

**CALIFORNIA COASTAL COMMISSION**45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219

TELEPHONE AND TDD (415) 904-5200

RECORD PACKET COPY

**F 16****DATE:** May 22, 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]

<b>PROJECT #:</b>	ND-012-03
<b>APPLICANT:</b>	Department of the Navy
<b>LOCATION:</b>	San Clemente Island
<b>PROJECT:</b>	Pier Replacement
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	4/18/2003

<b>PROJECT #:</b>	NE-022-03
<b>APPLICANT:</b>	Ventura County Watershed Protection District
<b>LOCATION:</b>	Hueneme Drain, Port Hueneme, Vantura Co.
<b>PROJECT:</b>	Hueneme Drain Improvement Project
<b>ACTION:</b>	No effect
<b>ACTION DATE:</b>	5/8/2003

<b>PROJECT #:</b>	ND-027-03
<b>APPLICANT:</b>	U.S. Coast Guard
<b>LOCATION:</b>	Coast Guard Station Monterey
<b>PROJECT:</b>	Repairs and minor alterations of floating docks
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	5/6/2003

PROJECT #:	NE-032-03
APPLICANT:	City of Dana Point
LOCATION:	Dana Point, Orange Co.
PROJECT:	Storm drain improvements
ACTION:	No effect
ACTION DATE:	4/21/2003

PROJECT #:	ND-035-03
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Point Mugu, Ventura Co.
PROJECT:	Patriot radar antenna test
ACTION:	Concur
ACTION DATE:	4/23/2003

PROJECT #:	ND-037-03
APPLICANT:	Department of the Navy
LOCATION:	Defense Fuels Supply Point in San Pedro, Los Angeles Co.
PROJECT:	Repair and enhancement of electrical utilities
ACTION:	Concur
ACTION DATE:	5/8/2003

PROJECT #:	NE-038-03
APPLICANT:	Trinidad Rancheria
LOCATION:	adjacent to the Trinidad Rancheria, Humboldt Co.
PROJECT:	Improvements to water transmission and distribution system
ACTION:	No effect
ACTION DATE:	5/7/2003

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(415) 904-5400



April 18, 2003

Jo Ellen Anderson  
Planning Business Line Team Leader  
Southwest Division  
Naval Facilities Engineering Command  
ATTN: Grace Penafuerte  
2585 Callagan Hwy, Bldg 99  
San Diego, CA 92136-5198

Subject: ND-012-03 (Replacement of Naval Ordnance Testing Station Pier at Naval Auxiliary Landing Field, San Clemente Island).

Dear Ms. Anderson:

The Coastal Commission staff has reviewed the above-referenced negative determination. The proposed project is located on the northeast side of San Clemente Island and involves demolishing the existing 420-foot-long, 10,560 sq.ft. Naval Ordnance Testing Station (NOTS) pier and constructing a new 10,675 sq.ft. pier (using plastic and concrete or steel pilings) within the footprint of the existing pier. The replacement pier will support the ongoing operations of the Space and Naval Warfare Command's research, development, testing, and evaluation missions. The existing steel and wood pier is structurally unable to support crane operations, cannot meet berthing requirements due to deteriorated fendering, and is unsafe for personnel due to a deteriorating catwalk. The Navy proposes to construct a pile-supported temporary trestle from the shoreline seaward over the existing pier, demolish the pier from the trestle, and then construct the new pier from the trestle. Work on the project is scheduled to begin in October 2003 with demolition expected to take eight to ten weeks and construction approximately nine to ten months.

The proposed project would not change the existing military uses of the site. San Clemente Island is an active military base and access is strictly controlled by the Navy. Existing military operations temporarily restrict public access in offshore areas but restrictions are lifted at the conclusion of hazardous activities. The public's right of access to and use of adjacent ocean waters will not be affected by the pier replacement project. Eelgrass beds on either side of the NOTS pier were surveyed in December 2002 and are located outside the project footprint. However, prior to the start of construction, eelgrass beds will be delineated and marked with buoys, and an eelgrass bed control site will be established to identify any eelgrass loss as a result of natural fluctuations. The Navy states that pre- and post-construction monitoring will occur and if eelgrass is lost due to construction work, such losses will be mitigated in accordance with the Southern California Eelgrass Mitigation Policy. Construction will generate minor and temporary impacts to marine life and habitat in and adjacent to the project footprint, but work will not affect threatened or endangered species as none are present in the project vicinity.

The new pier will include inert plastic and concrete or steel fender and structural pilings similar to pilings used to construct piers at several naval facilities in San Diego Bay since 1995. The new pilings would replace treated timber pilings at the existing pier, which currently discharge polycyclic aromatic hydrocarbons into the marine environment. The Commission staff has reviewed the water quality effects from the use of recycled plastic composites. The composites are made from recycled plastic. This material is comprised of approximately 80% polyolefin content (polyethylene and polypropylene), with the remaining percentages made of polyethylene terephthalate, polystyrene, polyvinyl chloride, and other plastics. In a leach test only minor amounts of copper, iron, and zinc leached from the plastic. None of the contaminants had a concentration significant enough to have any adverse effects on the marine environment. Additionally, in a study comparing the toxic effects of plastics to treated wood, the researchers concluded that, "*in all these experiments with four different species of estuarine organisms, the recycled plastic proved to be far less toxic material than the treated wood.*"<sup>1</sup> Thus, the replacement of treated wood pilings with plastic pilings will reduce contaminants in marine waters.

The Commission staff investigated the weathering effects of the plastic lumber. In another study on this material, the researchers concluded that, "*UV degradation is not much of a threat.... The improved flexural properties of the NJCT [recycled plastics] deck boards after weathering over the period of eleven years offers promising results concerning RPL [recycled plastic lumber].*"<sup>2</sup> Although this report provides some evidence that the plastic lumber will not significantly deteriorate, it is not entirely relevant to the proposed project because the researchers did not study plastic lumber in marine waters. In the marine environment, the plastic lumber may be more likely to crack, splinter, or otherwise contribute to marine debris. In addition, the large Naval ships berthed at these wharves may add additional stresses to the material and increase the likelihood that the material will contribute to the marine debris problem.

The Commission staff also reviewed a 1999 Navy Region Southwest document, "*Plastic Pier Piling Evaluation Report*," which reported on an evaluation of 1,200 fiberglass- and steel-reinforced plastic pier pilings installed since 1995 at five naval installations within Navy Region Southwest: Naval Air Station North Island, Naval Station San Diego, Naval Amphibious Base Coronado, Space and Naval Warfare Systems Center, and Naval Submarine Base San Diego. The plastic compound used to construct the pilings is composed of 100 percent recycled plastic materials (e.g., milk jugs, juice containers) and are mixed with colorants, ultraviolet inhibitors, and antioxidants to make the piling resistant to ultraviolet light and spalling, and impervious to marine borers. The report acknowledges that because use of plastic pier pilings is a relatively recent occurrence, the pilings' long-term durability and maintenance requirements are not known. However, the report concluded that plastic pilings appear to be more durable than timber pilings, maintenance requirements appear to be limited, and none of the pilings has required replacement because of degradation from exposure to the marine environment. In addition, toxicity leaching tests and metal analyses of a plastic piling sample indicated that the use of these

<sup>1</sup> Toxicity of Construction Materials in the Marine Environment; Weis, Peddrick; Weis, Judith; Greenberg, Arthur; and Nosker, Thomas; *Archives of Environmental Contamination and Toxicology*; 1992.

<sup>2</sup> Weathering Effects on Mechanical Properties of Recycled HDPE Based Plastic Lumber; Lynch, Jennifer; Nosker, Thomas; Renfree, Richard; Krishnaswamy, Prabhat; Francini, Robert; Proceedings from the Annual Technical Conference for the Society of Plastic Engineers, 2001; <http://www.sperecycling.org/Papers/Papers.htm>.

pilings does not appear to present any environmental concerns to fish and wildlife.


The Navy further stated in an April 9, 2003, letter to Commission staff that:

*[R]ecent inspections of the plastic pilings at Naval Base Coronado, Naval Base San Diego, and Naval Base Point Loma validate the long-term utility and durability of recycled plastic pilings. Bi-annual inspections are routinely conducted for Navy in-water structures to determine the overall condition of the structure and fender systems and to identify deficiencies and repairs. Plastic fender systems were found to be in good to very good condition. Some marine growth and cracks were noted on pilings; however conditions do not interfere with performance. No plastic pilings have been known to break into pieces. The regular use, wear, and performance of plastic fender pilings do not represent a significant contribution of plastic debris to the marine environment.*

In conversation with Commission staff on April 17, 2003, the Navy confirmed that the NOTS pier will remain on its list of in-water structures that receive a bi-annual inspection to determine structural condition and to identify potential deficiencies and repairs. The Navy will also provide to Commission staff a copy of the bi-annual inspection report for the NOTS pier for a ten year period after completion of the pier construction for the purpose of evaluating degradation of plastic pilings. In addition, should these monitoring reports or other information relative to the performance of plastic pilings in the marine environment indicate that plastic materials such as those used in the project adversely affect marine water quality, marine habitat, or other coastal uses or resources, the Navy acknowledged that the Commission has the authority pursuant to regulations implementing the Coastal Zone Management Act to reopen this negative determination (see 15 CFR § 930.45(b)). With these provisions, the Commission staff concludes that the project incorporates measures to address potential coastal zone effects if the plastic pilings should deteriorate over time, and that the project will not affect water quality resources of the coastal zone.

In conclusion, the Commission staff agrees with the Navy's determination that the proposed pier replacement will not adversely affect coastal resources and that it is the same or similar to previously reviewed pier projects. We therefore concur with your negative determination for the 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



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



May 8, 2003

Kirk Norman  
Senior Engineer, Design & Construction  
Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, CA 93009-1600

Subject: No Effects Determination NE-022-03 (Hueneme Drain Improvements Project, City of Port Hueneme).

Dear Mr. Norman:


The Coastal Commission staff received your March 13, 2003, letter requesting Commission concurrence with your consistency certification for the above-referenced project. The proposed project is designed to "improve the capacity" of a one-half-mile-long stretch of the Hueneme Drain flood control channel between Joyce Drive and the Ventura County Railroad crossing in the City of Port Hueneme to prevent flooding of adjacent residential development during a 100-year storm event. The project includes the following three elements which will remove flow obstructions from and improve the peak flow containment function of the Hueneme Drain:

- Convert the bike path undercrossing to an at-grade railroad crossing immediately east of the Hueneme Drain.
- Replace the existing 60- and 72-inch-diameter metal pipe culverts at Hueneme Road with a 16-foot-wide by 5-foot-high reinforced concrete box culvert.
- Increase the bank height by approximately two feet in four sections along approximately 555 feet of the east bank of the Hueneme Drain between Hueneme Road and Joyce Drive.

The Ventura County Watershed Protection District prepared a Mitigated Negative Declaration which concluded that "there are no significantly adverse unavoidable impacts associated with the proposed project..." The City of Port Hueneme exempted this project from coastal development permit requirements due to the City's finding that the project was a repair and maintenance undertaking. The Commission staff respectfully disagrees with this finding, believes the project does not solely constitute repair and maintenance activity, and believes that the City of Port Hueneme should process a coastal development permit for the project.

Notwithstanding these conclusions, the Commission staff has decided not to act on this consistency certification because the project does not raise significant coastal resource protection issues. Pursuant to regulations implementing the Coastal Zone Management Act, the Commission's concurrence in your consistency certification "shall be conclusively presumed" if the Commission does not either concur or object to that certification (15 CFR §930.62(a)). Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS  
Executive Director

cc: South Central Coast District Office  
City of Port Hueneme, City Manager and Director of Community Development  
California Department of Water Resources  
Governor's Washington, D.C., Office

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May 6, 2003

Dave Salters  
Chief, Environmental Division  
2000 Embarcadero, Suite 200  
Oakland, CA 94606

Re: **ND-027-03** Negative Determination, U.S. Coast Guard, removal and replacement of a floating dock located at Station Monterey, Government Wharf, Monterey County

Dear Mr. Salters:

The Coastal Commission staff has received the above-referenced negative determination for the removal and replacement of the Coast Guard's floating dock and existing gangway, relocation and upgrading of utilities, and construction of a new gangway and concrete footing to support the gangway. Six existing steel piles will be prepared and painted with a polyurea-based coating prior to being filled with concrete to extend their useful life. The new docks will be slightly shorter in overall length to allow for the existing pilings to be located at the outboard end of the float.

A floating barrier will surround the project area to ensure that metal particles from the preparation of the piles do not enter the marine environment, and no pile driving or dredging will be required for the project. The project will not affect access to the shoreline or recreational uses of the coastal zone because it is only used by U.S. Coast Guard personnel. Although the California Sea Lion and Pacific harbor seals are common to the area, the National Marine Fisheries Service has determined that the project is not likely to adversely affect any listed species or critical habitat, and that the low noise level associated with the project, and its short duration, will create little or no disturbance to pinnipeds in the area.

The Commission staff agrees that the proposed project will not adversely affect any coastal zone resources. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 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,

A handwritten signature in dark ink, appearing to read "Peter M. Douglas" followed by "(for)".

PETER M. DOUGLAS  
Executive Director

cc: Santa Cruz Office



## CALIFORNIA COASTAL COMMISSION

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April 21, 2003

Matthew Sinacori  
Dept. of Public Works  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629-1805

Re: **NE-032-03** No Effects Determination, City of Dana Point, Capistrano Beach Storm Drain Outlet, Dana Point, Orange Co.

Dear Mr. Sinacore:

The Coastal Commission staff received your April 10, 2003, letter requesting Commission concurrence with a consistency certification for the construction of a new underground storm drain, west of Beach Rd. in Capistrano Beach, Dana Point. The storm drain would involve three 30 inch diameter pipes, 140 ft. in length. The storm drain would capture bluff top drainage and convey it to the ocean during peak flows. During low flow periods, the flows would be diverted to the sewer system.

The City has granted a coastal development permit (CDP) for the project (CDP-00-19(I)), in an area where the permit was appealable to the Commission, and the appeal period has run with no appeals being filed. In approving the project the City has required beach monitoring and recontouring (if the pipes are exposed or if site-specific erosion occurs), grunion monitoring (and avoidance, for the construction period), erosion controls and Best Management Practices, protecting and maintaining public access during construction, and prohibiting any future shoreline protective devices to protect the outfall pipes. As conditioned by the City, the project will not adversely affect coastal zone resources.

The Coastal Commission staff has decided not to act on this consistency certification. This decision is based on the fact that the project received a CDP from the City and that permit addressed all relevant coastal resource issues. Pursuant to regulations implementing the Coastal Zone Management Act, the Commission's concurrence in your consistency certification "shall be conclusively presumed" if the Commission does not either concur in or object to that certification (15 CFR § 930.62(a)). If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

*Mark Delaplaine*  
(for) PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office (Karl Schwing)  
Army Corps, Los Angeles District (Cori Farrar)

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April 23, 2003

Robert Wood  
Naval Base Ventura County  
311 Main Road, Suite 1  
Point Mugu, CA 93042-5001

Attn: Jim Danza

Re: **ND-035-03**, Negative Determination, U.S. Navy, PATRIOT Seaside Test,  
Naval Base Ventura County

Dear Mr. Wood:

The Coastal Commission staff has received the above-referenced negative determination for a temporary 10 day test of the PATRIOT (Periscope Acquisition, Tracking and Ranging with Improved Observation Techniques) submarine radar facility at the Naval Base Ventura County. The purpose of the test is to determine the facility's effectiveness and the effect of waves in coastal waters (prior to future at-sea tests). The Navy selected Pt. Mugu as the ideal test site due to the wave conditions and proximity to support boats stationed at Port Hueneme.

The radar equipment (small radome) would be attached to a ladder bolted to a small platform, which would be placed in the sand between high and low tidelines, secured with 6 inch diameter, 12 ft. long piles. The platform, piles, and all other equipment would be removed at the end of the test period. The Navy has coordinated with the U.S. Fish and Wildlife Service and included measures to assure avoidance of western snowy plovers, including devices to inhibit predatory bird roosting, pre-test and test period monitoring, and avoiding plover nests. In addition, past monitoring has not shown plovers to nest in the specific project area. With the monitoring and avoidance measures, the project will not adversely affect environmentally sensitive habitat. In addition, radar hazards would be minimal (the safe separation distance is less than 5 meters).

We agree with the Navy that the project will not adversely affect any 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,

A handwritten signature in cursive script that reads "Peter Douglas".

PETER M. DOUGLAS  
Executive Director

cc: Ventura Area Office  
Department of Water Resources  
Governor's Washington D.C. Office

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May 8, 2003

D.E. Gilkey  
Department of the Navy  
Southwest Division  
Naval Facilities Engineering Command  
1220 Pacific Highway  
San Diego, Ca 92132-5190

Attn: Hiphil Clemente

Re: **ND-037-03**, Negative Determination, U.S. Navy, Electrical Utility Repairs, Defense Fuels Supply Point, San Pedro, Los Angeles Co.

Dear D.E. Gilkey:

The Coastal Commission staff has received the above-referenced negative determination for repairs to existing electric lines at the Defense Fuels Supply Point in San Pedro. No in-water construction is included, and we agree with the Navy that the project will not affect any coastal zone resources. 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 dark ink, appearing to read "Mark Delaplaine", written over a printed name.

(for)

PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office  
Department of Water Resources  
Governor's Washington D.C. Office

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May 7, 2003

Larry Margler  
Winzler & Kelly  
633 Third Street  
Eureka, CA 95501

Re: **NE-038-03** No Effects Determination, Trinidad Rancheria, water supply  
improvements, Trinidad Rancheria, Humboldt Co.

Dear Mr. Margler:

The Coastal Commission staff received your April 10, 2003, letter requesting Commission concurrence with a consistency certification for the replacement of water lines serving the Trinidad Rancheria, southeast of the city of Trinidad in Humboldt County.

The purpose of the project is to correct deficiencies in the water transmission and distribution system serving the Rancheria. The existing system has varying sized pipes of differing materials, which causes durability and maintenance problems. Replacement lines will be placed under or adjacent to the paved surfaces of Scenic Drive, Cher-Ae-Heights Road, Ma-We-Mor View Lane, and Te-Pah Lane. The project also includes three fire hydrants, the relocation of several water meters and service lines, and the replacement of service to one home. Approximately 2,400 feet of water line will be replaced in four line segments. The ownership and future maintenance of the new facilities will be transferred to the City of Trinidad upon completion of the work.

Humboldt County has granted a coastal development permit (CDP) for the improvements (CDP-01-97), in an area where the permit was appealable to the Commission, and the appeal period has run with no appeals being filed. In approving the project the County has required erosion controls and Best Management Practices, limiting construction to the non-rainy season, revegetation and restoration of disturbed areas, and measures to assure protection of archaeological resources. As conditioned by the County, the project will not adversely affect coastal zone resources.

The Coastal Commission staff has decided not to act on this consistency certification. This decision is based on the fact that the project received a CDP from the County and that permit addressed all relevant coastal resource issues. Pursuant to regulations implementing the

Coastal Zone Management Act, the Commission's concurrence in your consistency certification "shall be conclusively presumed" if the Commission does not either concur in or object to that certification (15 CFR § 930.62(a)). If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

*Mark Delaplaine*  
(Ler) PETER M. DOUGLAS  
Executive Director

cc: North Coast Area Office (Tiffany Tauber)