

CALIFORNIA COASTAL COMMISSION45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200

RECORD PACKET COPY

**Th 13**

DATE: March 16, 2001

TO: Coastal Commissioners And Interested Parties

FROM: Mark Delaplaine, Federal Consistency Supervisor

RE: Negative Determinations Issued By Executive Director

PROJECT #:	NE-024-00
APPLICANT:	Williams Communication, Inc.
LOCATION:	Mountain View Road, north of Garcia River, Point Arena area of Mendocino Co.
PROJECT:	Installation of fiber optic cable (related to coastal development permit No. A-1-MEN-00-043)
ACTION:	No effect
ACTION DATE:	03/16/2001

PROJECT #:	ND-004-01
APPLICANT:	Coast Guard
LOCATION:	Newport Bay, Orange Co.
PROJECT:	Maintenance dredging
ACTION:	Concur
ACTION DATE:	03/09/2001

PROJECT #:	NE-007-01
APPLICANT:	Orange County
LOCATION:	Talbert-Lower Santa Ana River, Huntington Beach, Orange Co.
PROJECT:	Low flow diversion of Santa Ana River flows to sewer system
ACTION:	No effect
ACTION DATE:	03/14/2001

PROJECT #:	ND-017-01
APPLICANT:	Navy
LOCATION:	Naval Air Station, North Island, Coronado, San Diego Co.
PROJECT:	Lifeguard tower replacement
ACTION:	Concur
ACTION DATE:	03/02/2001

PROJECT #:	ND-019-01
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Interim beach closure to protect snowy plovers
ACTION:	Concur
ACTION DATE:	03/13/2001

PROJECT #:	ND-024-01
APPLICANT:	Navy
LOCATION:	Navy Base Ventura County, entrance to Port Hueneme Harbor, Port Hueneme, Ventura Co.
PROJECT:	Installation of ocean and wind current doppler monitoring devices
ACTION:	Concur
ACTION DATE:	03/15/2001

CALIFORNIA COASTAL COMMISSION

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March 16, 2001

Bill Pfanner
Jones & Stokes
2600 V St.
Sacramento, CA 95818-1914

RE: **NE-024-00**, No-Effects Determination, Williams Communications, Inc.
Fiber Optic Cable, Point Arena, Mendocino County

Dear Mr. Pfanner:

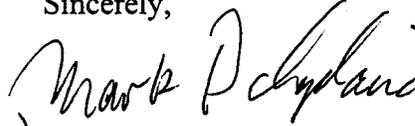
On February 25, 2000, the Coastal Commission received a request for a federal consistency waiver for the above-referenced project, consisting of installation of 102 miles of fiber-optic cable from the Point Arena area of Mendocino County to Sacramento. We have been awaiting conclusion of the coastal development permit and appeals process before responding, as a coastal development permit issued by the Coastal Commission automatically satisfies any federal consistency requirements.

On March 14, 2001, the Coastal Commission granted coastal development permit number A-1-MEN-00-043 for the portion of the project located within the coastal zone. This letter responds to the remainder of the cable, which would be located within the right-of-way of Mountain View Rd. as it traverses eastward from the coastal zone, roughly paralleling the Garcia River.

The project was designed to: (1) be constructed within local road and utility rights-of-way; (2) be attached to bridges to avoid stream impacts (or, where no bridge is present, to be directionally bored under streams); (3) include measures to minimize erosion and water quality impacts; (4) be routed to avoid environmentally sensitive habitat, wetlands, streams, and archaeological resources; (5) include restoration of disturbed areas with native vegetation; and (6) include traffic control plans. In addition, the Commission imposed detailed conditions requiring provisions for developing drilling fluid spill contingency plans, cable marker plans, revegetation of disturbed areas, avoiding and protecting sensitive biological resources, protecting water quality, complying with geotechnical report recommendations, and avoiding and protecting archaeological resources. As conditioned, the coastal zone effects for the portion of the project located within the coastal zone have been adequately addressed, and we believe it is appropriate to waive federal consistency review for the remaining, outside-the-zone, portion of the project.

Therefore, with these considerations, we **agree** with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office
California Department of Water Resources
Governors Washington D.C. Office
Army Corps, San Francisco District

CALIFORNIA COASTAL COMMISSION

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March 9, 2001

Dave Stalters
U.S. Coast Guard
Attn: Roy Clark
Civil Engineering Unit Oakland
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

RE: **ND-004-01**, Negative Determination, Minor maintenance dredging project, Newport Beach, Orange Co.

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for 1,500 cu. yds. of maintenance dredging at Coast Guard Mooring Corona Del Mar in Newport Beach. The material is suitable for ocean disposal but does not contain sufficient sand to be suitable for beach replenishment, and the Coast Guard proposes disposal at the offshore disposal site LA-3, offshore of Orange County.

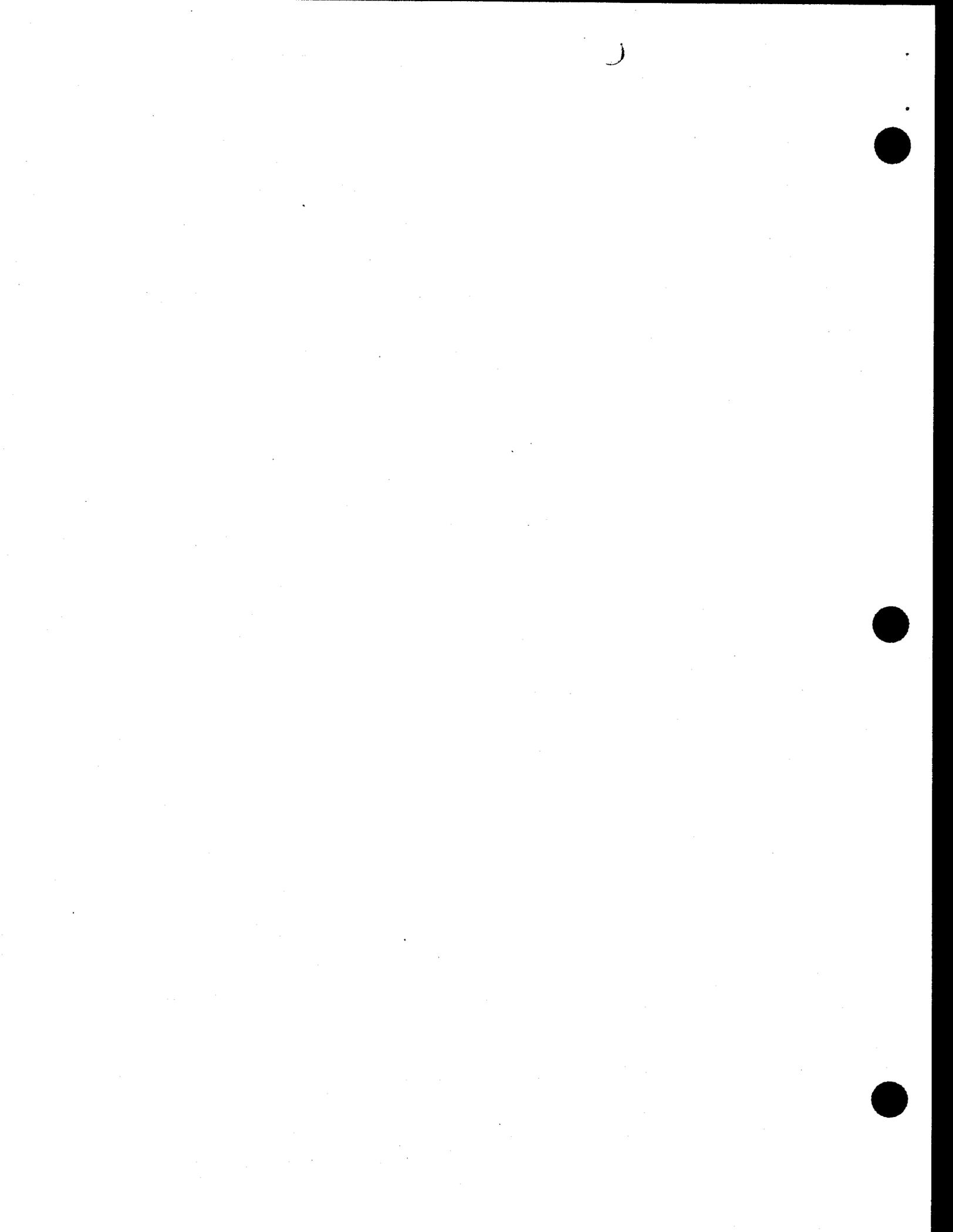
Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." On May 9, 2000, the Coastal Commission granted a permit with conditions to the City of Newport Beach for maintenance dredging in Newport Bay, with ocean or beach disposal (depending on suitability). The Coast Guard will survey for eelgrass in a manner consistent with the conditions of the City's permit. We **agree** with the Coast Guard that this project is similar to previously-authorized activities, including City of Newport Beach coastal development permit No. 5-92-282. 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 cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
Department of Water Resources
Governor's Washington D.C. Office
Army Corps, L.A. District (Russ Kaiser)



CALIFORNIA COASTAL COMMISSION

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March 14, 2001

Eric Stein
PCR Services Corp.
One Venture, Suite 150
Irvine CA 92618-3328

RE: **NE-007-01**, No-Effects Determination, Orange County, Low Flow Diversion of Santa Ana River Flows, Huntington Beach, Orange Co.

Dear Mr. Stein:

On May 26, 2000, the Coastal Commission staff concurred with a request by Orange County for an emergency/federal consistency authorization for the diversion of summer flows in the Santa Ana River to protect downstream coastal water quality (NE-061-00). The project consisted of placing temporary diversion structures (sandbag berms) to divert the flows to the sewer system. The structures were located in the Santa Ana River, Talbert, and Greenville-Banning channels, outside the coastal zone. The project was needed to address serious health concerns caused by high bacteria levels in Huntington Beach's coastal waters. The project included water quality monitoring to assess the benefits of the diversion. We supported the project, expressing concerns only over a then-contemplated second phase of the project at the mouth of Talbert Marsh/Santa Ana River (which would have needed a coastal development permit from the Commission). We also informed the County that if the diversion was to continue into future years, additional federal consistency review would be needed.

The County now seeks a federal consistency authorization for a follow-up action to use inflatable rubber dams (4 ft. in diameter) to block the low flows in the Talbert and Greenville-Banning channels, and a sump box in the low flow section of the Santa Ana River channel. The project would include portable pumps to divert the runoff to the sewer system. During high flows, the dams would deflate and the sump box would automatically shut off. The dams would be in place for three years "... or until a permanent, long-term strategy is developed."

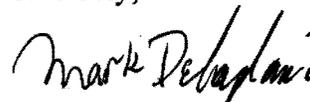
Analyzing its overall water quality strategy and the benefits of the low flow diversions, the County states that post-implementation monitoring, along with comparisons of 1998-2000 water quality data, establish that while:

" ... the [low flow] diversions address only one of several bacterial contamination sources, urban runoff, they do not protect the surf zone from all bacterial contamination. However, bacterial indicators were still high enough in 2000 to warrant beach postings off and on throughout the summer, yet there were fewer closures than the summer of 1999. Although the diversions are limited in their impact, the study authors recommend they continue in that they will reduce the

amount of other contaminants found in nuisance runoff (pesticides, herbicides, oil, etc.) entering the ocean (Grant, Webb, Sanders, et al. 2000). In contrast to the study authors' mild advocacy, the National Water Research Institute's (NWRI) Blue Ribbon Panel makes much stronger recommendations for the continued diversion and treatment of nuisance runoff. The Panel's review concluded that the net benefit for both the Talbert Marsh and the surf zone that results from the urban runoff diversions are substantial ...

As was the case for the previous sandbag berm phase of the project, the Commission staff notes that project: (1) is located outside the coastal zone; (2) would benefit water quality in the coastal zone; and (3) would not adversely affect any environmentally sensitive habitat. The Coastal Commission staff therefore **agrees** that the project will not adversely affect coastal zone resources, and we hereby **concur** with your conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
Jack Gregg
Jaime Kooser
Department of Water Resources
Governor's Washington D.C. Office
Erik Larsen, Corps of Engineers
Bill Tidwell, Manager
Operations and Maintenance
Orange County Public Facilities and Resources Dept.
300 N. Flower St.
Santa Ana, CA 92702-4048

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March 2, 2001

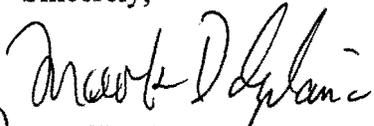
Mike Petersen
Department of the Navy
Naval Air Station North Island
Box 357033
San Diego, CA 92135-7033

RE: **ND-17-01** Negative Determination, Navy Life Guard Tower Replacement, Naval Air Station North Island (NASNI), Coronado, San Diego Co.

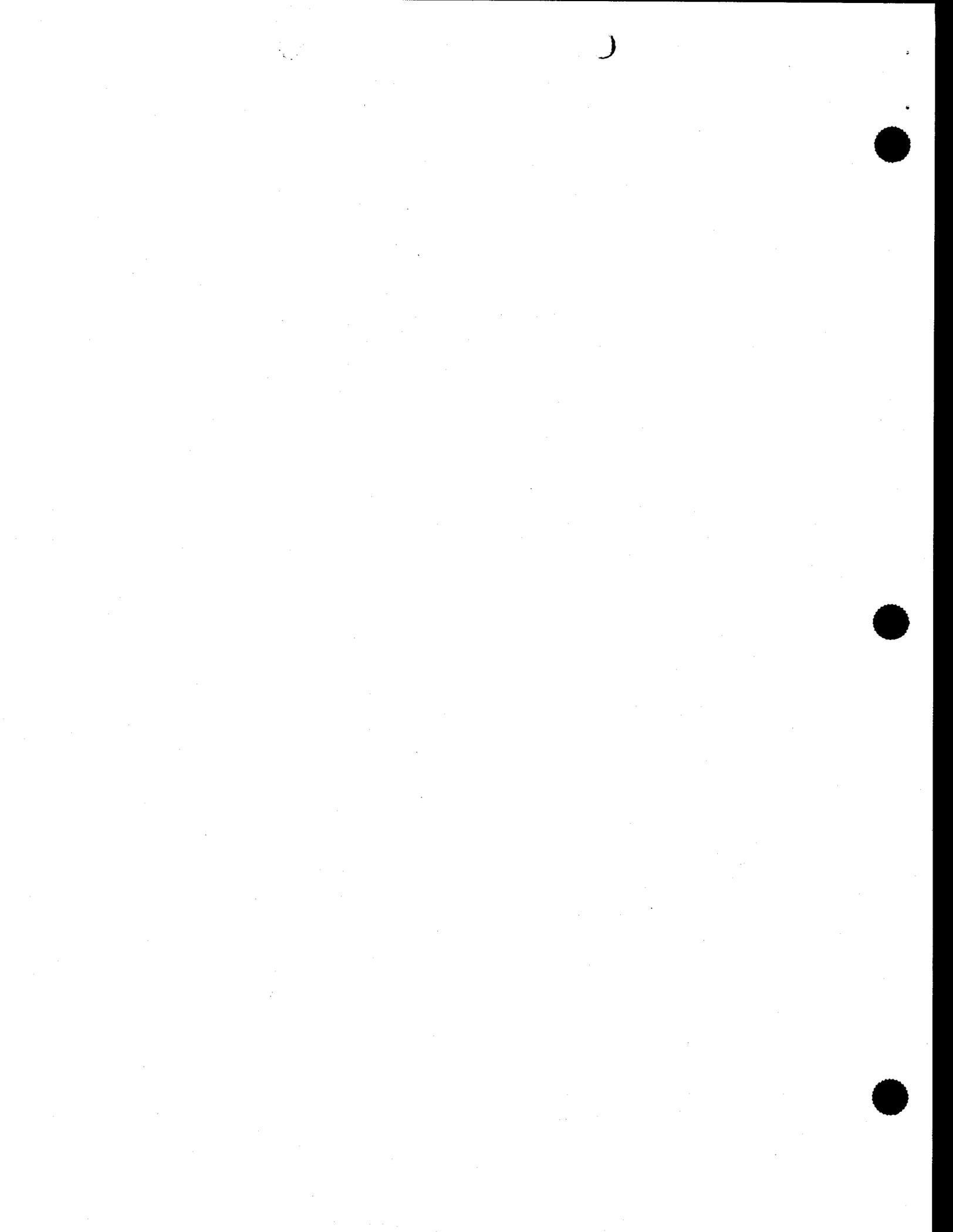
Dear Mr. Petersen:

On April 27, 1998, the Coastal Commission staff objected to a negative determination for the removal of an existing and construction of a new life guard tower south of the Beach House (Building 764), at Breakers Beach on the south side of the Naval Air Station North Island (NASNI) (ND-16-98). The originally-proposed life guard tower was to be 41 ft. high, 73 ft. long, and 24 ft. wide. Our objection was based in part on concerns expressed by the City of Coronado over the tower's visual impacts, and we requested additional information from the Navy, including an analysis of alternatives (such as a lower building). In response, the Navy has submitted the above-referenced negative determination for the project, which has been modified and which the City now states adequately responds to its concerns. The new tower would be 33.5 ft. high and designed to match the adjacent Navy lodge. We agree that the modified project minimizes its visibility from nearby publicly used beaches in the City of Coronado and from ocean waters. The Coastal Commission staff therefore agrees with your conclusion that the proposed project, as modified, will not adversely affect coastal zone resources, and we hereby concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


(EON) PETER M. DOUGLAS
Executive Director

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



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March 13, 2001

Scott W. Westfall, Lt. Colonel
Department of the Air Force
30 CES/CEV
806 13th Street, Suite 116
Vandenberg AFB, California 93437-5242

RE: **ND-19-01**, Interim beach closure to protect snowy plovers, Minuteman, Wall, Surf, and Ocean Beaches, Vandenberg Air Force Base (VAFB), Santa Barbara County

Dear Lt. Col. Westfall:

The Coastal Commission staff has received the above-referenced negative determination from the Air Force for "interim" restrictions on public access at VAFB to protect the western snowy plover, a federally listed threatened species. Specifically, VAFB proposes to close public and military beaches to all forms of public and military access from March 1, 2001, through April 13, 2001. The Air Force is in the process of developing a snowy plover management plan that would allow limited public access to beaches on the base. The Air Force has drafted that plan and has initiated consultation with the U.S. Fish and Wildlife Service (Service) pursuant to the requirements of Section 7 of the federal Endangered Species Act. However, the consultation process is not complete and the Air Force does not have authority to allow incidental take of the snowy plovers resulting from public access to its beaches. As a result, the Air Force must close its beaches to all use until the consultation process is complete and the Service authorizes the incidental take. The Air Force anticipates concluding the consultation process in the next few weeks and that the biological opinion will authorize some public use of the beaches. Once the Service and the Air Force complete the consultation process, the Air Force will submit a consistency determination for the plover management plan.

In 1995, the Commission concurred with the Air Force's consistency determination for a one-year "linear" closure at Ocean Beach (CD-67-95); those restrictions were continued in ensuing years. The Air Force's monitoring results indicated decreasing plover nesting success, and on June 25, 1999, the Service recommended an immediate emergency closure of portions of the publicly accessible beaches. The Air Force complied with this recommendation, and on September 2, 1999, the Commission staff concurred with the Air Force's negative determination for beach closures south of Surf Station for the 1999 snowy plover nesting closure (ND-87-99). Last year, the Air Force submitted a negative determination and consistency determination for a one-year access-management proposal (CD-19-00 and ND-20-

00). That proposal included: (1) full access to 0.5 mile of Surf Beach (near Surf Station); (2) military personnel and civilian fishing (limited access, subject to a VAFB-issued pass) access only to the northernmost 0.25 mile of Wall Beach; and (3) military access only to Minuteman Beach (where there are no nesting plovers, and where national security restrictions preclude public access). The remaining beaches where snowy plovers nest, including the popular Ocean Beach just south of the Santa Ynez River mouth, and the portion of Wall Beach just north of the Santa Ynez River mouth, were closed during the nesting season.

Normally, an activity restricting public access would necessitate formal Commission review as a consistency determination. However, in this instance, the need for immediate action to protect snowy plovers, the fact that this matter covers only a 6-week period, and that the Air Force proposes to bring a consistency determination to the Commission for its plover management plan, allows the Commission staff to conclude that the proposal will not significantly affect coastal resources. Therefore, the Coastal Commission concurs with your negative determination made pursuant to 15 C.F.R. Section 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
U.S. Fish and Wildlife Service (Lee Ann Naue)
Greg Mohr, Santa Barbara County
Sean Morton, Santa Barbara County
CCC Access Coordinator (Linda Locklin)

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March 15, 2001

Vivian Goo
Department of the Navy
Naval Base Ventura County
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

Attn: Jim Danza

RE: **ND-024-01** Negative Determination, Navy, Installation of Ocean and Wind Current Devices, Naval Base Ventura County, Port Hueneme, Ventura Co.

Dear Ms. Goo:

The Coastal Commission staff has received the above-referenced negative determination for the installation of ocean and wind current monitoring devices at the mouth of Port Hueneme Harbor at the Naval Base Ventura County (formerly Naval Construction Battalion Center) in Port Hueneme. The project includes installation of: (1) a wind sensor to be mounted on an existing 20 ft. high power pole (or a similarly-sized new pole) near the harbor entrance (west side, along the harbor entrance's west jetty); (2) a bottom-mounted underwater current profiler in the harbor entrance; and (3) a 1500 ft. long, 0.5 inch diameter underwater cable connecting the profiler's platform to shore. According to the Navy, all the activities would occur on federal land.

The project will enhance navigational safety, thereby benefiting coastal dependent shipping and boating activities and public safety. Public views impacts will be minimal. 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 cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

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

