

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

PHONE AND TDD (415) 904-5200



RECORD PACKET COPY

Th 5**DATE: June 13, 2001****TO: Coastal Commissioners And Interested Parties****FROM: Mark Delaplaine, Federal Consistency Supervisor****RE: Negative Determinations Issued By Executive Director**

PROJECT #:	ND-029-01
APPLICANT:	Navy
LOCATION:	San Clemente Island, Los Angeles Co.
PROJECT:	Special Warfare Training Areas improvements
ACTION:	Concur
ACTION DATE:	06/04/2001

PROJECT #:	ND-034-01
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Restriction of beach use in order to protect snowy plover nesting habitat
ACTION:	Concur
ACTION DATE:	06/11/2001

PROJECT #:	ND-036-01
APPLICANT:	Immigration and Naturalization Service
LOCATION:	Border Field State Park, San Diego
PROJECT:	Repair of portion of border fence
ACTION:	Concur
ACTION DATE:	05/29/2001

PROJECT #:	ND-038-01
APPLICANT:	Coast Guard
LOCATION:	Terminal Island, San Pedro, Los Angeles Co.
PROJECT:	Wharf Maintenance Activities
ACTION:	Concur
ACTION DATE:	05/23/2001

PROJECT #:	NE-042-01
APPLICANT:	ORANGE COUNTY
LOCATION:	City of Dana Point
PROJECT:	Emergency repair of Prima Deshecha Canada outlet at Poche Beach
ACTION:	No effect
ACTION DATE:	06/07/2001

PROJECT #:	ND-043-01
APPLICANT:	Corps of Engineers
LOCATION:	San Francisco Deep Ocean Disposal Site
PROJECT:	Disposal of 300,000 cubic yards of material dredged from Port of Richmond
ACTION:	Concur
ACTION DATE:	05/25/2001

PROJECT #:	ND-055-01
APPLICANT:	Navy
LOCATION:	Naval Base Ventura County
PROJECT:	Replace 20 piles, Wharf 3
ACTION:	Concur
ACTION DATE:	06/13/2001

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June 4, 2001

Captain D.R. O'Brien
Naval Air Station North Island
ATTN: Carrie Downey
Box 357033
San Diego, CA 92135-7033

Subject: Negative Determination ND-29-01 (Facilities designation, upgrade, and installation at three Special Warfare Training Areas, San Clemente Island, Los Angeles County).

Dear Captain O'Brien:

The Coastal Commission staff has reviewed the above-referenced negative determination for construction activities at three existing training sites at the U.S. Navy's San Clemente Island Range Complex. San Clemente Island is located 65 miles off the southern California coast and is wholly owned by the Navy as a live-fire training complex. The Navy proposes to designate, upgrade, and install facilities at Special Warfare Training Area and Range (TAR) Nos. 1, 4, and 16, all of which have supported ongoing military training activities on San Clemente Island since the early 1960s. TARs 1 and 4 are located at the northern end of the island adjacent to the main airfield, and TAR 16 is located mid-island. The three TARs, and the construction activities proposed therein, are sited in existing developed upland areas on San Clemente Island; no work is proposed in offshore waters or intertidal zones.

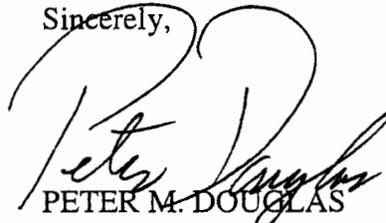
TAR 1 is a demolition range and would be used for basic demolition training and over-the-beach tactical training. A 200 sq.ft. safety bunker and a 10,000 sq.ft. designated demolition area is proposed for construction at this location. TAR 4 is a 27-acre site previously used as a demolition range and antenna array, and is currently the site of a Navy SEAL weapons and tactical area. TAR 4 would be used for basic demolition training, over-the-beach tactical training, a series of small arms ranges, and a live fire Military Operations in an Urban Terrain range (for simulated urban warfare training exercises). Facilities proposed for TAR 4 include approximately 20 buildings, paved streets, a range bunker and tower, and five pistol and rifle ranges. An additional 140 acres surrounding the TAR 4 construction area would be subject to foot traffic, noise, or debris. Portions of TAR 16 are currently used for testing the Navy's Tomahawk missile. Approximately 48 acres of this area are proposed for parachute drop, tactical air assault, demolition, and live fire training activities.

The Navy's Environmental Assessment for the proposed project concluded that construction and operational activities would not significantly affect the environment. In addition, after formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered

Species Act, the Navy received confirmation in January 2001 from the USFWS that the proposed project would not adversely affect any sensitive wildlife resources, including federally listed threatened species and their habitats found on San Clemente Island (Island night lizard and Island sage sparrow). The Navy has agreed to the terms and conditions contained in the January 17, 2001, Biological Opinion that implement measures designed to minimize adverse effects from the proposed project on sensitive wildlife species and their habitat. These include, but are not limited to, erosion and siltation control measures during construction and re-vegetation phases of the project, on-the-ground identification of exclusion areas to protect sensitive habitat from construction and operational impacts, expansion of designated habitat management areas, restoration of maritime desert scrub habitat, annual removal of ordnance and debris from project areas, and brush- and range-fire prevention and control measures to protect sensitive habitat. Public access and recreation on the island is prohibited due to military security and safety restrictions.

Therefore, we **agree** with your conclusion that the proposed project would not adversely affect environmentally sensitive habitat or marine resources, public access and recreation, or other coastal resources, and we hereby **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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June 11, 2001

Scott W. Westfall
U.S. Air Force
30 CES/CEV
806 13th Street, Suite 116
Vandenberg Air Force Base, CA 93437-5242

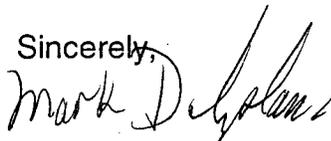
RE: ND-034-01, Negative Determination for extension of beach closures providing protection to snowy plover nesting habitat, Vandenberg Air Force Base, Santa Barbara County.

Dear Lt. Col. Westfall:

The above-referenced negative determination allows for an extension of beach closures at Surf, Wall, and Minuteman Beaches. The closures are necessary to protect the plovers from impacts associated with recreational use of the beaches. The purpose of these closures is to allow the Air Force to hire staff to enforce limitations on coastal access proposed in CD-023-01. During the Commission's April meeting in Santa Barbara, the Commission requested and the Air Force agreed to extend the beach closures. The Air Force's negative determination allows the closures to continue until May 30, 2001. The closures are necessary to protect the Western snowy plover, a federally listed threatened species, and are similar to past closures previously authorized by the Commission. In addition, the closures will not significantly affect shoreline access or recreational uses of the coastal zone because they are for a short period of time and are implemented in the context of a snowy plover management plan, which will allow for some access to occur consistent with the protection of the snowy plover.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources and is the same as or similar to previously approved projects. 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,

(for) 
PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
PMD/JRR

CALIFORNIA COASTAL COMMISSION

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May 29, 2001

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

Attn: CESWF-PM-INS

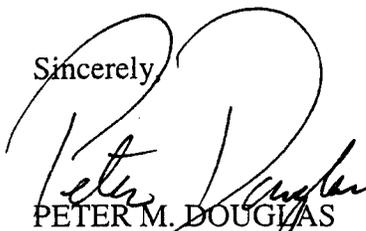
Re: **ND-036-01** Negative Determination, U.S. Department of Justice (Immigration and Naturalization Service), Repair of a Portion of the Primary Border Fence, Border Field State Park, San Diego

Dear Mr. Brooks:

The Coastal Commission staff has received the above-referenced negative determination for the repair of a section of the border fence located in Yogurt Canyon, a tributary of the Tijuana Estuary, located within Border Field State Park in San Diego County. The project consists of repairs to a 100 ft. section of the fence originally constructed in 1993. Due to inadequate footing supports, a 65 ft. section of the fence collapsed during peak flooding periods. Repairs to the fence will include deeper concrete shafts for the main framing posts, installation of steel landing pads, and hinged gate panels to allow water to pass through the bottom of the fence. The overall height of the fence will increase 1.5 feet at this location. Avoidance and mitigation measures that were previously described in Consistency Determination CD-111-92 will be incorporated into the project to minimize the area of disturbance in the streambed. We have previously concurred with numerous similar border fence repairs and construction in Consistency Determination CD 111-92, and Negative Determinations ND 118-96, ND 41-93, and ND 99-92.

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 of the NOAA implementing regulations. Please contact Kathleen Stycket of the Commission staff at (415) 904-5295 should you have any questions.

Sincerely,


PETER M. DOUGLAS
Executive Director

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

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May 23, 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-38-01 (Coast Guard wharf maintenance activities,
Integrated Support Command, San Pedro, Los Angeles County).

Dear Mr. Stalters:

The Coastal Commission staff has received the above-referenced negative determination for wharf maintenance activities at the Coast Guard's Integrated Support Command facility on Terminal Island in the Port of Los Angeles. The proposed work includes removing and replacing twelve 14-inch diameter timber piles, installing four additional 14-inch diameter timber piles, and replacing 600 square-feet of timber decking at the industrial wharf. The new piles will be treated with ACZA, an accepted anti-fouling wood treatment in California, and in addition will be wrapped with 150-mil polyethylene wrap. In order to ensure that ACZA will not leak into the water, the polyethylene wrapping will be sealed at all joints, bumpers or rub strips will be installed on the piles to prevent damage from berthing activities, and the wrapping will be monitored and any necessary repairs will be made in a timely manner. The piles to be replaced will be cut at the mud-line. Silt screens will be used during pile driving to minimize turbidity, and construction will occur between August 30, 2001, and April 1, 2002, to avoid adverse effects on California least tern foraging in waters adjacent to the project site. We agree with your conclusion that no adverse impacts to coastal resources would result from the project. 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 black ink that reads "Peter M. Douglas".

PETER M. DOUGLAS
Executive Director

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

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June 6, 2001

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

Re: **NE-42-01** No Effects Determination, Orange County, Emergency Repair, Poche Beach, Dana Point, Orange County

Dear Mr. Stein:

The Coastal Commission has received your "No Effects" Determination for an emergency repair activity at the Prima Deshecha Canada culvert at Poche Beach, in Dana Point, Orange County. The project consists of removal of a sand plug that has caused flooding and property damage. Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit.

The Coastal Commission staff has reviewed the information submitted for this project and has made the following determination:

The project is within the Coastal Commission's coastal development permitting jurisdiction and has received a Commission-issued emergency permit (5-01-214-G), which also requires submittal of an after-the-fact regular coastal development permit. As long as the applicant complies with the emergency permit conditions, no further Coastal Commission review for consistency with the Coastal Zone Management Act is necessary.

If you have questions about this letter, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,


(for) PETER DOUGLAS
Executive Director

cc: Long Beach District Office
Army Corps (L.A. District - Susan Sturges)

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May 25, 2001

Roderick A. Chisolm II, Chief
Environmental Section
Department of the Army
San Francisco District, Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

Attn: Mike Donnelly

RE: **ND-043-01**, Negative Determination for the disposal of 300,000 cubic yards of material dredged from Port of Richmond at SF-DODS, San Francisco

Dear Mr. Chisolm:

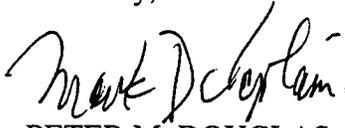
The Coastal Commission staff has received the above-referenced negative determination for the disposal of 300,000 cubic yards of material dredged from Port of Richmond. The disposal site is the EPA-approved deep ocean disposal site (SF-DODS), located approximately 50 miles west of San Francisco. The proposed dredging and disposal project is anticipated to begin on approximately June 22, 2001, and would be completed by the end of August, 2001. As you are aware, most of the project entails activities within San Francisco Bay that do not involve Coastal Commission jurisdiction, but rather are within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The Corps has tested the material, and the test results have been reviewed by the interagency Dredge Materials Management Office (DMMO) set up to review San Francisco Bay dredging activities. The test results show the material proposed for disposal at SF-DODS is suitable for open ocean disposal.

You are probably also aware in having submitted this negative determination that the FONSI/EA submitted with your negative determination is procedurally inaccurate where it states: "No further action [beyond compliance with BCDC consistency actions] is required to comply with the Coastal Zone Management Act of 1972 ...". Please note for future reference in preparing these types of documents that all San Francisco Bay dredging activities involving disposal at SF-DODS need to be coordinated with the Coastal Commission through, at a minimum, a negative determination such as the one you submitted to us.

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 17, 2000, we concurred in your negative determination for ocean disposal of 175,000 cubic yards of material dredged from the Port of Richmond, with disposal at SF-DODS (ND-105-00). We agree with the Corps that this project is similar to

several Army Corps Consistency and Negative Determinations we have concurred with involving disposal at SF-DODS (including ND-105-00). We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

(Per) 
PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
EPA
BCDC
Governor's Washington, D.C. Office
RWQCB, S.F. Bay Region
Port of Richmond
James Raives

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June 12, 2001

Vivian Goo
Deputy Public Works Officer
Naval Base Ventura County
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

ATTN: James Danza

Re: **ND-055-01**, Modifications to Negative Determination ND-5-99, Pile Replacement and Wharf Repair, Naval Base Ventura County, Port Hueneme

Dear Ms. Goo:

On April 1, 1999, the Coastal Commission staff concurred with negative determination ND-5-99 for the replacement of 170 timber pilings at eight wharf locations, and other miscellaneous wharf repair and maintenance work, at the Naval Construction Battalion Center, Port Hueneme. The project included removal and replacement of 25 deteriorated timber piles at Wharf 3. The Navy has modified its request to include an additional 20 additional piles at Wharf 3. As with the previous project, the Navy agrees to use plastic-wrapped creosote-treated wood pilings consistent with Dept. of Fish and Game guidelines. We agree with your assessment that coastal zone resources will not be adversely affected by the modified project, and that the modifications do not trigger the need for a new consistency determination. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine", written over the typed name of Peter M. Douglas.

(for) PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office

