

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

RECORD PACKET COPY

**W 18**

**DATE:** February 21, 2001

**TO:** COASTAL COMMISSIONERS AND INTERESTED PARTIES

**FROM:** MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

**RE:** NEGATIVE DETERMINATIONS ISSUED BY EXECUTIVE DIRECTOR

PROJECT #:	ND-130-00
APPLICANT:	Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Quay Wall Repair
ACTION:	Object
ACTION DATE:	02/02/2001

PROJECT #:	NE-131-00
APPLICANT:	Caltrans
LOCATION:	Various locations, San Diego Co.
PROJECT:	Bridge Maintenance Activities
ACTION:	Concur
ACTION DATE:	02/01/2001

PROJECT #:	ND-132-00
APPLICANT:	Navy
LOCATION:	Point Loma Naval Base, San Diego
PROJECT:	Maintenance Dredging; Ocean Disposal
ACTION:	Concur
ACTION DATE:	02/07/2001

PROJECT #:	ND-134-00
APPLICANT:	Navy
LOCATION:	Point Loma Naval Base, San Diego
PROJECT:	Replacement of underground Fuel Pipelines
ACTION:	Concur
ACTION DATE:	02/01/2001

PROJECT #:	ND-005-01
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Drainage Improvements
ACTION:	Concur
ACTION DATE:	01/30/2001

PROJECT #:	ND-006-01
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Repair of Wharf
ACTION:	Concur
ACTION DATE:	01/30/2001

PROJECT #:	ND-009-01
APPLICANT:	Corps of Engineers
LOCATION:	San Francisco Main Ship Channel, offshore of San Francisco
PROJECT:	Maintenance Dredge with Ocean Disposal
ACTION:	Concur
ACTION DATE:	01/30/2001

PROJECT #:	ND-014-01
APPLICANT:	Corps of Engineers
LOCATION:	Marina del Rey, Los Angeles Co.
PROJECT:	Maintenance of north jetty
ACTION:	Concur
ACTION DATE:	02/20/2001

**CALIFORNIA COASTAL COMMISSION**

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January 30, 2001

Robert Wood, Director  
Facilities Programming and Maintenance  
Engineering Division  
Department of the Navy  
Naval Base Ventura County  
311 Main Road, Suite 1  
Point Mugu, CA 93042-5001

Attn: Jim Danza

RE: **ND-006-01** Negative Determination, Navy Wharf A Repairs, Naval Base Ventura County, Port Hueneme, Ventura County

Dear Mr. Wood:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of existing rock slope protection at a deteriorated wood wharf (Wharf A) at the Naval Base Ventura County (formerly Naval Construction Battalion Center) in Port Hueneme. The project consists of replacement-in-kind of an existing facility. Approximately 25 five-ton stones will be placed along an 80 ft. length of shoreline in front of the wharf. Sand supply to area beaches in the greater project vicinity will not be affected. The rocks will appear similar to previously-existing rock slope at the site, as well as the adjacent rock slope, and no scenic public views will be affected. The project will not adversely affect water quality, environmentally sensitive habitat, or public access and recreation.

We **agree** with the Navy that the project will not affect coastal resources, and 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,

A handwritten signature in black ink that reads "Peter Douglas".

PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
Governors Washington D.C. Office  
Corps of Engineers, Ventura Field Office



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45 FREMONT STREET, SUITE 2000  
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TELEPHONE AND TDD (415) 904-5200



January 30, 2001

Robert Wood, Director  
Facilities Programming and Maintenance  
Engineering Division  
Department of the Navy  
Naval Base Ventura County  
311 Main Road, Suite 1  
Point Mugu, CA 93042-5001

Attn: Jim Danza

RE: **ND-005-01** Negative Determination, Navy Drainage Ditch Clearance and Improvements, Naval Base Ventura County, Port Hueneme, Ventura County

Dear Mr. Wood:

The Coastal Commission staff has received the above-referenced negative determination for drainage improvements at the Naval Base Ventura County (formerly Naval Construction Battalion Center) in Port Hueneme. The project includes culvert replacement, culvert removal, construction of a detention basin, and related activities in the 23<sup>rd</sup> Avenue, Pennsylvania Road, Pleasant Valley Road, and Eastern Pleasant Valley Road Channels. The improvements are needed due to development projects both on- and off-base in the project area, which have modified the levels and direction of existing drainage flows and caused the existing channels to have inadequate capacity during storm events. The project will alleviate flooding and improve water quality (due to the detention basin). No significant vegetation exists in the channels, and the project will not adversely affect any environmentally sensitive habitat.

The existing channels have been designated an "IR" site under the "Superfund"<sup>1</sup> program. As the Commission staff has noted in its response to a previous negative determination (see following paragraph), this "IR" designation occurred because of the potential for migration of contaminants through the groundwater system on the base; the designation is not due to the presence of contaminants in the channels. The Navy will work with, and obtain approval from, the California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) to assure no potential exists for contaminants to be

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<sup>1</sup> Superfund Amendments and Reauthorization Act (SARA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Installation Restoration (IR)

released. Several rounds of past Navy testing in the channels have not found any threats to human health or the environment from maintenance and improvement activities within the channels.

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 activity is similar to a previous Navy negative determination with which we concurred, for drainage ditch clearance and related improvements within the same channels (ND-124-98). In addition, we agree with the Navy that the project will not adversely affect downstream water quality or any 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,



PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
Governors Washington D.C. Office  
Corps of Engineers, Ventura Field Office  
RWQCB, Los Angeles Region  
DTSC (Dept. of Toxic Substances Control  
400 P St., Sacramento, CA 95814)

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January 30, 2001

Roderick A. Chisolm, Chief  
Environmental Planning Section  
U.S. Army Corps of Engineers  
333 Market Street  
San Francisco, CA 94105-2197

Attn: Roger Fernwood

Re: **ND-9-01** Negative Determination, Corps of Engineers, Maintenance Dredging  
San Francisco Bay Main Ship Channel

Dear Mr. Chisolm:

The Coastal Commission staff has received the above-referenced negative determination for the maintenance dredging of the San Francisco Bay Main Ship Channel, with disposal at the historically used San Francisco Bar Dredged Material Disposal Site (SF-8), located 2.8 miles offshore of the Point Lobos/Cliff House area in northwestern San Francisco. The dredging quantity proposed is approximately 600,000 cubic yards. Dredging would begin in March 2001 and last approximately 25 days. We have concurred with numerous similar dredging projects and use of this site for disposal of the predominantly sandy material in consistency determination CD-2-87-A and negative determinations ND-12-88, ND-4-93, ND-4-95, ND-26-96, ND-13-97, ND-10-98, and ND-18-00.

Under the federal consistency regulations (Section 930.35(d)), 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 the above-referenced consistency and negative determinations with which we previously concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5292 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS  
Executive Director

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





## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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February 2, 2001

R.E. Kinder  
U.S. Marine Corps  
Environmental Security Office  
Box 555010  
Camp Pendleton, CA 92055-5010

Attn: La Rae Landers

RE: **ND-130-00**, Negative Determination for repair of quay wall at Del Mar Boat Basin, Camp Pendleton Marine Corps Base, near Oceanside, San Diego Co.

Dear Major Kinder:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. As stated in the Marine Corps negative determination, 52 feet of the quay wall within the Del Mar Boat Basin is in need of repair. Specifically, an 18-inch gap has been formed between the quay wall and the bank. The deterioration of the quay wall threatens an existing building and represents a safety risk to base personnel. The Marine Corps proposes to place gravel in the gap between the shore and the quay wall to fill in the hole and to place 140 cubic yards of rip rap seaward of the wall.

In its negative determination, the Marine Corps concludes that the proposed project would not adversely affect coastal uses or resources. The Commission staff **disagrees** with this conclusion. The proposed project includes placement of riprap seaward of the mean high and would result in the placement of fill into the marine environment. The area below the mean high tide line is State land and within the coastal zone. The regulations implementing the Coastal Zone Management Act state that federal agencies should assume that development projects within the coastal zone affect coastal zone resources (15 CFR §930.33(b)). Additionally, the proposed project would result in impacts to subtidal habitat. The negative determination states that the Marine Corps would place riprap along 52 feet of shoreline, and according to phone conversations with Marine Corps personnel (La Rae Landers, 2/1/01), the riprap would extend approximately 10 feet seaward of the quay wall. Therefore, the project would affect approximately 520 square feet of marine habitat. This resource is protected by enforceable policies of the California Coastal Management Program (CCMP). Specifically, Sections 30233 and 30235 of the Coastal Act provide for the protection of marine habitat and limit construction of shoreline protective

February 2, 2001

ND-130-00

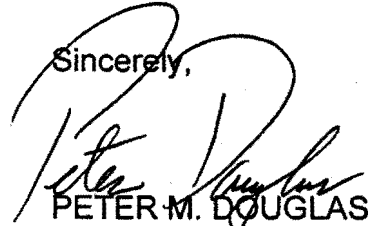
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devices (California Public Resource Code (PRC) §§ 30233 and 30235). Therefore, the Commission staff believes a consistency determination is required for this project.

In order for the Commission to adequately consider the project's consistency with the CCMP, Marine Corps' consistency determination must demonstrate that the riprap is necessary to protect an existing structure. Specifically, the Marine Corps' consistency determination must include any geologic and engineering studies that document the need for the project (California PRC § 30235). Additionally, the consistency determination must include an alternatives analysis that demonstrates that the proposed project is the least environmentally damaging feasible alternative (California PRC § 30233) and the consistency determination must document that the proposed project includes feasible mitigation for any remaining environmental impacts (California PRC § 30233).

In conclusion, the Coastal Commission staff **disagrees** with the Marine Corps' conclusion that the proposed project would not adversely affect coastal uses or resources. We, therefore, **object** to the negative determination made pursuant to 15 CFR Section 930.35. 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  
Corps of Engineers, San Diego Field Office  
OCRM  
NOAA Assistant Administrator  
Assistant General Counsel for Ocean Services  
Department of Water Resources  
Governor's Washington D.C. Office

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## CALIFORNIA COASTAL COMMISSION

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February 1, 2001

Bruce April  
Environmental Stewardship Branch  
Department of Transportation  
Mail Station 46, PO Box 85406  
San Diego, CA 92186-5406

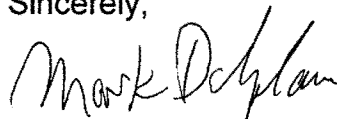
RE: **NE-131-00**, No-Effects Determination for the Bridge Maintenance at various locations in San Diego County.

Dear Mr. April:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed repair activities include repair of bridge joint seals and cracks in bridge decks. Caltrans will confine its work to the upper bridge decks. The proposed project will not change bridge size or capacity, will not modify the character of these bridges, and will not result in any impacts to wetlands or other habitat resources. Caltrans will avoid impacts to nesting cliff swallows on the Santa Margarita River Bridge on Interstate 5 by scheduling work outside of the nesting season and avoid impacts to roosting bats at the Batiquitos Bridge on interstate 5 by scheduling work during the day, if possible. If night time construction at that location cannot be avoided, Caltrans will minimize disturbances to the bats by shielding lights away from the lagoon and directing them towards the upper deck of the bridge. With these measures, the project will not affect habitat resources of the coastal zone.

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,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: Gladys Baird, Environmental Stewardship Branch  
San Diego Coast Area Office

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February 7, 2001

D.K. Weil  
Naval Base Point Loma  
140 Sylvester Road  
San Diego, CA 92106-3521

Attn: Doug Gilkey

RE: **ND-132-00**, Negative Determination for the Maintenance Dredging  
with Ocean Disposal, Naval Base Point Loma.

Dear Mr. Weil:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to conduct maintenance dredging of its dry dock facility at the Naval Base Point Loma. Specifically, the Navy proposes to dredge 20,000 cubic yards of material and dispose of it at LA-5, an Environmental Protection Agency (EPA) approved ocean disposal site.

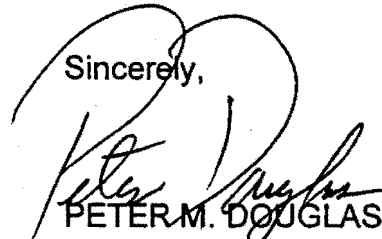
The Navy has evaluated the suitability of the material for ocean disposal using EPA/Corps of Engineers document titled *Evaluation of Dredged Material Proposed for Ocean Disposal* (Green Book). The Navy conducted physical, chemical, bioassay, and bioaccumulation studies pursuant to Green Book requirements. The physical analysis indicated that the material was approximately 40% sand, and thus is not suitable for beach replenishment purposes. Therefore, placement of this material at LA-5, which is outside of the littoral system, will not affect sand supply resources of the coastal zone.

The Navy's sediment chemistry analysis indicates the sediment has low levels of potential contaminants (only slightly elevated levels of copper and lead). Bioassay tests showed no significant toxicity for solid phase testing and no significant toxicity for two test species in the suspended particulate phase. However, toxicity was noted in the suspended particulate phase bivalve larvae test. According to the report, elevated levels of ammonia and sulfide in the sediments are responsible for the significant toxicity in the bivalve larvae test (report documents high levels of ammonia in the sediments). The report documents the sensitivity of blue mussel larvae to ammonia. The elevated levels of ammonia and sulfide are the result of degradation of biological material within an anaerobic environment. Once the material is dredged and placed at the disposal site, it will oxidize and the ammonia and sulfides will be converted into harmless substances.

The test results also indicate a slightly elevated bioaccumulation of metals and PAHs. However, this increase is not significant enough to warrant concern. The EPA and the San Diego Regional Water Quality Control Board have reviewed the proposed project and have agreed that the project would not adversely affect water quality or other marine resources and have authorized the dredging and ocean disposal. Since the testing results indicate that the dredge material is suitable for ocean disposal and EPA and the Regional Board agree with that conclusion, the Commission staff believes that the project will not adversely affect water quality resources of the coastal zone.

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. 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  
Corps of Engineers, San Diego Field Office  
Steven John, EPA  
Dat Quach, San Diego Regional Board

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## CALIFORNIA COASTAL COMMISSION

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February 1, 2001

D.K. Weil  
Naval Base Point Loma  
140 Sylvester Road  
San Diego, CA 92106-3521

Attn: Richard Repasy

RE: **ND-134-00**, Negative Determination for the replacement of  
underground fuel pipelines, Naval Base Point Loma, City of San Diego.

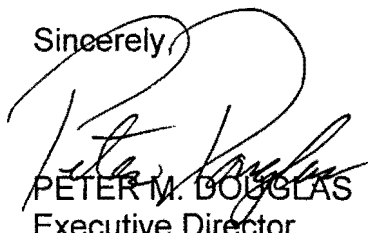
Dear Mr. Weil:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. Specifically, the Navy proposes to replace diesel fuel marine and sludge lines for 17 storage tanks located at the Fleet and Industrial Supply Center fuel farms, Naval Base Point Loma, San Diego. The Navy will place piers at 25-foot intervals to support the aboveground pipe sections. Where the pipe crosses roadways, the Navy will place the pipes in concrete trenches. The Navy will abandon most of the existing pipes in place, except where existing pipes impede the proposed project. The abandoned pipelines will be flushed and plugged in accordance with current regulations.

The purpose of the project is to replace underground pipelines with aboveground lines in order to meet California water quality regulations. The pipeline replacement project will reduce the risk of ground water quality impacts associated with underground pipelines. Additionally, the project will not affect habitat resources of the coastal zone, because the Navy will landscape areas disturbed by this project with native plants and the project will not displace any native, endangered, or otherwise sensitive plant or animal species. Finally, the project is located in an industrial area and is consistent with that character.

In conclusion, the Coastal Commission staff agrees that the proposed project will not affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 CFR Section 930.35. If you have any questions, call James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS  
Executive Director

ND-134-00  
Page 2

cc: San Diego Coast Area Office

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## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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February 20, 2001

Ruth Bajza Villalobos, Chief  
Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
Attn: Lisa Elofson  
P.O. Box 532711  
Los Angeles, CA 90053-2325

RE: **ND-014-01**, Negative Determination, Army Corps, North Jetty Maintenance,  
Marina del Rey, Los Angeles Co.

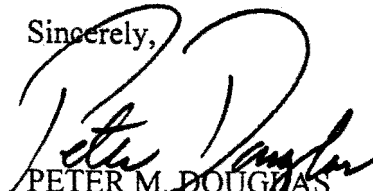
Dear Ms. Villalobos:

The Coastal Commission staff has received the above-referenced negative determination for maintenance of the North Jetty in Marina del Rey. The maintenance activities have been designed to slow or stop the development of navigational shoals within the harbor, which are caused or exacerbated by sand passing through crevices in the north jetty. The activities consist of: (1) temporary removal of sand along the north jetty; (2) placement of small rocks over the north face of the north jetty; (3) covering the rocks with geotextile fabric; and (4) replacement of the temporarily removed sand back against the jetty. Construction will occur above the winter beach line and above the high tide mark.

The project has been timed to avoid effects on snowy plovers, least terns, and brown pelicans; the project will be completed prior to April 1 and will not involve any nighttime activities. The project will not affect sand supply to area beaches. The jetty will be off limits to the public during the short (7-14 day) construction period; however access impacts will be minimal and overall the project will benefit access and recreation (it will cause more sand to remain on the beach and will eliminate a public safety hazard). Measures have been included to protect water quality, including performing construction work from the jetty, avoiding all in-water construction, and including measures to assure that contaminants will not be released to the site from construction equipment. The Corps has coordinated with EPA, the RWQCB, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and Heal the Bay.

In conclusion, we **agree** with the Corps that the project will not adversely affect coastal resources, and 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,



PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office  
California Department of Water Resources  
Governors Washington D.C. Office  
Heal the Bay