

## CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

**F 3**

**DATE:** August 21, 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 #:	NE-084-01
APPLICANT:	San Luis Obispo County
LOCATION:	Avila Beach, San Luis Obispo Co.
PROJECT:	Replacement of floodgate
ACTION:	No effect
ACTION DATE:	8/8/2003

PROJECT #:	NE-079-02
APPLICANT:	Cambria Community Services District
LOCATION:	Town of Cambria, San Luis Obispo Co.
PROJECT:	Cross Town Trail Project
ACTION:	No effect
ACTION DATE:	8/8/2003

PROJECT #:	ND-047-03
APPLICANT:	General Services Administration
LOCATION:	U.S. Coast Guard Station, Humboldt Bay
PROJECT:	Transfer of land from Coast Guard to BLM
ACTION:	Concur
ACTION DATE:	7/23/2003

PROJECT #:	ND-053-03
APPLICANT:	Department of the Navy
LOCATION:	Naval Weapons Station Seal Beach, Orange Co.
PROJECT:	Construction of boat ramp
ACTION:	Concur
ACTION DATE:	7/24/2003

PROJECT #:	NE-056-03
APPLICANT:	Port of San Diego
LOCATION:	LA-5, offshore of San Diego
PROJECT:	Disposal of dredged material
ACTION:	No effect
ACTION DATE:	7/31/2003

PROJECT #:	ND-064-03
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Bolsa Chica, Orange Co.
PROJECT:	Temporary office
ACTION:	Concur
ACTION DATE:	8/12/2003

PROJECT #:	ND-065-03
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County
PROJECT:	Wetland restoration at sewage sludge pond for wetland bank
ACTION:	Concur
ACTION DATE:	8/1/2003

PROJECT #:	ND-069-03
APPLICANT:	Indian Health Service
LOCATION:	Smith River Rancheria, Del Norte Co.
PROJECT:	Replacement of water tanks
ACTION:	Concur
ACTION DATE:	8/13/2003

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45 FREMONT STREET, SUITE 2000  
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August 8, 2003

Mark Hutchinson  
Environmental Specialist  
Dept. of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Re: **NE-084-01** No Effects Determination, San Luis Obispo County, Flood Gate  
Replacement, San Luis Obispo Creek, Avila, San Luis Obispo Co.

Dear Mr. Hutchinson:

The Coastal Commission has received your request for a federal consistency authorization for the replacement of an existing deteriorated flap gate that prevents high creek flows and high tides from flooding nearby portions of the town of Avila. The proposal consists of removing the existing flap gate and head wall, and replacing it with a new head wall and check valve. Construction will occur outside the rainy season and during periods of low flow.

The County is coordinating with the National Marine Fisheries Service to assure the activity will not affect steelhead habitat. The project will not adversely affect environmentally sensitive habitat, public views, or water quality. The project is in the Coastal Commission's coastal development permitting (cdp) jurisdiction, and on August 6, 2003, the Commission authorized a cdp waiver (Waiver No. 3-03-059-W).

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,

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

PETER M. DOUGLAS  
Executive Director

cc: Santa Cruz Area Office  
Army Corps, Ventura Field Office  
Governors Washington D.C. Office

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August 8, 2003

Robert Gresens  
District Engineer  
1316 Tamson Drive, Suite 201  
Cambria, CA 93428

Re: **NE-079-02** No Effects Determination, for the Cambria Cross Town Trail Project,  
Cambria, San Luis Obispo County.

Dear Mr. Gresens:

The Coastal Commission has received your request for the Cambria Cross Town Trail Project. The project includes the construction of bicycle lanes, a pedestrian path, drainage facilities, improvements to the intersection of Windsor Boulevard and State Route 1 (including adding a pedestrian phase to the traffic signal, crosswalk, and curb ramp, and removal of an existing guard rail), pedestrian bridge across Santa Rosa Creek, and some habitat improvements. The project may affect sensitive habitat areas and water quality resources. The proposed project will improve recreational resources.

Since the proposed project is development as defined by the Coastal Act, it requires a coastal development permit (D020081P) from the County of San Luis Obispo. The County approved the coastal development permit on June 17, 2003. However, the Coastal Commission received an appeal of that permit. On August 6, 2003, the Commission found that the appeal did not raise any substantial issues with respect to consistency with the Local Coastal Program and the local permit remains valid. Although the project may have some effects on coastal uses and resources, the County's permit resolves these issues. Therefore, the Coastal Commission staff has decided not to act on this consistency certification. Pursuant to regulations implementing the Coastal Zone Management Act, the Commission's concurrence with your consistency certification "shall be conclusively presumed" if the Commission does not either concur or object to that certification (15 CFR §930.62(a)). 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 that reads "Peter M. Douglas" with a stylized flourish at the end.

PETER M. DOUGLAS  
Executive Director

cc: Santa Cruz Area Office  
Army Corps, Ventura Field Office

## CALIFORNIA COASTAL COMMISSION

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July 23, 2003

Rock Southward  
U.S. General Service Administration  
450 Golden Gate Avenue  
San Francisco, CA 94102

RE: **ND-047-03**, Negative Determination for the transfer of the Samoa Dunes Recreation Area from the U.S. Coast Guard to the Bureau of Land Management (BLM), Humboldt County.

Dear Mr. Southward:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project provides for the transfer, through the General Service Administration, of 13.89 acres of the Recreation Area from the Coast Guard to the BLM, which it currently manages, along with the remaining 274.27 acres of the Recreation Area, pursuant to a 1985 Memorandum of Agreement. The Coast Guard will also transfer the remaining 274.27 acres of the area to the BLM through a separate procedure. The proposed transfer will not affect coastal zone resources. The land is currently in federal ownership and, pursuant to federal law, excluded from the coastal zone. The proposed transfer will not change this status. Additionally, the BLM manages the property as an off-road vehicle area and the proposed transfer will not affect the management of this area. Therefore, the proposed transfer will not alter the property's relationship to the coastal zone or its current use.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur 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,

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

cc: North Coast District

PMD/JRR

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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July 24, 2003

Lisa Ellen Bosalet  
NEPA Program Manager  
Department of the Navy  
Naval Weapons Station, Seal Beach  
800 Seal Beach Boulevard  
Seal Beach, CA 90740-5000

Attn: Hiphil Clemente

RE: **ND-053-03** Negative Determination, Navy Boat Ramp, Naval Weapons Station,  
Seal Beach, Orange Co.

Dear Ms. Bosalet:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a 110 ft. long by 20 ft. wide boat ramp at the Naval Weapons Station in Seal Beach. The project site is adjacent to an existing Navy parking lot and small dock/marina. The project involves placing 275 cu. yds. of fill (sand and gravel) on top of 100 cu. yds. of (riprap) (over a geofabric liner). Approximately 30 cu. yds. of existing riprap at the project footprint will be removed and used in the new ramp. Two thirds to three quarters of the fill will be below the mean lower low water line. Construction activities include use of a temporary cofferdam and a land-based crane.

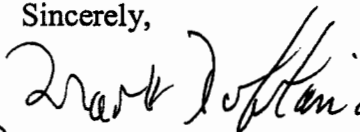
The Navy asserts that it owns the submerged tidelands that will be affected. The Navy has conducted an eelgrass survey, and no eelgrass or other environmentally sensitive habitat will be affected. Construction will not occur during the least tern nesting season. The project will not affect public access and recreation, scenic coastal public views, or any other coastal resources. Measures will be included to protect water quality, including preparing a Storm Water Pollution Prevention Plan and including the following specific Best Management Practices (BMP's):

- 1) No discharges of any construction waste material may enter the storm drain system including construction water, dust, petroleum products, soil, or debris;*

- 2) All material being stored which could release constituents by wind or runoff transport shall be protected by overhead cover, secondary containment, tarpaulins or appropriate methods;
- 3) All paved surfaces shall be swept, vacuumed or cleaned by other mechanical means or as directed by the project engineer;
- 4) All lubricating fluid, fuel, grease or other waste released from the Contractor's vehicles shall be collected and disposed of immediately, in accordance with state, federal and local laws;
- 5) If any contractor activity could potentially release materials to the storm drain system, appropriate protection of the storm drain system shall be implemented as described in the Contractor's BMP Plan;
- 6) All pavement cutting waste water which the Contractor generates shall be vacuumed and properly disposed of immediately;
- 7) The Contractor shall ensure that training on storm water pollution prevention is given to all employees responsible for the installation, inspection, maintenance, or repair of BMPs; and
- 8) All materials used in the storm water pollution prevention program shall be properly disposed of at the completion of work.

The Navy has also agreed to submit the Storm Water Pollution Prevention Plan to the Commission staff for its review. With these measures, we **agree** with your conclusion that the activity would not adversely affect any coastal zone 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 Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: Long Beach Area Office  
California Department of Water Resources  
Governors Washington D.C. Office  
Corps of Engineers, L.A. District (Daniel Swenson – 200301139-DPS)  
Hiphil Clemente  
U.S. Navy, Southwest Division  
Naval Facilities Engineering Command  
1220 Pacific Highway  
San Diego, CA 92132-5190

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July 31, 2003

Eileen M. Maher  
Assistant Director  
Recreation and Environmental Services  
Port of San Diego  
P.O. Box 120488  
San Diego, CA 92112-0488

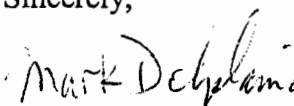
Subject: No Effects Determination NE-056-03 (Dredge material disposal at LA-5 ocean disposal site, San Diego County).

Dear Ms. Maher:

The Coastal Commission staff has received and reviewed the above-referenced consistency submittal. The proposed project calls for disposal of 76,000 cu.yds. of dredged material at the LA-5 ocean disposal site, six miles southwest of San Diego. The material will be dredged from the D Street Fill Mitigation Site in order to create a salt marsh mitigation project to compensate for bay fill associated with the Port's National City Marine Terminal project. The dredged material was to be placed at an in-bay disposal site; however, that site no longer holds the capacity to accept the subject dredged material. Based on "Green Book" testing protocol, the Corps of Engineers determined that the dredged materials were suitable for ocean disposal and U.S. EPA concurred with this determination on June 16, 2003. The dredged materials are mostly fine-grained and not suitable for beach replenishment, and other re-use disposal options are not feasible at this time.

In conclusion, the Coastal Commission staff agrees that the proposed disposal of dredged materials at LA-5 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 CFR Section 930.50. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

  
(for) PETER M. DOUGLAS  
Executive Director

cc: San Diego Coast District Office  
U.S. Army Corps of Engineers



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August 12, 2003

Jack Fancher  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

Subject: Negative Determination ND-064-03 (Temporary Job Office for Bolsa Chica Lowlands Restoration Project, Orange County).

Dear Mr. Fancher:

The Coastal Commission staff has reviewed the above-referenced negative determination for placement of two temporary office buildings on Huntington Mesa to support the administration and oversight of the Bolsa Chica Lowlands restoration project. The Commission concurred with a consistency determination (CD-061-01) for the restoration project on November 13, 2001, and adopted findings in support of that action on January 7, 2002. Since that time, the U.S. Fish and Wildlife Service has kept the Commission staff informed of progress being made during the final design phase of the restoration project. The Service expects to begin construction of the restoration project in the fall of 2004.

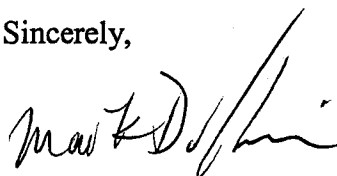
The Service now proposes to establish an on-site office workplace for its project manager, engineering manager, and one administrative assistant, and to establish an adjacent office workplace for the project construction manager; the second office will be required in the fall of 2004 when construction contractor(s) are selected. The two modular office buildings will be sited adjacent to each other and would be occupied for approximately four years. Each modular building will extend over a 27' x 70' footprint and will extend nine to eleven feet above existing grade. Electrical power and telephone service will be supplied through surface or underground lines. No connection to public water or sewer services is proposed; these amenities will be contained within the buildings and maintained by a contract service. Restoration construction staging and storage areas will not be placed at this location. However, the adjacent private roads and lands will continue to support the existing oil field operations and their drilling rigs and large tank trucks.

The office location is on Huntington Mesa, overlooking the planned location of the ocean inlet and Pacific Coast Highway bridge. The site is in unincorporated Orange County, north of the intersection of Seapoint Avenue and Pacific Coast Highway. The property is owned by Signal Landmark/Hearthside Homes but is currently used by the oil lease operator (AERA Energy) for equipment stockpiling and light industrial uses related to their surrounding oil field operation. The proposed office area is bare ground, located between two private oil field access roads, and within the oil field security fence. The site is not accessible to the public nor visible from public

roads or trails. The property owner and oil lease operator have each granted permission to the Service for the proposed temporary use of this site.

The Commission staff agrees that the proposed project will not adversely affect coastal resources on or adjacent to the project site. The project will assist the Service in managing the previously-concurred with Bolsa Chica Lowlands restoration project. 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,

A handwritten signature in black ink, appearing to read "Mark Douglas", written over a horizontal line.

(for) 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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August 1, 2003

Ronald J. Dow  
Director, Environmental Division  
Naval Base Ventura County  
ATTN: James M. Danza  
311 Main Road, Suite 1  
Point Mugu, CA 93042-5001

Subject: Negative Determination ND-065-03 (Phase 2 construction of wetland mitigation site at Point Mugu, Naval Base Ventura County).

Dear Mr. Dow:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for construction of a second phase of a sewage sludge/wetland conversion project at the former (now abandoned) Navy sewage oxidation treatment ponds, located east of Calleguas Creek and approximately midway between Highway 1 and the Pacific Ocean at Point Mugu, Naval Base Ventura County.

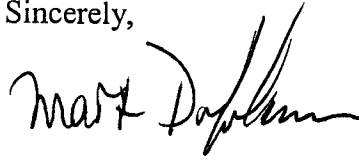
The Commission concurred with a negative determination (ND-148-97) in 1997 for a pilot project to create two acres of tidal wetlands at the former 35-acre sewage pond site. Construction of an additional five acres of wetlands commenced in 2002 adjacent to the original two-acre site using slightly modified construction methods. The pilot project involved mixing soils and sewage sludge on the site, grading, relocating berms, constructing a new tidal creek into the pond area, and monitoring. The overall objective of this project was to comply with a California EPA/ Regional Water Quality Control Board Cleanup and Abatement Order to clean up the sludge at the Point Mugu sewage oxidation ponds. The design and monitoring of the project was accomplished with the cooperation of wetland scientists at UCLA. Based on the success of the pilot wetland restoration project, the Navy is now proposing to restore the balance of the 35-acre site.

Under the proposed Phase 2 activity, the Navy would clear, mix, and grade the Northwest pond and a section of the larger Northeast pond; relocate power and communications utilities along a segment of the central berm; remove and dispose of abandoned steel water pipe and pipe supports as necessary; establish stable breaches of the central berm and the north-south berm dividing the North ponds; and excavate new tidal creeks to facilitate tidal inundation of the Northwest pond. Physical and biological performance standards will be employed to monitor the success of the wetland restoration project. Monitoring will include topography (erosion and sedimentation), tidal prism, vegetation (percent cover, height, biomass), fauna (abundance, type,

and species composition), and heavy metal concentration (in groundwater, soil, vegetation, invertebrates, fish, and birds). Annual monitoring reports will be produced and made available to the Commission and other interested parties. The Navy will submit a consistency determination at a future date for the establishment and operation of a wetland mitigation bank encompassing the wetlands created at the sewage ponds site.

Given the Navy's success in constructing tidal wetlands at the pilot project site and the Navy's commitment to continue monitoring the pilot and proposed construction sites, we agree that the proposed project would not adversely affect coastal zone resources. We therefore concur with your negative determination 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 on this matter.

Sincerely,



(for) PETER M. DOUGLAS  
Executive Director

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

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August 13, 2003

Barry Jarvis  
Indian Health Service  
Arcata Field Office  
1125 16th Street, Suite 100  
Arcata, CA 95221-9912

RE: **ND-069-03**, Negative Determination for the replacement of water tanks at the Smith River Rancheria, Del Norte County.

Dear Mr. Jarvis:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Indian Health Service (IHS) proposes to replace two existing water tanks with one larger tank at the Smith River Rancheria in Del Norte County. The IHS proposes to build one 100,000-gallon water storage tank with a diameter of approximately 25 feet and height of approximately 35 feet, including the roof, to replace two smaller existing 16-foot-tall redwood tanks, located along an access road off Lopez Court. The IHS will build the proposed tank within the footprint of the existing tanks. In addition, the project includes the following: 1) the expansion of an existing chain link security fence to accommodate the new tank and adjacent underground piping; 2) an 8-inch corrugated metal drainage culvert from the tank down to an existing drainage ditch along Lopez Court; and 3) gravel resurfacing a portion of the existing access road to the tank. The IHS will connect the new tank to the existing underground water system.

Pursuant to Section 304 of the Coastal Zone Management Act (CZMA), for federal consistency purposes, the "coastal zone" does not include "lands ... held in trust by the Federal government."<sup>1</sup> The proposed tank site is within trust lands of the Smith River Rancheria, and therefore, the CZMA excludes the property from the coastal zone. However, if an activity on excluded land affects coastal resources, then it is subject to the consistency requirements of the CZMA. In this case, the proposed project will not significantly affect coastal resources and a consistency determination is not required.

Constructing the new water storage tank will not adversely affect visual resources of the coastal zone. The tank site is approximately 1,500 feet east of Highway 101, is at a higher elevation than the roadway, and is located within a forested area. Existing development immediately adjacent to Highway 101 in this location includes local residences, a health clinic, a casino, restaurant, and tribal offices. Visitors may see the new tank briefly through the vegetation on the hillside. However, in light of the short period that the tank is visible and the other visual distractions in the area, the new tank will not affect visual resources. The IHS has agreed to minimize any remaining visual effects by limiting the color of the new tank to be compatible with the surrounding area (e.g., tan or forest green). Therefore, the Commission staff concludes that the new tank will not affect visual resources of the coastal zone.

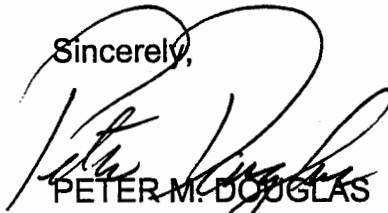
In addition, the project will not affect habitat resources of the coastal zone. The area for the proposed construction, including the tank, associated underground piping, fencing, culvert, and

<sup>1</sup> 16 USC § 1453(1)

access road, has been previously disturbed. The area that is close to Lopez Court is within Del Norte County's right-of-way and the county clears it regularly as part of the County's maintenance program. The private landowner mows the remaining vegetated area annually. The slab under the existing tanks is concrete and is free of vegetation. The immediate area affected by the project is not wooded and does not have valuable native species. Additionally, the IHS will plant erosion-control vegetation on areas disturbed by construction activities. Finally, when resurfacing of the access road, the IHS will stay within the limits of the existing road. Therefore, the Commission staff concludes that the project will not 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 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: North Coast District

PMD/JRR