

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

TELEPHONE AND TDD (415) 904-5200



RECORD PACKET COPY

Th 3

DATE: August 22, 2001

TO: COASTAL COMMISSIONERS
AND INTERESTED PARTIES

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

RE: NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE
DIRECTOR [Note: Executive Director decision letters are attached]

PROJECT #:	ND-060-01
APPLICANT:	Navy
LOCATION:	Naval Facility Point Sur, Monterey Co.
PROJECT:	Cable Repair
ACTION:	Concur
ACTION DATE:	08/02/2001

PROJECT #:	ND-064-01
APPLICANT:	Corps of Engineers
LOCATION:	Morro Bay Harbor, San Luis Obispo Co.
PROJECT:	Maintenance dredging
ACTION:	Concur
ACTION DATE:	08/16/2001

PROJECT #:	NE-072-01
APPLICANT:	Caltrans
LOCATION:	I-5 and Route 78, Oceanside, San Diego Co.
PROJECT:	Landscaping rehabilitation
ACTION:	No effect
ACTION DATE:	08/21/001



CALIFORNIA COASTAL COMMISSION

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



August 2, 2001

Mark Meadows
Naval Engineering Field Activity West
Western Division
900 Commodore Dr.
San Bruno, CA 94066-5006

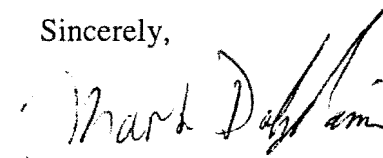
RE: **ND-060-01** Negative Determination, Navy, Cable Repair, Point Sur, Monterey Co.

Dear Mr. Meadows:

The Coastal Commission staff has received the above-referenced negative determination for the Navy's repair of an existing, non-functioning, research/communications cable at the Naval Facility Point Sur. The repair operations will take place approximately .85 mi. offshore. The cable will be lifted from the seafloor by divers, cut, repaired, and replaced in its original location. Due to the sensitivity of the area, the Navy performed an underwater survey, which establishes that the operation will not adversely affect existing kelp beds in the project vicinity. In addition, the Navy has agreed to incorporate additional habitat minimization measures, as discussed in the attached letter from the Monterey Bay National Marine Sanctuary (MBNMS), including maintaining a biologist on site, suspending operations (and consulting the MBNMS prior to resumption of operations) if the biological monitor indicates adverse effects could occur, prohibiting anchors in rocky substrate, filming the operation, and providing post-operation biological reports to the MBNMS. The Navy also agrees to submit copies of all biological reports and surveys to the Commission staff.

With the measures agreed to by the Navy, the repair operation and would not adversely affect marine resources, environmentally sensitive habitat, or public access and recreation. Therefore, we **agree** that the proposed project will not affect any coastal zone resources, and we **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,


(for) PETER M. DOUGLAS
Executive Director

Attachment

cc: Santa Cruz District Office
MBNMS (Scott Kathey)
Governors Washington D.C. Office
Corps of Engineers, San Francisco District



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

August 1, 2001

Mark Meadows
Head, Planning and Real Estate
Engineering Field Activity, West
Naval Facilities Engineering Command
900 Commodore Drive
San Bruno, California 94066-5006

Dear Mr. Meadows:

The Monterey Bay National Marine Sanctuary (MBNMS) has approved the issuance of Permit MBNMS-2001-025 to you to repair a research cable on the seafloor of the Sanctuary at Point Sur. Activities are to be conducted in accordance with the project description and supporting materials submitted to the Sanctuary by your office and the terms and conditions of Permit MBNMS-2001-025. The permit terms and conditions are designed to minimize the risk of any non-negligible adverse impacts to Sanctuary resources and qualities and are consistent with terms and conditions applied to past MBNMS research permits issued to the U.S. Naval Postgraduate School (NPS).

The proposed cable repair activity supports NPS research and does not qualify as an excepted "military activity" pursuant to Sanctuary regulations. Excepted military activities were specifically identified in the MBNMS Final Environmental Impact Statement and Management Plan (FEIS/MP - June 1992) under the heading "Military Activity" (page II-88); the section includes no reference to NPS or cable maintenance activities. See also the response to comments in the FEIS/MP (Appendix F, page F-50).

The MBNMS may conduct independent diving operations to monitor cable repair activities. MBNMS divers are NOAA Working Divers with federal dive credentials. The NOAA Unit Diving Supervisor (UDS) will coordinate with the Navy dive safety officer to ensure that monitoring activities do not interrupt Navy diving operations. NOAA divers would stage from a NOAA or California Department of Fish and Game vessel and would establish a separate dive safety plan for contingencies. NOAA dives would focus on anchorage sites, underwater cutting operations, and cable suspension.

Please note that you must submit a detailed work plan and schedule to the MBNMS Superintendent no later than 30 days prior to the commencement of cable repair activities in 2002. Once the full extent of the fault is determined and the nature and scope of next year's repair efforts are defined, the permit may require amendment to address new work requirements.

The permit also requires submission of film footage collected during the repair operations. We are particularly interested in footage of underwater operations to gain an improved understanding of the challenges of marine cable repair operations.



Permits are not valid until signed by the permit holder and filed at the MBNMS office. An original and two copies of the permit are enclosed for your signature. Retain the original and carry it while conducting authorized activities. The remaining two copies should be signed and sent to the following individuals:

Deirdre Hall
Assistant Permit Coordinator
Monterey Bay NMS
299 Foam Street
Monterey, CA 93940
Email: deirdre.hall@noaa.gov

John Armor
Permit Coordinator
NOAA, Office of National Marine Sanctuaries
1305 East-West Highway, (N/ORM6)
Silver Spring, MD 20910
Email: john.armor@noaa.gov

In addition, you are required to maintain a log of daily activities completed under this permit. Within thirty (30) days of the completion of the authorized repair activities, you are required to submit the log and a 1-2 page summary of all activities to the offices listed above.

Should you wish to extend the term of the enclosed permit beyond the expiration date specified in Special Condition #1, you should submit a permit amendment request to this office as soon as possible before the expiration date of the enclosed permit.

The Point Sur area is host to several threatened and endangered species. Dogs and other domestic animals should be kept out of the nearshore operations area. Any direct or incidental harassment of marine mammals or endangered/threatened species requires a permit from the National Marine Fisheries Service (contact Tina Fahy at 562-980-4023) and/or U.S. Fish and Wildlife Service (contact David Pereksta at 805-644-1766). Direct or incidental harassment of seabirds requires a permit from the U.S. Fish and Wildlife Service.

If you have any questions regarding this permit or permitting procedures please contact Ms. Deirdre Hall in the MBNMS office by phone at 831-647-4207 or by email at deirdre.hall@noaa.gov. Thank you for your cooperation with the Monterey Bay National Marine Sanctuary.

Sincerely,



WILLIAM J. DOUROS
Superintendent

Enclosure

cc: Mark Delaplaine, CCC
David Pereksta, USFWS
Tina Fahy, NMFS
John Armor, NOAA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

PERMIT
MBNMS-2001-025

TO MARK MEADOWS, U.S. NAVY,
FOR CABLE REPAIR FOR RESEARCH PURPOSES
WITHIN THE
MONTEREY BAY NATIONAL MARINE SANCTUARY

This permit is issued in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922, Subparts A, E and M). All activities shall be conducted in accordance with those regulations and law. No activity listed in 15 CFR §922.132(a)(2) through (10) is allowed except seabed alteration as specified below.

Subject to the terms and conditions of this permit, Mr. Mark Meadows, acting as agent for the United States Navy, is hereby authorized to repair (via extraction and re-installation) the subject submarine cable for marine research purposes on the seabed within the Monterey Bay National Marine Sanctuary (MBNMS). All activities are to be conducted in accordance with this permit and project description letters dated June 21, July 10, and July 13, 2001. These documents are incorporated by reference to this permit and made a part hereof, provided, however, that if there are any conflicts between the project description letters and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

No further disturbance of the cultural or natural resources of the Sanctuary is allowed. In addition to the above terms and conditions, the following terms and conditions apply to this permit:

Special Conditions

1. All activities shall be conducted between August 1, 2001 and September 30, 2002.
2. Permitted activities shall be limited to cable extraction and repair activities, which include cutting and retrieving the faulted cable, splicing a new cable to replace the defective inshore section, and restoring the cable to its original footprint. These activities are authorized for the waters adjacent to Point Sur, California.
3. This permit is limited to disturbance of the seabed by the methods described in the project description (referenced above). Use of other methods and/or disturbance of any other Sanctuary resources is prohibited.
4. No activity authorized by this permit shall disturb or otherwise impact any historical or marine archaeological resources of the Sanctuary. If historical or marine archaeological resources are encountered at any time, the permit holder or on-scene commander shall cease all further activities under this permit and



immediately contact the Sanctuary Superintendent. Work shall not resume without written authorization from the Sanctuary Superintendent.

5. Anchors shall be set in sand bottom areas only where anchors and rodes will not impact rocky seafloor habitat.
6. The cable shall be lifted from the seafloor in a manner that minimizes or eliminates disturbance of rocky seafloor habitat and kelp bed areas.
7. The work tug shall maintain sufficient containment boom and sorbent materials to deploy in the event of a spill of hydraulic fluid incidental to underwater cutting operations. Any discharge/deposit of unauthorized matter into the Sanctuary shall be immediately reported to the Sanctuary Superintendent.
8. Any equipment deployed within the Sanctuary to conduct cable repairs shall be removed by the end of the project phase in which it was deployed, with the exception of replacement cable and two pad eyes for use in securing severed cable sections.
9. The permit holder shall collect underwater film footage in accordance with the attached "Video Survey Procedures". The permit holder shall submit to the MBNMS Superintendent all film footage of the cable repair operations (in VHS format) within 20 days of completing phase one (August 2001) for phase one footage, and within 20 days of completing phase two (summer 2002) for phase two footage of the project.
10. The Navy shall have on site a Marine Biologist to ensure there are no adverse impacts to Sanctuary resources. The biologist shall specifically monitor intertidal operations, anchoring operations, underwater cutting operations, and all operations where the cable is suspended above the seafloor. The biologist shall prepare post-activity reports that shall include, but are not limited to:
 - the location of the biologist during the various stages of the permitted activity;
 - classification and behavior of marine wildlife present prior to commencement of permit related activities;
 - local tide schedule during the activity;
 - any disturbance of marine wildlife and habitat;
 - frequency of any disturbance;
 - any damage to marine habitat;
 - cumulative impacts;
 - collateral impacts;
 - and absence of environmental impacts.

The biologist shall send reports to the persons identified in General Condition #2 of this permit within 20 days of completing phase one (August 2001) and phase two (summer 2002), respectively, of the project.

11. The on-scene commander shall suspend all further operations if notified by the Marine Biologist that current or future operations may cause non-negligible or unexpected impacts to Sanctuary resources or that an environmental emergency



exists. Cable repair work shall not resume without approval from the Sanctuary Superintendent.

12. Within 30 days of the completed repair of the cable authorized by this permit, the permit holder shall submit a daily log and a 1-2 page summary of all activities to the persons identified in General Condition #2. The log shall include information regarding daily activities conducted under this permit, techniques employed, problems encountered, equipment lost, authorized and unauthorized discharges/deposits of matter into the Sanctuary, etc.
13. The permit holder shall continue to maintain a log of all activities related to equipment maintenance or replacement throughout the permit period and make that log available to MBNMS officials upon request. The entire log shall be sent to the persons identified in General Condition #2 below within 30 days following the expiration date of this permit.
14. The permit holder shall submit a detailed work plan and schedule to the MBNMS Superintendent no later than 30 days prior to the commencement of cable repair activities in 2002. Failure to submit the work plan and schedule by the date specified above will void this permit.

General Conditions

1. All persons participating in the activity shall be under the supervision of Mr. Mark Meadows, the permit holder, and the permit holder shall be responsible for any violation of the permit and/or the applicable statute and regulations. The permit holder shall ensure that all persons performing activities under this permit are fully aware of the conditions herein.
2. This permit shall not be valid unless prior to commencement of operations the permit holder submits a copy of the signed permit to the following persons:

Deirdre Hall	John Armor
Assistant Permit Coordinator	Permit Coordinator
Monterey Bay NMS	NOAA, Office of National Marine Sanctuaries
299 Foam Street	1305 East-West Highway, (N/ORM6)
Monterey, CA 93940	Silver Spring, MD 20910
Email: deirdre.hall@noaa.gov	Email: john.armor@noaa.gov
3. This permit does not relieve the permit holder of responsibility to comply with all other Federal, State and local laws and regulations, and this permit is not valid until all other necessary permits and authorizations are obtained.
4. This permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service, depending upon the species affected.



Video Survey Procedures

Video shall include a continuous, visible date and time mark on the film and include a real-time voice description of the footage or a video log to interpret each film segment. The following operations shall be filmed as indicated:

Anchorage Points

- Collect video of each anchorage point established by the work tug. If the anchors are moved or reset after initial placement, additional video should be collected of the new anchorage.
- Shoot a birds-eye view of the anchor and bottom chain.
- Shoot a lateral profile of the anchor and initial chafe chain from a distance of 10 feet.
- Shoot running video from the anchor, along the chafe chain, to the riser chain.

Cable Cutting Operations

- Shoot birds-eye and lateral views of the cutting operation and the shoring.
- Shoot footage from the seafloor showing the air and equipment lines leading to the surface.
- Shoot a close-up of the cutting equipment operating at depth.

Fluidization Operations

- Shoot lateral and birds-eye views of any fluidization operations.

Cable Lift Operations

- Shoot lateral and birds-eye views of the cable and surrounding area at locations where the cable separates from the bottom during lifting operations.
- Shoot lift bag operations.

Cable Return Operations

- Shoot lateral and birds-eye views of the cable and surrounding area at locations where the cable returns to the bottom during reinstallation operations.

Pad Eyes

- Shoot video of pad eye installation.

**CALIFORNIA COASTAL COMMISSION**

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

August 16, 2001

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

Subject: ND-064-01 (Maintenance dredging project with nearshore and surf zone disposal, Morro Bay Harbor, San Luis Obispo County).

Dear Mrs. Villalobos:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes maintenance dredging with nearshore and/or surf zone disposal of existing channels within Morro Bay Harbor. Specifically, the Corps proposes to dredge a maximum of 1.13 million cubic yards of material from the Morro Bay harbor starting in October 2001. Regarding the physical and chemical characteristics of the dredged sediments, the environmental assessment states that:

Physical and chemical testing was performed in all three channels in 1993. The sand trap, which is adjacent to the entrance/main channel, was tested for physical and chemical parameters in 1995. In 1997, physical/mechanical testing was performed to re-establish compatibility of this littoral material with the proposed disposal sites. ... Physical testing confirmed that sediments were composed predominantly of sand, with at least 90 percent retained on a No. 200 sieve screen. ... In 1999, sediments and seawater were collected at three stations along the center of the Main, Navy, and Morro Channels (Coats and Imarnauro 1999). A standard elutriate test was used to predict the release of dissolved contaminants to the water column resulting from open water disposal of the dredged material. Dissolved trace metal concentrations were below detection limits in all of the samples. Chemical analysis performed in 1993 and 1995 also indicated that the material to be dredged was relatively clean, and free from pollutants.¹

¹ Draft Environmental assessment, Morro Bay Harbor Dredging, 6/2001, p. 9.

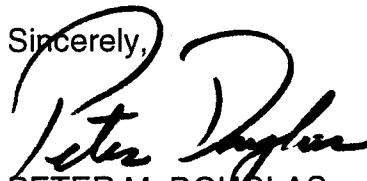
In addition, the Corps has recently tested sediment from Morro Bay harbor to determine its physical and chemical characteristics. The data indicate that the sediment is predominately clean sand similar to sediment dredged in the previous projects. The federal Environmental Protection Agency has reviewed this sediment data and has concluded that the material is "physically and chemically suitable for beneficial aquatic disposal as beach nourishment materials."²

As in past maintenance dredging projects at Morro Bay, disposal operations occurring between March 1 and September 15 annually will be restricted to the nearshore area (in waters seaward of the surf break between the -20 and -40 foot mean lower low water contour line) to avoid impacts to recreational beach use and the nesting activities of the endangered Western snowy plover.

The California Coastal Commission staff generally concurs with negative determinations for activities that are the same as or similar to a previously authorized consistency determination. The Commission has reviewed several consistency determinations for dredging and disposal at Morro Bay. These consistency determinations include CD-39-86, CD-11-87, CD-29-90, and CD-44-93. Additionally, the staff has concurred with three negative determinations for similar activities in Morro Bay: ND-28-95, ND-29-96, ND-89-97, and ND-28-99. With respect to the current project, the dredge location, volume, and disposal sites are similar to previously approved dredge projects in Morro Bay. The proposed project includes all the avoidance and mitigation measures that the Commission previously found necessary to protect federally listed endangered and threatened species (including the snowy plover, steelhead trout, and southern sea otter), sand resources, hard rock substrate, and recreational resources.

In conclusion, the Coastal Commission staff agrees that the proposed project is the same as or similar to previously authorized consistency determinations. We therefore **concur** with the negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact James Raives of the Commission staff at (415) 904-5292 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office

² EPA memo, 8/14/01

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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August 21, 2001

Bruce L. April
Department of Transportation
District 11
Attn: Michael Connelly
P.O. Box 85406
San Diego, CA 92186-5406

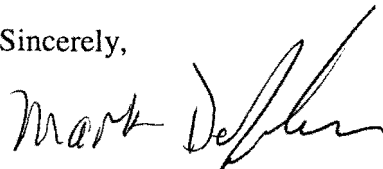
Re: **NE-72-01** No Effects Determination, Caltrans, I-5/Route 78 landscaping rehabilitation, Oceanside, San Diego Co. (Caltrans No. EA 239601/11-SD-5/PM 50.92/52.28)

Dear Mr. April:

The Coastal Commission has received your "No Effects" Determination for landscaping improvements at the intersection of Route 5 and Route 78 in Oceanside. The improvements are confined to Caltrans' existing right-of-way. The project will not adversely affect environmentally sensitive habitat, public views, traffic or water quality. The City of Oceanside has determined the improvements (the portion within the coastal zone) to be exempt from the need for a locally issued coastal development permit.

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

Sincerely,

(for) 
PETER DOUGLAS
Executive Director

cc: San Diego District Office

