

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

W 11**DATE:** November 20, 2002**TO:** Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Elizabeth A. Fuchs, Manager, Statewide Planning and Federal Consistency Division
Mark Delaplaine, Federal Consistency Supervisor

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-059-02
APPLICANT:	National Park Service
LOCATION:	Santa Monica Mountains National Recreation Area, Los Angeles Co.
PROJECT:	Rehabilitate section of roadway at Solstice Canyon
ACTION:	Concur
ACTION DATE:	10/21/2002

PROJECT #:	ND-062-02
APPLICANT:	U.S. Coast Guard
LOCATION:	Bolinas, Marin Co.
PROJECT:	Antenna replacement
ACTION:	Concur
ACTION DATE:	10/5/2002

PROJECT #:	ND-064-02
APPLICANT:	U.S. Coast Guard
LOCATION:	Marina del Rey, Los Angeles Co.
PROJECT:	Maintenance Dredging with disposal at LA-2
ACTION:	Concur
ACTION DATE:	11/5/2002

PROJECT #:	ND-066-02
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Naval Base Ventura County, Point Mugu, Ventura Co.
PROJECT:	Establish a restricted area
ACTION:	Concur
ACTION DATE:	10/24/2002

CALIFORNIA COASTAL COMMISSION

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October 18, 2002

Woody Smeck
National Park Service
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4207

Attn: Ray Sauvajot

RE: **ND-059-02**, Negative Determination for the rehabilitation of a section of roadway at Solstice Canyon, Santa Monica Mountains National Recreation Area, City of Malibu.

Dear Mr. Smeck:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The National Park Service is proposing the following activities:

1. Repairing a significant slope failure and replacing a retaining wall lost to erosion;
2. Widening Solstice Canyon Road at a blind curve;
3. Replacing culverts along the road; and
4. Resurfacing 1,600 feet of the road.

The project is located on federal land and within the Santa Monica Mountains National Recreation Area. Solstice Canyon road is primarily used by the public for access to visitor use facilities in the Park and hiking trails. The federal Coastal Zone Management Act (CZMA) excludes federally owned land, such as land owned by the National Park Service, from the coastal zone. However, the CZMA also requires the Park Service to coordinate with the California Coastal Commission to determine if its activities affect coastal uses or resources. A negative determination is appropriate for situations where the Park Service's activity does not adversely affect uses or resources of California's coastal zone.

Slope Failure

The proposed measures to prevent slope failures and reconstruction of the retaining wall are necessary because severe erosion events, mostly associated with the El Niño winter of 1998-99, have undermined the road. The creek has eroded about 100 linear feet of the outside edge of the bank below the road causing a near vertical drop of about 25 feet. The erosion at this location is also

adversely affecting existing riparian and creek habitat. The project involves the re-construction of a retaining wall and back filling behind the wall. The Park Service describes this component of the project as follows:

At the upstream end of the project, the eroded bank below the road at one time was completely faced with a grouted stacked rock wall. Storms and subsequent flooding occurring over the past several years have washed out most of this wall. A portion of wall is still intact downstream of the erosion location. The eroding bank would be cut back and the existing retaining wall would be repaired and lengthened by about 100 feet (this is approximately 10' longer than the original wall prior to its washing out).... About 2,000 cubic yards (CY) of material would be removed, bank stabilized and all material returned to the bank. An additional 500 CY of structural fill material would be imported to the site.

The "toe zone" rehabilitation will require the excavation of a foundation. This depth would be a minimum of three feet below the creek's thalweg (low flow channel), although the current stream course runs several yards away from the immediate slope base. The foundation construction will require access for large construction equipment to the base of the slope. Construction would occur during the fall when the creek is at its lowest flows. Although it is not expected that any water flow would be affected because of the location of current stream flow, if water is encountered it would be diverted with sandbags to a pipe that would take the water around the construction area and limit any excess sedimentation. A fence to capture any construction caused silt would be installed downstream of the embankment project.

Most of the work would take place outside of the streambed. However, should the streambed be disturbed, any fine material exposed would be hosed off the rocky substrate and collected at the silt fence for removal from Solstice Canyon prior to removing the diversion pipes and restoring flow to the creek channel.

This component of the project may result in some impacts to riparian and creek habitats. However, the project includes measure to minimize adverse effects from construction activities. These measures include use of sand bags and silt fences to prevent sediment from degrading water quality. If necessary, the Park Service will divert the stream around the construction site. In addition, the Park Service will de-silt the construction area prior to allowing natural flows to continue. Finally, the project will eliminate an ongoing adverse impact to these stream and riparian resources caused by the existing erosion problem. For several years, the erosion from the slope below the road has caused

sedimentation into the stream and has adversely affected the riparian habitat. The proposed project will stabilize the slope and eliminate this ongoing adverse affect on these habitats. Therefore, the project will result in a net benefit to these habitat resources.

Road Widening

The second component of the proposed project is to widen a portion of Solstice Canyon Road. The widening is necessary to improve public safety by allow two cars, traveling in opposite directions, to pass each other safely around a blind curve. The curve widening would also improve the use of the road by small and medium size school buses and provide safer access to Solstice Canyon as an environmental education site for Los Angeles area schools. This portion of the project involves clearing of approximately 1,200 square feet of vegetation. According to the Park Service, the vegetation consists of a mix of coastal sage scrub species, non-native plants, and species not typically associated with coastal sage scrub. The area was previously graded during the construction of the road and the vegetation in the area reflects this disturbed nature.

This disturbed vegetated area is adjacent to relative natural vegetated slopes that consist of a mixture of chaparral and coastal sage scrub habitat. The recently certified Malibu Local Coastal Program identifies this natural habitat as an environmentally sensitive habitat area (ESHA). It is likely that prior to the construction of the road, all of this area would have been an ESHA. However, the construction of the road has modified the area's habitat value (i.e., the road has no habitat value and the area adjacent to it is disturbed). The disturbed area provides a transition between the road and ESHA, but previous damage from the road construction and continued disturbances from road use (e.g., traffic, noise, and pollutants) reduce this area's habitat value. In other words, because of the combination of previous and ongoing disturbances, the area affected by the project is not an ESHA. In light of the fact that the area affected is degraded, adjacent to an existing road, and not in the coastal zone, the Commission staff concludes that the proposed road widening will not adversely affect coastal zone resources.

Other Project Components

In addition to the project components described above, the Park Service is also proposing to re-surface this section of Solstice Canyon Road (approximately 1600 linear feet) and replace existing culverts. These activities will result in temporary impacts to disturbed vegetated areas (similar to those described above) adjacent to the existing road. These impacts will last for the duration of the project. At the completion of the project, the Park Service will re-vegetate the affected areas with native and locally acquired vegetation. Therefore, these components of the project will not affect habitat resources of the coastal zone.

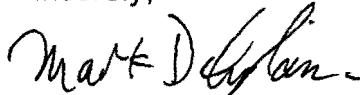
Project Benefits

The purpose of the proposed project is to improve vehicular public access into the area and to prevent ongoing erosion damage. This project relates to a previously approved project to rehabilitate visitor-use facilities in Solstice Canyon. The proposed project will benefit access to these visitor facilities by improving road conditions. The improvements will increase vehicular safety by widening road at a blind curve and will improve bus access to the area. In addition, the project will prevent future road closures caused by down-slope erosion, which are likely to occur if Park Service does not implement these repairs. Finally, the erosion-control measures will also prevent ongoing impacts to riparian and stream resources from continued slope failures. Therefore, the project will benefit recreational and habitat resources of the coastal zone.

Conclusion

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. The Commission staff, therefore, concurs with the negative determination made pursuant to 15 CFR § 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

PMD/JRR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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October 15, 2002

Dave Stalters
Chief-Environmental Division
U.S. Coast Guard Civil Engineering Unit Oakland
2000 Embarcadero, Suite 200
Oakland, CA 94696-5337

Re: **ND-062-02** Negative Determination, U.S. Coast Guard, Removal of Antenna Curtains
and buried cables, Bolinas, Marin County.

Dear Mr. Stalters:

The Coastal Commission staff has received the above referenced negative determination for the removal of two antenna curtains from antenna #8/10 and antenna #22/23, and the removal of 560 feet of shallow buried cable at the Coast Guard's Communication Master Station Pacific (CAMSPAC) transmitter site adjacent to the southern end of the Point Reyes National Seashore, 4 miles northwest of Bolinas, in Marin County.

The antenna curtains are no longer needed for the operation of the antennas, and the removal of 560 feet of cable will eliminate hazards and restore the site to its original grade. The removal of the antenna curtains will improve views of the site and minimize bird collisions. There is currently no public access to this site. 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 proposals at the CAMSPAC facility in Bolinas for which we have concurred with consistency and negative determinations (ND-36-98, ND-99-98, ND-12-99, and ND-009-00).

The Commission staff agrees with your conclusion that no adverse impact to coastal resources would result from the project, and we hereby concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Kathleen Stycket of the Commission staff at (415) 904-5295 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas".

PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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November 5, 2002

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

Attn: Roy Clark

RE: **ND-064-02**, Negative Determination for maintenance dredging of a mooring at Coast Guard Station, Marina del Rey, Los Angeles County, with disposal of sediment at an upland site in the Port of Long Beach.

Dear Mr. Stalters:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Coast Guard proposes to dredge its mooring at Marina del Rey and dispose of the sediment at an upland site within the Port of Los Angeles. The Coast Guard will dredge approximately 500 cubic yards of material. The testing results from this sediment indicate that the material is relative free of contaminants and will not adversely affect water quality. The Coast Guard will dredge an area that has soft bottom habitat and that it has previously dredged, and thus it will not significantly affect habitat resources. Although the project is located in a recreational marina, it will not block or restrict recreational boating, and thus will not affect that use. Finally, the disposal will occur at a port-fill site within the Port of Long Beach and is consistent with the Port's master plan. In conclusion, the Coastal Commission staff agrees that the proposed project will not significantly affect coastal zone resources. The Commission staff, therefore, concurs with the negative determination made pursuant to 15 CFR Section 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Douglas", written over the word "Sincerely,".

(f.d)

PETER M. DOUGLAS
Executive Director

cc: South Coast District

PMD/JRR

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October 24, 2002

David Castanon
Chief, North Coast Section
Regulatory Division
Corps of Engineers, Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

Attn: Mark Cohen

RE: **ND-066-02**, Negative Determination for Establishment of a Restricted Zone, Point Mugu, Naval Base Ventura County

Dear Mr. Castanon:

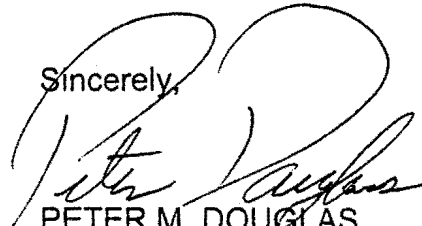
The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes establishing a six-mile long permanent restricted area extending $\frac{1}{4}$ mile offshore of Naval Base Ventura County at Point Mugu. The Corps describes the purpose of the proposal as follows: *"The establishment of the restricted zone is required to prevent death or injury to naval personnel, damage or destruction of aircraft, facilities, or other property from terrorist, sabotage or other subversive acts or criminal actions or other causes of similar nature."* The effect of the designation will be to require vessels to navigate around the restricted area.

The Corps concludes that the designation will not affect recreational activities for the following reasons: 1) the base is already closed to public access; 2) there are existing access and aquatic recreational opportunities at Point Mugu State Park; and 3) the designation will not affect an existing surfing area near Laguna Point (for surfers that have access to the base). The Navy states that it has not observed recreational or commercial activities from vessels on a routine basis within the $\frac{1}{4}$ -mile closure area. Boat launch facilities are not available at Point Mugu or in the vicinity. In addition, public marinas are distant enough that vessel traffic is not significant near Point Mugu. Also, boaters tend to avoid this area because they must avoid other closed areas (safety zones seaward of weapons training areas) offshore of this base that extend much further offshore. Therefore, the proposed closure will not likely to significantly affect navigation. In addition, the $\frac{1}{4}$ -mile closure area does not contain fishing grounds, reefs, or kelp beds. Thus, the area does not appear to have a significant commercial or

recreational value. Therefore, the project will not significantly affect commercial or recreational fishing uses of the coastal zone.

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

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: South Central Coast District

PMD/JRR