

CALIFORNIA COASTAL COMMISSION

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

**F 5**

DATE: October 15, 2003

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-061-03
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Point Mugu
PROJECT:	Replacement of Cables
ACTION:	concur
ACTION DATE:	9/18/2003

PROJECT #:	NE-067-03
APPLICANT:	Santa Barbara County Flood Control & Water Conservation District
LOCATION:	Countywide
PROJECT:	Five-year Debris Basin Maintenance Plan
ACTION:	no effect
ACTION DATE:	9/16/2003

PROJECT #:	NE-068-03
APPLICANT:	Santa Barbara County Flood Control & Water Conservation District
LOCATION:	Santa Maria Valley Area West of the City of Santa Maria
PROJECT:	West Green Canyon Drainage Improvement Project
ACTION:	no effect
ACTION DATE:	9/24/2003

PROJECT #:	ND-073-03
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Southern California within the jurisdiction of the Los Angeles District of the Corps of Engineers
PROJECT:	Regional General Permit for Removal of Invasive Exotic Plants
ACTION:	concur
ACTION DATE:	10/1/2003

PROJECT #:	ND-085-03
APPLICANT:	National Marine Fisheries Service
LOCATION:	Scott Creek, Santa Cruz Co.
PROJECT:	Temporary Installation of fish trap
ACTION:	concur
ACTION DATE:	9/26/2003

CALIFORNIA COASTAL COMMISSION

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



September 18, 2003

Robert Wood
Deputy Public Works Director
Naval Base Ventura County
ATTN: James Danza
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

Subject: Negative Determination ND-061-03 (Communications Cable Replacement Project at Pad Alpha, Point Mugu, Naval Base Ventura County).

Dear Mr. Wood:

The Coastal Commission staff has reviewed the above-referenced negative determination for the Pad Alpha communications cable replacement project at Naval Base Ventura County, Point Mugu. The Navy proposes to replace communications cables (power, voice, data, and video) serving Pad Alpha, a facility which supports various research, test, and evaluation activities conducted by the Navy at Point Mugu. The previous cables serving Pad Alpha were removed as part of an environmental restoration project along the adjacent shoreline and wetlands. Roads, a launch tower, other smaller structures, communications cables, and berms were removed, and ground elevations were lowered, to facilitate wetland restoration in this area. The Navy now proposes to install approximately 550 feet of cable conduit from the Pad Alpha communications facility to an existing junction box located underneath Beach Road. The proposed replacement cable will be placed in a 2-foot-deep and 18-inch-wide trench excavated primarily within existing roadway and upland areas at and between Pad Alpha and Beach Road.

However, by selecting this cable alignment, the Navy will also need to install a 40-foot-long segment of cable through delineated wetland habitat that exists between Pad Alpha and Beach Road. This habitat is relatively high ground located between two lower basins, both of which, according to the Navy's GIS system and field observations, are isolated and not connected to any tidal waters or culverts. The proposed cable trench would cross the wetland habitat at its narrowest and highest location, and would require a maximum 15-foot-wide work area encompassing the trench. The Navy will keep the top nine inches of native soil from the trench corridor in an on-site storage area separate from the deeper excavated soil, and will replace this topsoil after installation of the cable. Revegetation of the corridor is expected to occur naturally. However, the Navy will monitor the recovery of the disturbed corridor, and will, if necessary, water, remove exotics, and plant native vegetation in order to ensure regrowth at the site. The Navy will prepare monitoring reports (including photographs) at six months and one year after the end of construction, and will provide copies of those reports to the Commission. The Navy

examined several alternatives to the proposed cable route, but all carried the potential for greater environmental effects on wetland vegetation, shorebirds, and scenic views.

The Commission staff agrees that the proposed project will not adversely affect coastal resources along or adjacent to the cable route. The temporary disturbance from trenching through a short reach of isolated wetland will not generate significant adverse effects to the existing wetlands adjacent to Pad Alpha. We therefore concur with your negative determination made pursuant to 15 CFR Section 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,

LARRY SIMON
For

PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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



September 16, 2003

Karl Treiberg
Environmental Coordinator
Santa Barbara County Flood Control & Water Conservation
District and Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: **NE-67-03**, No Effects Determination, Santa Barbara County Flood Control, Updated Debris Basin Maintenance Plan supporting a five-year Regional General Permit pursuant to Section 404 of the Clean Water Act.

Dear Mr. Treiberg:

The Coastal Commission staff has reviewed the above-referenced no-effects determination for debris basin maintenance for 17 debris basins located in 14 different waterways between Carpinteria and Goleta, in the foothills of the Santa Ynez Mountains along the south coast of Santa Barbara County. The basins are located in Arroyo Paredon, Cold Springs, Franklin, Gobernador, Maria Ygnacio (Main and East Fork), Mission, Montecito, Rattlesnake, Romero, San Antonio, Santa Monica, San Roque, San Ysidro, and Toro (East Fork, Lower West Fork, and Upper West Fork) Creeks. The District proposes to conduct routine maintenance on an annual basis and long-term maintenance on an as-needed basis. Routine and long-term maintenance would be restricted to between May 1 and November 15. However, the District may need to conduct emergency maintenance between November 15 and May 1. Additionally, some of the basin embankments would undergo modification of the outlet structure to facilitate fish passage. This no-effects determination will allow the district to conduct these maintenance activities for five years. The District submitted and we concurred with a no-effects determination for a similar plan for annual maintenance in 1996 (NE-89-96).

The proposed plan includes the following activities:

1. **ROUTINE MAINTENANCE:** Routine maintenance involves clearing a 15-foot-wide pilot channel from the upstream end of a basin to the outlet structure. The channel would fan out to 30 feet in width near the outlet. In addition, the District would clear vegetation from the dam face and a 10-foot-wide swath adjacent to the toe of the dam using hand tools and herbicide. The District would also conduct selective pruning of vegetation in the basins. These activities would facilitate water and sediment transport through the basins during normal rainfall events while also allowing habitat to develop.
2. **LONG-TERM MAINTENANCE:** Long-term maintenance involves the complete removal of all debris in a basin, which the District will initiate when a basin has filled to

approximately 25% of its capacity or following a significant fire in the watershed. The District will dispose of excavated sediment offsite.

3. **EMERGENCY MAINTENANCE:** The District will conduct emergency maintenance following an extreme rainfall event that causes a substantial loss of basin capacity or following a significant fire in the watershed. During an emergency maintenance event, the District will completely removal all debris in a basin.
4. **EMBANKMENT MODIFICATION:** The District has identified several of the basins as impediments to fish passage. The District plans to modify the embankments on several of the creeks to facilitate fish passage. These modifications may include enlarging the culvert and installing baffles, constructing a fishway through or over the embankment, or reconstruction of the embankment to allow low flows to pass through at the grade of the creek. In addition, the District may build boulder weirs downstream of the basin in order to raise the water surface elevation at the embankment outlet.

Several of the basins identified in the plan may be within the coastal zone and may be subject to the permit requirements of the Coastal Act. It appears that the activities within the coastal zone are under the coastal permit jurisdiction of the local governments within the County of Santa Barbara and permits approved by those agencies would be appealable to the Commission. In situations such as this, the Commission usually does not act on consistency certifications for projects that are appealable and do not raise any significant issues. After reviewing the maintenance plan, the Commission staff concludes that for those activities within the coastal zone, it will not to act on this consistency certification. Pursuant to regulations implementing the Coastal Zone Management Act, the Commission's concurrence in your consistency certification for those activities within the coastal zone "shall be conclusively presumed" if the Commission does not either concur in or object to that certification (15 CFR § 930.62(a)).

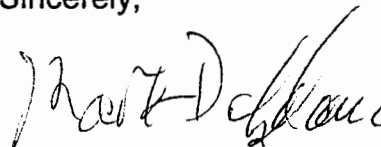
For those activities located outside the coastal zone, the Commission staff evaluated the projects for effects on water quality, hydrology, sand supply, and habitat. With respect to water quality, the Commission staff has consistently expressed concerns about effects from the spraying of herbicides on the water quality of the coastal zone. However, the District proposes to use only herbicides that the U.S. Environmental Protection Agency has approved for use in streams. Additionally, the District proposes several mitigation measures that will minimize the activities' effects on water quality in the coastal zone. With respect to stream hydrology, none of the activities proposed by the District will have a significant effect on hydrology in the coastal zone.

The removal of sediment from the debris basins has the potential to affect sand supply resources of the coastal zone. Several of the projects involve the removal of material from streams that drain into the ocean. These projects could result in a loss of sand resources to local beaches. However, the County is proposing to place suitable material removed from the debris basins on local beaches. Therefore, the project will not affect sand supply resources.

The Commission staff also evaluated the maintenance plan for adverse effects on habitat resources of the coastal zone. Most of the activities described in the plan do not appear to hold the potential to generate significant effects on habitat resources. However, several of the streams described in the plan drain into Carpinteria Slough and include activities that have the potential to affect slough habitat by increasing the amount of sedimentation deposited into it. However, there are sediment traps on those streams below the maintenance projects and the District designed the traps to minimize sedimentation impacts to the slough. Therefore, the Commission staff concludes that the proposed maintenance plan will not generate significant adverse effects on habitat resources of the coastal zone.

In conclusion, the Commission staff agrees that the proposed debris basin maintenance plan will not adversely affect coastal zone resources. We, therefore, concur with your no effects determination made pursuant to 15 CFR 930.50. Please contact James Raives of the Commission staff at (415) 904-5292 should you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: South Central District Office
Corps of Engineers, Ventura Field Office

CALIFORNIA COASTAL COMMISSION

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



September 24, 2003

Karl Treiberg
Santa Barbara County Flood Control & Water Conservation District
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: **NE-068-03**, No-Effects Determination for the West Green Canyon Drainage Improvement Project, West of the City of Santa Maria.

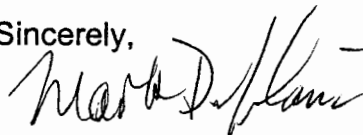
Dear Mr. Treiberg:

The Coastal Commission has received and reviewed the above-referenced consistency submittal. The proposed West Green Canyon Drainage Improvement Project includes the following:

1. tie into an existing 60 inch diameter pipe at Stowell Road;
2. construction of a storm drain (most likely 60 inches in diameter) westerly along the south side of West Main Street for approximately 6,000 feet;
3. construction of a storm drain under West Main Street and tie into an existing flood-control channel; and
4. modification of an existing outlet at the Santa Maria River.

The proposed project is approximately five miles inland of the coastal zone boundary and is located adjacent to an urban area. The proposed storm drain will tie into an existing storm drain before it discharges into the Santa Maria River. The project will not add a significant amount of water or pollutants into the Santa Maria River and will not affect water quality resources of the coastal zone. In addition, the project will not alter the river or otherwise 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 Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District
Jack Malone, Corps of Engineers, Los Angeles District

PMD/JRR -

CALIFORNIA COASTAL COMMISSION

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



October 1, 2003

Mark Durham, Chief
South Coast Section
Regulatory Branch
U.S. Army Corps of Engineers
Los Angeles District
San Diego Field Office
16885 West Bernardo Dr., Suite 300A
San Diego, CA 92127

Attn: Jeanette Baker

RE: **ND-073-03** Negative Determination, Army Corps, Reissuance of Regional General Permit (RGP) No. 41 authorizing mechanized removal of invasive, exotic plants from waters of the U.S., Southern California

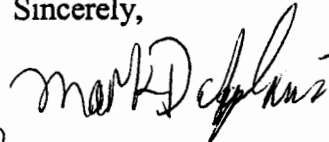
Dear Mr. Durham:

On October 15, 1998, the Coastal Commission concurred with the Corps of Engineer's consistency certification for the issuance of Regional General Permit (RGP) No. 41 authorizing the mechanized removal of invasive, exotic plants (exotics) from waters of the U.S., including wetlands, for the purpose of habitat recovery (CC-119-98). Prior to that concurrence, the Commission had concurred with the Corps' consistency certification for issuance of this same permit for a trial 2-year period (CC-39-96). The Corps has submitted a negative determination for reissuance of the 5-Year RGP. The current RGP would include the same habitat protection and monitoring provisions as the previous RGP to assure its effectiveness, including project-by-project notice to resource agencies (and including notifying the Commission for activities within or affecting the coastal zone, and also including triggering coastal development permit review where applicable). For the previous 5-year period, actions taken under the RGP included 17 removal activities covering 761 acres.

Under the federal consistency regulations (Section 930.35(a)) a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." While the Corps previously

submitted the RGP as a consistency certification, changes in the federal consistency regulations enacted since that submittal encourage the Corps to submit general permits as a consistency or negative determinations and not certifications (15 CFR Section 930.31). Therefore we consider the procedure under Section 930.35(a) applicable to this situation. The proposed activities authorized under the RGP are similar to activities authorized under the Corps' previous consistency certifications with which we concurred (CC-119-98 and CC-39-96). We therefore **concur** with your negative determination for this project 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, appearing to read "Mark Delaplaine", written over the typed name.

(for) PETER M. DOUGLAS
Executive Director

cc: Ventura, Long Beach, and San Diego Area Offices

CALIFORNIA COASTAL COMMISSION

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



September 26, 2003

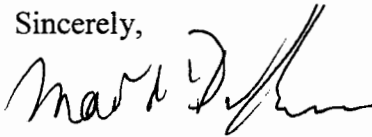
Sean Hayes
Salmon Ecology Group
NOAA Fisheries
110 Shaffer Road
Santa Cruz, CA 95060

Re: ND-85-03, National Marine Fisheries Service, temporary fish trap, Scott Creek,
Santa Cruz County

Dear Mr. Sturtevant:

The Coastal Commission staff has received the above-referenced negative determination for the temporary installation of a fish trap, one mile inland from the ocean, in Scott Creek, northern Santa Cruz County. The trap will not affect stream flow or fish passage. The project purpose is to monitor return rates and survivorship of adult Coho salmon and steelhead trout, as well as to facilitate broodstock collection. The trap will be installed prior to the rainy season and will be in place until the end of the winter/spring spawning runs, when it will be removed. The project will not alter any streambanks, and the Department of Fish and Game has determined the project would not adversely affect the stream or require a "1601" agreement. We agree with NOAA Fisheries that this project would not adversely affect coastal zone resources, and 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,


(for) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz Area Office
Army Corps, San Francisco District