pursuant to 15 CFR. Section 930.50. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

  
(RM) PETER M. DOUGLAS  
Executive Director

cc: South Central Coast Area Office

PMD/JRR

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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December 18, 2000

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

Attn: Jim Johnston

RE: **ND-118-00**, Negative Determination for the Interim Closure of Santa  
Ynez River Mouth, 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, as an interim measure, to close the beach adjacent to the Santa Ynez River Mouth to public use. The closure extends from 0.1 miles north to 0.1 miles south of the estuary and inland (east) to the railroad tracks. The purpose of the closure is to protect wintering habitat for the western snowy plover, a federally listed threatened species. All other beaches on Vandenberg would remain open during the snowy plover's wintering season. The closure will remain in effect until March 1, 2001. The Air Force is proposing this interim measure to protect habitat resources until it finalizes its permanent beach management plan. Since the current proposal is for a short duration and only affects a small portion of publicly accessible beach on the base, it will not significantly affect coastal resources or uses. Additionally, the Air Force will prepare a consistency determination for the final plan, which will be reviewed and approved by the Commission.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not significantly 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: Santa Cruz Area Office

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**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
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FAX (415) 904-5400



January 12, 2001

Terry M. DiMattio  
Superintendent  
Cabrillo National Monument  
National Park Service  
1800 Cabrillo Memorial Drive  
San Diego, CA 92106-3601

Subject: Negative Determination ND-120-00 (Five-Year Extension of Tidepool Protection, Education, and Restoration Program, Cabrillo National Monument, San Diego).

Dear Mr. DiMattio:

The Coastal Commission staff has received and reviewed the above-referenced negative determination submitted by the National Park Service (NPS) for a five-year extension through June 2005 of Cabrillo National Monument's "Tidepool Protection, Education, and Restoration Program." The purpose of this program is to restore the intertidal areas under the Monument's administration at Point Loma while permitting the public to continue visiting the tidepools. The NPS developed the program in 1996 after findings from a 1990-1996 tidepool monitoring study indicated that the biological health of the tidepools had deteriorated in recent years. The study provided evidence that human visitation to and exploration of the tidepools were major factors affecting the biological health of the tidepools. The program included increased education and staffing to inform the public and enforce policies protecting natural resources, and closed the southernmost (and least-visited) one-third of the tidepool area to public use to allow natural restoration and scientific study.

In January 1997 the Commission concurred with CD-140-96, submitted by the NPS for a one-year implementation of the tidepool management program. In November 1997 the Commission concurred with CD-136-97 to extend the program for an additional three years through October 2000. In both actions the Commission found that the program was consistent with the marine resource and access and recreation policies of the California Coastal Management Program (CCMP) because it would improve tidepool habitat values and reduce adverse impacts on marine resources from public use, and because the access restrictions necessary to protect the tidepools were designed and implemented to minimize adverse effects on public access and recreation.

The proposed five-year extension of the tidepool management program includes continued public education and marine resource protection efforts, spring and fall marine resource monitoring at 99 separate plots in the tidepools, and closure of the southernmost tidepool area (Zone 3). The NPS reports in its negative determination that:

*Zone 3, the southernmost third of the intertidal area, was closed to public access on November 9, 1996. While it is too soon to detect significant changes in depleted populations of long-lived biota, some encouraging signs were apparent in the spring [of] 1997 after only*

*six months of protection. In Zone 3, owl limpet abundance increased (apparently a result of higher survival of juveniles), red algal turf increased its cover on walking surfaces, acorn barnacles began to recover, and formerly displaced wading birds returned to forage in the tidepools. In 2000 a specific study of human trampling on the red algal turf community was conducted. This preliminary study found highly significant effects of human foot traffic on the thickness and species composition of this habitat. Recovery of mussels, kelp, and other key species in the intertidal ecosystem will require several years to re-establish reproductively mature populations, and will depend on a number of factors, including protection from disturbance.*

The data to be obtained from the proposed monitoring during the next five years will continue to help the NPS to determine if the populations of 13 key tidepool indicator species are increasing, decreasing, or staying the same, to measure the effectiveness of this program, and to determine whether or not further management actions are necessary to protect, enhance, and restore the tidepools.

The tidepools at Cabrillo National Monument attract upwards of 90,000 visitors annually. The Commission has twice concurred with implementation of a tidepool management program that included closure of the southernmost one-third of the tidepool area at the Monument (used by 10% of tidepool visitors during the 1990-1996 survey), finding that this access restriction was necessary to protect tidepool habitat from overuse by the public. The proposed five-year continuation of the tidepool program, including the closure of Zone 3 to public use, remains consistent with the public access and recreation policies of the CCMP and continues the education and enforcement measures which have successfully minimized adverse effects on public access and recreation.

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 earlier in this letter, the Commission has concurred with two similar consistency determinations for the implementation of the Park Service's tidepool management program at Cabrillo National Monument (CD-140-96 and CD-135-97). We agree that the proposed five-year continuation of the tidepool management program will not adversely affect marine resources or public access and recreation in the coastal zone. We therefore concur with your negative determination for the continuation of the program 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,



(PMD) PETER M. DOUGLAS  
Executive Director

cc: San Diego District Office  
California Department of Water Resources  
Governor's Washington, D.C., Office  
Linda Locklin, CCC Access Manager

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FAX (415) 904-5400



January 17, 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-123-00 (Boat Dock Extension, Morro Bay, San Luis Obispo County)

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for an extension of an existing floating dock at U.S. Coast Guard Station Morro Bay. A recent decision by the Coast Guard to assign an additional motor lifeboat to Station Morro Bay requires an extension of the existing floating dock. The Coast Guard proposes to attach a 60-foot long by 8-foot wide section of floating dock to an existing 90-foot-long floating dock previously concurred with by the Commission and installed in 1998 (ND-89-98). The proposed dock extension would be constructed onshore and towed into place. No new pilings or piers would be installed as existing guide piles will be used to attach the dock extension to the existing dock and adjacent pier. Although the project area is seldom used by southern sea otters or brown pelicans, a biological monitor will be present during towing and installation operations to ensure that such work does not affect these species. The project will also avoid eelgrass beds which are found in adjacent waters.

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 noted above, the Commission concurred in 1998 with a negative determination for installation of the floating dock to which the proposed dock extension will be attached. We agree with your conclusion that the proposed floating dock extension will not adversely affect coastal resources, and we therefore concur with your negative determination for the 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 dark ink, appearing to read "Mark Daghlian".

(for) PETER M. DOUGLAS  
Executive Director

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



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December 29, 2000

Bruce L. April  
Environmental Stewardship Branch  
California Department of Transportation, District 11  
Mail Station 46  
P.O. Box 85406  
San Diego, CA 92186-5407

RE: **NE-124-00**, No-Effects Determination for federal funding of land acquisition for habitat preservation purposes, Encinitas and Escondido, San Diego County

Dear Mr. April:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. Caltrans is applying for federal funds from the Federal Highway Administration for the purpose of transferring the funds to the Cities of Encinitas and Escondido. These cities will use the funds to acquire six parcels, three of which are located within the coastal zone, for the preservation of habitat values. It is the Commission staff's understanding: 1) that Caltrans is functioning as an intermediary for the transfer of federal funds to the local agencies; 2) that the habitat acquisitions will not be located in a Caltrans' right-of-way; and 3) that the habitat acquisitions will not provide mitigation for any Caltrans' project. The purpose of the acquisitions is to preserve the habitat values on the properties in perpetuity. The acquisitions will be partial implementation of the draft Multiple Habitat Conservation Plan (MHCP) for northern San Diego County and will result in the preservation of existing habitat resources of the coastal zone. There is no physical development or other alteration of the properties associated with these acquisitions. Therefore, the acquisitions will not significantly or adversely affect coastal zone resources.

As you know, the MHCP has not been approved by the U.S. Fish and Wildlife Service (pursuant to the Endangered Species Act), California Department of Fish and Game (pursuant to the Natural Communities Conservation Act), or the California Coastal Commission (pursuant to the California Coastal Act and the

December 29, 2000

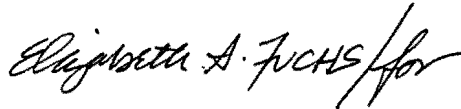
NE-124-00

Page 2

federal Coastal Zone Management Act). The Commission concurrence with these acquisitions is strictly based on the preservation of habitat resources and is not an approval of the MHCP or any development consistent with that plan.

In conclusion, the Coastal Commission staff agrees that the proposed federal funding for habitat acquisitions 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,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Fuchs" followed by a flourish.

PETER M. DOUGLAS  
Executive Director

cc: Gladys T. Baird, Caltrans District 11  
San Diego Coast Area Office

PMD/JRR

**CALIFORNIA COASTAL COMMISSION**

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



January 10, 2001

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

RE: **ND-125-00** Negative Determination, U.S. Navy, Modifications to Tomahawk Flight Tests, San Nicolas and Clemente Island

Dear Ms. Theroux:

On August 20, 1998, the Commission staff concurred with the Navy's Negative Determination for Tomahawk Flight Test operations off the southern Channel Islands, including San Clemente and San Nicolas Islands (ND-91-98). Noted that the activity had been continuing since 1976, and since the Navy had received confirmation from the U. S. Fish and Wildlife Service that it would not affect any sensitive wildlife resources, the Commission staff agreed with the Navy that the project would avoid adverse effects on coastal resources.

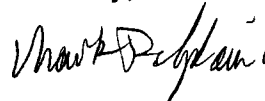
The current submittal is triggered by the Navy's proposal to use an existing underwater launch site (off the east side of San Clemente Island) and to establish and use a soft impact recovery area on San Nicolas Island in support of the test program. The underwater site is within a restricted area in waters approximately 110 ft. deep. Underwater launches off San Clemente Island would occur at a rate of approximately one per year and would take place from an existing underwater launch stand or a moveable launcher. The San Nicolas Island recovery area would be for emergency use only and would only be used when an anomaly occurs that does not allow the Tomahawk missile to be flown safely to the mainland. In such events missiles would land by parachute. The recovery area is adjacent to the existing Navy runway on the island.

While the recovery area potentially contains up to three environmentally sensitive species (Trask's milk vetch, San Nicolas Island fox, and the island night lizard), the Navy concludes effects on sensitive species would be minimal or nonexistent. The Navy prepared an Environmental Assessment analyzing potential effects on these and other species affected under the modified program. The Navy concludes that the activities would not adversely affect

these species, given the low frequency of operations, the lack of concentration of these species in the recovery area, and the mobility of the San Nicolas Island fox. The Navy has also informally coordinated its conclusions with the Fish and Wildlife Service and National Marine Fisheries Service, and these agencies have not disagreed with the Navy's conclusions.

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." We **agree** with the Navy that this modified project does not raise any new or significant issues with respect to effects on environmentally sensitive habitat or other coastal zone resources. 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  
California Department of Water Resources  
Governors Washington D.C. Office



## CALIFORNIA COASTAL COMMISSION

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



December 15, 2000

Rosaline Wong  
Research Analyst  
SRI International  
333 Ravenswood Ave.  
Menlo Park, CA 94025

RE: ND-127-00, Negative Determination, National Weather Service (NWS), Upper Air Facility improvements, near Miramar Naval Air Station, San Diego


Dear Ms. Wong:

The Coastal Commission staff has reviewed the above-referenced negative determination for equipment improvements at the Weather Service's Upper Air Facility, near Miramar Naval Air Station, San Diego. The improvements would consist of replacing existing telemetry equipment, replacing communications and power lines, adding global positioning systems, and other miscellaneous improvements. The project is located well inland of the coastal zone and would not affect any 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.

For future reference, please refer all federal agency activities to our headquarters office at the above address.

Sincerely,

  
(PM) PETER M. DOUGLAS  
Executive Director

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

## CALIFORNIA COASTAL COMMISSION

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



December 20, 2000

Kenneth L. Gray  
Department of Parks and Recreation  
Monterey District  
2211 Garden Road  
Monterey, CA 93940

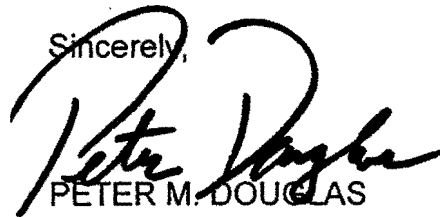
RE: **NE-129-00**, No-Effects Determination for repair and maintenance  
activities Point Sur State Historic Park, Monterey County

Dear Mr. Gray:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed project includes trail repairs and relocation of restrooms at Point Sur Historic Park, Monterey County. Some of the property affected by the repair activities is owned by the U.S. Coast Guard, which requires Commission concurrence with a consistency certification prior to the Coast Guard approval of the activities. The proposed project, however, will not affect coastal resources. The trail repairs will occur on already existing paved trails and stairs. Additionally, the bathrooms will be relocated to an already developed area where they will be less visible. The repairs will maintain the public recreational use of the area and will not adversely affect that resource.

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,

  
PETER M. DOUGLAS  
Executive Director

cc: Central Coast Area Office  
Don Grushey, Coast Guard

PMD/JRR

**CALIFORNIA COASTAL COMMISSION**

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



January 19, 2001

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

Subject: Negative Determination ND-001-01 (Antenna Replacement, Bolinas, Marin County).

Dear Mr. Stalters:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of a 71-foot inverted cone broadcast antenna with a 62-foot Vertical Omni-Directional Broadband Antenna at the Coast Guard's Communication Area Master Station Pacific (CAMSPAC) transmitter facility adjacent to the southern end of Point Reyes National Seashore, four miles northwest of Bolinas in Marin County. The antenna to be replaced has been in service for over thirty years and no longer meets requirements to maintain communication in support of the Coast Guard's public safety mission in the Pacific area. The replacement antenna would be sited within an existing antenna field and would generate no adverse impacts to visual or other coastal resources. In addition, 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." This project is similar to a number of Coast Guard antenna replacement proposals and new antennas at the Coast Guard's CAMSPAC facility in Bolinas for which we have concurred with consistency and negative determinations (CD-10-82, ND-45-97, ND-36-98, ND-99-98, ND-12-99, and ND-9-00).

Therefore, we agree with your conclusion that no adverse impacts to coastal resources would result from the project, and we hereby concur with your negative determination for the project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Douglas", written over a horizontal line.

(for) PETER M. DOUGLAS  
Executive Director

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

