

**CALIFORNIA COASTAL COMMISSION**

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



# W25

**DATE:** December 17, 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-093-03
<b>APPLICANT:</b>	Department of the Navy
<b>LOCATION:</b>	Wharves A, B, C, Naval Base Ventura County, Port Hueneme, Ventura Co.
<b>PROJECT:</b>	Repair Navy wharves at Port Hueneme
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	11/18/2003

<b>PROJECT #:</b>	ND-094-03
<b>APPLICANT:</b>	Bureau of Land Management
<b>LOCATION:</b>	Humboldt Bay South Spit Cooperative Management Area, Humboldt Co.
<b>PROJECT:</b>	Restore 20 acres of degraded western snowy plover habitat
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	12/1/2003

<b>PROJECT #:</b>	ND-096-03
<b>APPLICANT:</b>	Department of the Air Force
<b>LOCATION:</b>	Point Arguello Harbor, Vandenberg Air Force Base, Santa Barbara Co.
<b>PROJECT:</b>	Five-year maintenance dredging plan
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	12/12/2003

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November 18, 2003

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

Subject: Negative Determination ND-093-03, Wharf Repair at Port Hueneme, Ventura County

Dear Mr. Wood:

The Commission staff has reviewed the above-referenced negative determination for repair of wharves at Naval Base Ventura County - Port Hueneme. The Navy proposes to repair and upgrade Wharves A, B, and C, the Vertical Launch Slip, the Landing Ship Transport (LST) Ramp, and the Booster Ramp as these structures are damaged and deteriorated such that they cannot be used to their design capacity.

Repairs to Wharf A include replacement of timber fender piles with concrete-filled fiberglass piles, repair of the concrete deck, replacement of timber deck pilings with pre-stressed concrete pilings, repair of the concrete wall at the north end of the wharf with a vinyl sheet pile system, stabilization of the embankment underneath the wharf deck with concrete, and other minor repairs. Repairs to Wharves B and C include sandblasting and repainting of steel sheet pilings above the waterline, and replacement of timber fender and corner pilings with concrete-filled pilings. Repairs to the Vertical Launch Slip include sandblasting and recoating sheet piles and metal braces above the waterline, and installation of a new cathodic protection device (comprised of four tubular steel anodes inserted into a concrete frame) on the harbor floor within the slip. Repairs to the LST Ramp include replacing the corroded and collapsed steel ramp with a new galvanized steel ramp, and other minor repairs. Repairs to the Booster Ramp include replacing and repairing concrete structures and repairing an eroded area under the deck with concrete grout-filled bags.

The project includes adequate measures to ensure protection of water quality and marine resources at Port Hueneme. The negative determination states that all sandblasting and painting will be conducted in enclosed areas to capture expended blast materials and paint and rust debris, and to prevent such materials from entering harbor waters. Erosion control measures such as enclosures and temporary dams will be used minimize inadvertent transport of materials into and through harbor waters during construction. Existing debris on the harbor bottom at the various project work areas will be removed in a manner that minimizes sediment disturbance.

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December 1, 2003

Lynda Roush  
Arcata Field Manager  
Bureau of Land Management  
ATTN: Bruce Cann  
1695 Heindon Road  
Arcata, CA 95521-4573

Subject: Negative Determination ND-094-03, Snowy Plover Habitat Restoration, South Spit  
Humboldt Bay, Humboldt County

Dear Ms. Roush:

The Coastal Commission staff has reviewed the above-referenced negative determination for implementation of a Western snowy plover restoration project at the northern shoreline of the South Spit of Humboldt Bay. The proposed project would create low-gradient, shifting dune habitat preferred by nesting snowy plovers, and help meet snowy plover recovery plan goals for increasing species productivity on the northern California coast. A 20-acre snowy plover restoration project at the northern end of the South Spit was identified as an element of the Bureau of Land Management's (BLM) *South Spit Interim Management Plan*, and the Commission conditionally concurred with consistency determination CD-052-02 for that management plan on December 11, 2002. The original restoration project called for bulldozing non-native, beachgrass-covered dunes to the natural gradient of the sandy beach, and disposing the vegetation into the winter surf at low tide prior to a winter storm.

The Bureau now proposes to perform a broadcast burn over the 300-ft.-wide by 3,000-ft.-long oceanfront site with the objective of consuming at least 90 % of the fuels, which consist almost exclusively of non-native European beachgrass and yellow bush lupine. (Detailed burn and smoke management plans will be prepared by the Bureau for review and approval by the North Coast Unified Air Quality Management District.) The Bureau would then level the site using a bulldozer and rake any remaining vegetation to the eastern edge of the site where it would be composted. The elevations of the highest foredunes near the waveslope will be reduced as little as possible, so as to prevent waves from scouring the area during severe winter tide and wave conditions. No sand will be added or removed from the project site. The Bureau's Environmental Assessment for the project states that re-sprouting of beachgrass is inevitable and that annual maintenance (manual and/or mechanical) for several years will be required to maintain plover nesting habitat conditions. The restoration site will be monitored to track changes in plover nesting habitat, dune morphology, impacts to habitat east of the project site, and vegetation removal needs. At an estimated cost of \$3,500 per acre, and depending on budget allocations and outside funding sources, the Bureau may complete the project in phases.

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December 12, 2003

Thomas M. Churan  
Chief, Environmental Flight  
30<sup>th</sup> Space Wing  
U.S. Air Force  
30 CES/CEV  
ATTN: Nancy Francine  
806 13<sup>th</sup> Street, Suite 116  
Vandenberg AFB, CA 93437-5242

Subject: Negative Determination ND-096-03, Five Year Maintenance Dredging Plan,  
Vandenberg AFB Harbor, Santa Barbara County.

Dear Mr. Churn:

The Coastal Commission staff has reviewed the above-referenced negative determination for a five-year maintenance dredging plan at the Vandenberg Air Force Base (VAFB) harbor. In 2001 the Commission concurred with consistency determination CD-035-01 for harbor dredging and in 2002 concurred with negative determination ND-082-02 for harbor maintenance dredging at VAFB. These dredging events were necessary to support the evolved expendable launch vehicle program at VAFB, which includes the transport of booster rockets and other equipment via ocean-going ships to the harbor. The proposed plan would allow up to two dredging events per year. A dock-mounted clamshell dredge would remove between 1,500 and 5,000 cubic yards of dredged sediment and place the material on the dock for dewatering. The sediment would then be transported by truck and stockpiled in an old quarry site maintained by the Air Force at Pt. Pedernales on VAFB.

The proposed dredging included in the five-year maintenance dredging plan is similar to the previous maintenance dredging project and will similarly not create significant adverse effects on coastal resources. The project will not affect public access and recreation as the harbor area is closed to the public due to military security restrictions. Dredging impacts on marine resources will be temporary and not significant, and a silt curtain will be installed to protect kelp beds at the breakwater from any dredging turbidity plumes. Previous testing of harbor sediments established that these materials are not contaminated and accumulate due to the down coast movement of sand. Biological monitoring of special status wildlife will occur during each dredging event per the requirements of the August 2001 U.S. Fish and Wildlife Service *Biological Opinion* and the June 2003 NOAA Fisheries Service *Incidental Harassment Authorization*. Implementation of the project's Kelp Mitigation Plan, Water Quality Management Plan, and Spill Prevention Plan will further serve to protect marine habitat and water quality during maintenance dredging.

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**JURISDICTION LETTER**Date: **December 1, 2003**

**Stephanie Sapper**  
**Department of Transportation**  
**District 7**  
**120 S. Spring St.**  
**Los Angeles, CA 90012-3602**

Project: **Culvert Modification: construction of fish ladders, a series of check dams, and removal of concrete culvert bottom. to create step pool stream morphology to restore fish passage, Solstice Creek (beneath Pacific Coast Highway), Malibu, Los Angeles County (Postmile 50.36)**

Coastal Commission file no. (if applicable)	<b><u>NE-101-03</u></b>
U.S. Army Corps of Engineers Notice No. (if applicable)	<b><u>200301327-SAD</u></b>
If a nationwide permit, NWP number	<b><u>27, 33</u></b>

The Coastal Commission staff has received your request to identify Commission jurisdiction regarding the federal consistency process. Pursuant to the federal Coastal Zone Management Act (CZMA), a federal agency cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) These requirements can be met by receiving a Commission concurrence with a consistency certification prepared by the applicant or conclusion that the activity does not affect the coastal zone.

Alternatively, these requirements can be satisfied by the issuance of a Commission approved coastal development permit. Since the federal consistency authority cannot be delegated to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. However, if an activity is within the Ports of San Diego, Long Beach, Los Angeles, or Port Hueneme and is identified in the Commission certified Port Master Plan, then no consistency certification is necessary.

The Coastal Commission staff has reviewed the information submitted for the above-referenced projects, and has concluded that they fall into one or the other of the following two categories:

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December 10, 2003

Denise R. Caron  
Chief, Conservation  
Environmental Flight  
30<sup>th</sup> Space Wing  
U.S. Air Force  
30 CES/CEVP  
806 13<sup>th</sup> Street, Suite 116  
Vandenberg AFB, CA 93437-5242

Subject: Negative Determination ND-102-03, Atlas V Launch Operations, Vandenberg AFB,  
Santa Barbara County.

Dear Ms. Caron:

The Commission staff has reviewed the above-referenced negative determination for the Atlas V evolved expendable launch vehicle (EELV) program at Space Launch Complex-3 East (SLC-3E) on Vandenberg Air Force Base. The proposed program entails a maximum of four Atlas V launch missions per year to place military and NASA payloads into polar orbits. The Atlas V launch vehicle consists of a common core booster engine, up to five solid rocket boosters strapped to the core booster, an upper stage booster, and the payload unit. The proposed Atlas V program will replace existing Atlas II, Titan II, and Titan IVB launches (two to six per year) currently scheduled for VAFB, including launches planned from SLC-3E. The Atlas V launch vehicle is similar in size to the Titan IVB and slightly larger than the Atlas II and Titan II, and noise levels from the Atlas V launches are expected to be similar to those associated with existing Atlas II launches.

To support the launch program, the Air Force proposes to modify facilities within SLC-3E, modify four road intersections adjacent to SLC-3E, and upgrade a power line that supplies electricity to SLC-3E. All construction activities associated with the facility modifications would occur within the perimeter fence at SLC-3E on previously developed and disturbed areas of the complex. Replacing and upgrading the existing electrical feeder line to SLC-3E will not require any digging, grading, or removal of vegetation. Five roadway intersections and parking lot entrances would require modification within existing disturbed road shoulders in order to provide adequate clearance for vehicles transporting the rocket boosters, solid rocket motors, and payloads to SLC-3E. The twelve-month construction period is scheduled to begin in January 2004 and the first Atlas V launch is planned for mid-year 2005.

The Commission previously concurred with a consistency determination (CD-049-98) for the EELV program at SLC-3W and SLC-6. That concurrence was based in part on the finding that

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November 20, 2003

Dave Stalters  
Chief, Environmental Division  
USCG Civil Engineering Unit Oakland  
ATTN: Louis Rivero  
2000 Embarcadero, Suite 200  
Oakland, CA 94606-5337

Subject: Negative Determination ND-104-03, Fence replacement and expansion of the Armory Building at U.S. Coast Guard Activity San Diego, San Diego

Dear Mr. Stalters:

The Commission staff has reviewed the above-referenced negative determination for security-related improvements at U.S. Coast Guard Activity San Diego. The Coast Guard proposes to replace an existing 8-foot-high chain-link fence with an 8-foot-high galvanized steel picket fence along the western and southern sides of the facility. A 6-foot-high fence with mounted aircraft warning lights will be installed on the eastern boundary adjacent to the aircraft apron. The existing fence on the northern boundary along Harbor Drive will remain. Perimeter security lighting will be installed along the replacement fencing alignment similar in size and brightness to existing security lighting along the Harbor Drive fence. The Coast Guard also proposes to enlarge the Armory Building from 240 sq.ft. to 565 sq.ft. to accommodate new weapon storage requirements for patrol boats stationed at Coast Guard Station San Diego. The proposed addition will architecturally match the surrounding surrounding buildings. The project will not affect public access to the San Diego Bay shoreline as this facility is closed to the public due to military security restrictions.

In conclusion, the Commission staff agrees that the proposed fence replacement and building addition at Coast Guard Activity San Diego will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 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 that reads "Peter M. Douglas".

(FWD) PETER M. DOUGLAS  
Executive Director

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

The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

**The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project is located outside the coastal zone; and (2) the project does not raise significant concerns over protection of coastal resources.**

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine".

Mark Delaplaine  
Federal Consistency Staff

cc: Ventura Area Office  
Army Corps, Ventura Field Office (John Malone)