

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Th 18**DATE:** September 22, 2004**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-037-04
APPLICANT:	National Park Service
LOCATION:	Fort Cronkite, Marin Co.
PROJECT:	Expand Marine Mammal Center
ACTION:	Concur
ACTION DATE:	8/31/2004

PROJECT #:	ND-045-04
APPLICANT:	National Park Service
LOCATION:	Freshwater Lagoon Spit, Redwood National and State Parks, Humboldt Co.
PROJECT:	Replace existing barbeque grills, picnic tables, trash containers, and recycling bins
ACTION:	Concur
ACTION DATE:	9/9/2004

PROJECT #:	ND-050-04
APPLICANT:	Corps of Engineers
LOCATION:	Port San Luis, San Luis Obispo Co.
PROJECT:	Breakwater Repairs
ACTION:	Concur
ACTION DATE:	9/22/2004

PROJECT #:	ND-057-04
APPLICANT:	U.S. Coast Guard
LOCATION:	CAMSPAC site at Point Reyes, Marin Co.
PROJECT:	Install perimeter fence and security guard shack
ACTION:	Concur
ACTION DATE:	8/27/2004

PROJECT #:	ND-058-04
APPLICANT:	Department of the Army
LOCATION:	Former Fort Ord, Monterey Co.
PROJECT:	Repair storm water drainage outfall #4 at Indian Head Beach
ACTION:	Concur
ACTION DATE:	8/27/2004

PROJECT #:	NE-063-04
APPLICANT:	Caltrans
LOCATION:	Las Flores Creek Bridge at Pacific Coast Highway, Malibu, L.A. Co.
PROJECT:	Excavate and remove sediment
ACTION:	No effect
ACTION DATE:	8/26/2004

PROJECT #:	NE-064-04
APPLICANT:	Caltrans
LOCATION:	Pacific Coast Hwy between Carbon and Sweetwater Canyons, Malibu, L.A. Co.
PROJECT:	Excavate and remove sediment from debris basins
ACTION:	No effect
ACTION DATE:	8/26/2004

PROJECT #:	NE-065-04
APPLICANT:	Caltrans
LOCATION:	Pacific Coast Hwy, two miles north of the Ventura River, Ventura Co.
PROJECT:	Excavate and remove sediment from two retention basins
ACTION:	No effect
ACTION DATE:	8/26/2004

PROJECT #:	ND-069-04
APPLICANT:	Navy
LOCATION:	Naval Station San Diego
PROJECT:	Replace Security Barriers
ACTION:	Concur
ACTION DATE:	9/17/2004

PROJECT #:	ND-071-04
APPLICANT:	National Park Service
LOCATION:	Lower Redwood Creek at Muir Beach, Marin Co.
PROJECT:	Interim flood reduction actions
ACTION:	Concur
ACTION DATE:	9/8/2004

PROJECT #:	ND-072-04
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Bolsa Chica Lowlands, Orange Co.
PROJECT:	Temporary construction office for wetland restoration
ACTION:	Concur
ACTION DATE:	9/7/2004

PROJECT #:	ND-073-04
APPLICANT:	Navy
LOCATION:	Naval Base Ventura County
PROJECT:	Paint Warning Sign on SWEF Building
ACTION:	Concur
ACTION DATE:	9/16/2004

CALIFORNIA COASTAL COMMISSION

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August 31, 2004

Brian O'Neill
National Park Service
Golden Gate National Recreation Area
Fort Mason
San Francisco, CA 94123

Attn: Steve Ortega


Re: **ND-037-04**, Negative Determination, National Park Service, Marine Mammal Center Expansion, adjacent to Fort Cronkite, Marin Co.

Dear Mr. O'Neill:

The Coastal Commission staff has reviewed the above-referenced negative determination for the proposed expansion of the Marine Mammal Center near Fort Cronkite in the Marin Headlands. The activity is located on federal land, which is excluded from the coastal zone. Obviously the Marine Mammal Center directly benefits important coastal resources and is an asset to the community. Notwithstanding the project's overall benefits we requested additional information to explain the need for 0.025 acres of wetland fill (although we acknowledged its fairly marginal habitat value), and to help us determine whether the proposal could be accomplished without wetland fill, whether it represented the least environmentally damaging feasible alternative, and whether it would or could adversely affect coastal resources. In discussing the matter with your staff, and reviewing your written response to our concerns, we are satisfied that the project is the least damaging feasible alternative, that the alignment selected necessitates the proposed wetland fill for emergency access purposes, and, further, that all impacts would be adequately mitigated (through offsite wetland enhancement at Rodeo Lagoon). Given these factors, plus the fact that the project is located on federal land, and the wetland affected small, isolated and partially man-made, we agree that this project would not adversely affect coastal zone resources. In addition, through use of Best Management Practices, the project will improve water quality (and reduce water consumption). Finally, this concurrence is contingent on the Park Service's verbal commitments, with which it has agreed to follow up in writing, to perform the wetland mitigation concurrently with project implementation, and to provide the Commission staff with evidence of the success of the restoration efforts.

In conclusion, the wetland impacts will be mitigated, the project is located on federal land, and the project will benefit habitat protection, public environmental awareness, public recreation, visitor services, and water quality. The Commission staff therefore agrees that the proposed project will not adversely affect coastal zone resources, and we therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: North Central District Office
California Department of Water Resources
Governors Washington D.C. Office

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September 9, 2004

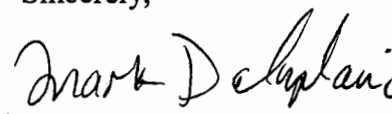
Bill Pierce, Superintendent
U.S. Dept. of the Interior
Redwood National and State Parks
1111 Second Street
Crescent City, CA 95531

RE: **ND-045-04** Negative Determination, National Park Service, Replacement of
barbeque grills, picnic tables, trash containers, and recycling bins, Freshwater Lagoon
Spit, Redwood National and State Parks, Humboldt Co.

Dear Mr. Pierce:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of barbeque grills, picnic tables, trash containers, and recycling bins at the Freshwater Lagoon Spit picnic area at Redwood National and State Parks. 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." On March 14, 2000, the Commission concurred with your consistency determination for the Park Service's General Management Plan for the Park (CD-110-01), and on September 9, 2004, the Commission concurred with your consistency determination for the specific plan for Freshwater Lagoon (CD-33-04)(Freshwater Lagoon Spit Development Concept Plan). The replacement facilities discussed in the subject negative determination are more detailed implementation measures for activities analyzed in those previously-reviewed consistency determinations. We therefore **agree** with the Park Service that this negative determination is for a project that is similar to those previous consistency determinations, and we hereby **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 regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office
California Department of Water Resources
Governors Washington D.C. Office
Aida Parkinson (Redwood National Park
Arcata Office, 1125 16th St.
Arcata CA 95521)

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September 22, 2004

Mrs. Ruth Bajza Villalobos
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Hayley Lovan
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: **ND-050-04**, Negative Determination, Corps of Engineers, Port San Luis Breakwater Repairs, San Luis Obispo Co.

Dear Mrs. Villalobos:

The Coastal Commission staff has received the above-referenced negative determination for repairs to the existing breakwater at Port San Luis. The project includes replacing and resetting stones and restoring the outer 250 ft. of the breakwater, which was damaged in the December 2003 San Simeon Earthquake, to its design height of 13 ft. above mean lower low water (MLLW) and design width of 20 ft. The work will be performed by barge, sometime between October 2004 and August 2005, depending on availability of funds, and the construction period would last approximately one month.

The proposal potentially includes relocating California sea lions, if they are hauled out on the breakwater at the time of construction. The Corps has coordinated with the NOAA Fisheries (NMFS), which has authorized the Corps to move any sea lions, as long as the activity involves using non-injurious methods (such as with a high pressure water hose). NOAA Fisheries also requests that the Corps report to it any such incidental taking of sea lions. The Corps has agreed to these measures, as well as to submit any monitoring reports to the Commission staff as well.

With this commitment, marine resources and environmentally sensitive habitat will be protected, and the project would not affect public access, water quality, or other coastal resources. In addition, under the federal consistency regulations (Section 930.35), 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." The Commission and its has previously concurred with a consistency determination for similar repairs of this breakwater (CD-85-91).

In conclusion, the Coastal Commission staff agrees that the proposed project is the same as or similar to a consistency determination with which the Commission has previously concurred. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Delaplaine", is written over the typed name.

(s) PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
California Department of Water Resources
Governors Washington D.C. Office

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FAX (415) 904-5400



August 27, 2004

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

Subject: Negative Determination ND-057-04, Installation of perimeter fence and security guard shack at CAMSPAC facility, Point Reyes, Marin County

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Coast Guard proposes to install a new security shack and perimeter fencing at the Communications Area Master Station Pacific (CAMSPAC) site, located southeast of Abbotts Lagoon in Point Reyes National Seashore. Approximately three acres of the CAMSPAC site is developed and contains an operations/receiver building, smaller storage buildings, paved parking areas, fencing, screening berms, and 14 antenna towers, some extending to heights greater than 100 feet. CAMSPAC has operated on Point Reyes since 1973 and provides overall operational control for the Coast Guard's Pacific Area Communication System, including stations in Hawaii, Alaska, and Guam.

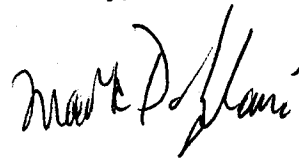
The proposed project is designed to improve security at the CAMSPAC site. The Coast Guard proposes to construct a security guard shack (with a protective concrete barricade and adjustable security lighting) for vehicle control into the operations/receiver building site, construct one vehicle and one pedestrian gate adjacent to the guard shack, extend electrical and phone cables to the guard shack from the nearest existing power source 60 feet southeast of the guard shack location, remove the existing four-foot-high barbwire perimeter fencing and posts, and construct approximately 2,425 linear feet of seven-foot-high chain link fabric fencing topped with one-foot-high barbed wire fencing around the perimeter of the operations/receiver building site.

In two previous negative determinations for additions to the operations/receiver building, installation of security lighting, and construction of new antenna towers (ND-014-96 and ND-012-99), the Coast Guard documented that the project site and facilities are not highly visible from surrounding public viewpoints in Point Reyes National Seashore. This is due in part to the single-story height of the buildings, the use of neutral colors for buildings, the use of adjustable lighting at buildings and in the parking lot, and the presence of vegetation and earthen mounds as visual screens. The eight-foot-square guard shack and perimeter fencing would be visually consistent with the existing facilities at the site, and the use of adjustable lighting at the guard

shack will minimize off-site illumination and any night-time visual effects. The project site does not contain any environmentally sensitive habitat or archaeological resources. Lastly, because the Coast Guard currently restricts public use at the CAMSPAC site due to military security and public safety, the proposed fencing and gates will not affect public access or recreation in this area.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. The Commission staff therefore **concur**s with your negative determination made pursuant to 15 CFR Section 930.35. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Douglas", written in a cursive style.

(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office
Todd Bernhardt, Tetra Tech EM Inc.
Ed Walls, Point Reyes National Seashore

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August 27, 2004

James M. Willison
Director, Environmental and Natural
Resources Management
U.S. Army Garrison
Presidio of Monterey
ATTN: Robert Guidi
P.O. Box 5004
Monterey, CA 93944-5004

Subject: Negative Determination ND-058-04, Repair of Storm Water Drainage Outfall No. 4,
former Fort Ord, Monterey Co.

Dear Mr. Willison:

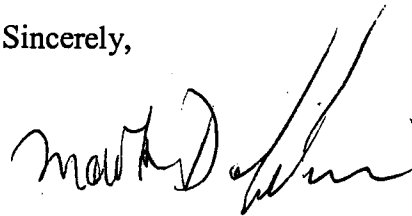
The Coastal Commission staff has reviewed the above-referenced negative determination for the proposed repair of storm water drainage outfall #4 located on the former Fort Ord. The repair work is needed because the temporary repairs made to the outfall in 2003 did not withstand storm conditions which occurred earlier this year. This most recent failure of Outfall #4 has led to an expansion of a large erosion channel at Indian Head Beach and absent its repair, there will be additional loss of critical sand dune habitat as well as a significant threat to nearby road and utility infrastructure.

Repair of the failed outfall will consist of extending the existing reinforced concrete pipe downstream with the placement of a new corrugated metal pipe, providing a grouted stone apron at the downstream outlet, and regrading within the eroded gully. The intent of the design is to stop the existing reinforced concrete pipe from further collapse, safely convey storm water runoff away from the existing point of discharge to a location further downstream, and restore the gully closer to its pre-eroded condition. Construction equipment will access the repair site using an existing dirt road, and construction fencing will be installed to delineate populations of Monterey spineflower and to prevent unnecessary disturbance to adjacent habitat. The failed concrete pipe and other debris will be removed from the site. The Army states that the regraded sandy slopes will provide suitable habitat for the Monterey spineflower as well as other native dune plants. The Army has provided funding to the California Department of Parks and Recreation for restoration of the site following completion of the outfall repair; restoration will include broadcasting of native plant seed and control of invasive iceplant. The Army proposes to begin repair work in mid-September (to avoid the Western snowy plover nesting season) and to complete construction by November.

The proposed project represents an interim solution to the erosion caused by the failure of storm water outfall #4. A permanent, long-term solution to upgrade the storm water drainage system, and to implement other infrastructure improvements on the former Fort Ord, is currently under development by the Fort Ord Reuse Authority. These improvements are expected to occur after the lands surrounding the outfall are transferred from the Army to the California Department of Parks and Recreation.

The Commission staff agrees that the proposed project will not adversely affect coastal zone resources. The Commission staff therefore concurs with your negative determination made pursuant to 15 CFR Section 930.35. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: Central Coast District Office
California Department of Parks and Recreation (Monterey District Office)
California Department of Water Resources
Governor's Washington, D.C., Office

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August 26, 2004

Stephanie Sapper
California Department of Transportation
District 7
120 Spring St.
Los Angeles, CA 90012-3606

RE: NE-063-04, NE-064-04, NE-065-04, Caltrans, Debris basin maintenance, Malibu and Ventura Counties

Dear Ms. Sapper:

The Coastal Commission staff has received Caltrans' August 4, 2004, letters requesting Coastal Commission federal consistency authorization of nine drainage channel and debris basin maintenance activities in the City of Malibu and Ventura County. Two of the activities are in Ventura County, northeast of the Ventura River (culverts under Highway 101, at Post Miles 33.1 and 32.7), and the seven Malibu activities are at Las Flores Creek bridge and at six locations on Pacific Coast Highway. Disposal of removed material will be at Potrero Canyon in Pacific Palisades.

We previously concurred with a "no effects" determination for the six Malibu detention basin clearances in 1996 (NE-139-96). Vegetation that has grown in the debris basins since that project was implemented but that now needs clearance includes coastal sage scrub. In addition, the proposed Las Flores Creek channel clearance would include 0.081 acres of wetland vegetation removal. Caltrans has coordinated with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Army Corps of Engineers; this coordination has resulted in a commitment to mitigate (offsite) wetland and coastal sage scrub impacts, at a 2:1 ratio. In addition, for all projects Caltrans commits to: implement Best Management Practices; perform biological surveys prior to construction; and avoid activities during bird nesting seasons. In addition, for the Las Flores Creek project, Caltrans commits to retain all mature trees.

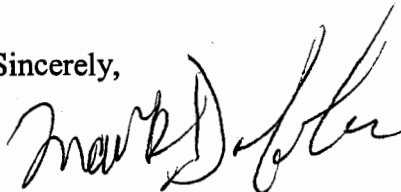
Since a federal consistency authorization does not obviate the need for coastal development permits or waivers, Caltrans has coordinated with Ventura County and the City of Malibu concerning the need for any such permits. Caltrans understands that this Commission letter is independent of any such permit requirements. Ventura County has issued a waiver, and the City of Malibu has not responded to Caltrans' letter to it asserting that the project is exempt from coastal development permitting as a repair and maintenance activity.

In consideration of the public safety need to avoid flooding, and the public access benefits from keeping open the coast's main public access artery (PCH in Malibu and Highway 101 in Ventura) from closures due to flooding and structural damage, in combination with the fact that these drainages and drainage basins are adjacent to existing development and have been

previously disturbed by similar clearance activities, and, finally with Caltrans' commitment to mitigate impacts to wetland and coastal sage scrub habitat, the Commission staff believes coastal resources will be adequately protected. As Caltrans has agreed verbally by telephone, this conclusion is contingent on Caltrans' commitment to provide the Commission staff with copies of monitoring efforts and evidence of the success of the mitigation measures (and for further remediation measures if success is not achieved).

In conclusion, we believe it is appropriate to waive federal consistency jurisdiction for these maintenance activities, as with successful implementation of the measures above the activity would not adversely affect coastal zone resources. Therefore, based on this waiver we agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this project. Finally, while the quantities of removed materials are relatively small (even less than the 1996 quantities), now that Caltrans is planning more programmatically than it was in 1996, we will reiterate our 1996 request and continue to encourage Caltrans to analyze the suitability and feasibility of using the excavated sediment for beach replenishment purposes. If you have any questions about this letter, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

(for) 
PETER M. DOUGLAS
Executive Director

cc: South Central Coast District (Gary Timm)
CCC Caltrans Liaison (Tami Grove)
Mountains Restoration Trust
3815 Old Topanga Canyon Road
Calabasas, CA 91302

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September 17, 2004

D.B. Kemp, Captain
U.S. Navy
Assistant Chief of Staff
Port Operations
Department of the Navy
Commander Navy Region Southwest
937 N. Harbor Dr.
San Diego, CA 92132-0058

Attn: Stacey Acri, Bill Crouse, Jong Kim

J.H. Maiorine, Lt.
U.S. Coast Guard
Chief, Port Operations
2716 N. Harbor Dr.
San Diego, CA 92101

Attn: Todd Taylor

RE: **ND-069-04**, Negative Determination, Navy PSB Security Barriers, Naval Station
San Diego - Revised Concurrence Letter

Dear Captain Kemp and Lieutenant Maiorine:

The Coastal Commission staff has reviewed the above-referenced negative determination for the installation of security zone barriers at the Naval Station San Diego. On August 21, 2002, we concurred with the Navy's negative determination (ND-058-02) for the installation of Dunlop Boat Barriers at the Naval Station San Diego and several other Navy bases in San Diego. The new security barriers (Port Security Barrier Units, or PSBs) would consist of nylon nets extending eight ft. above the water, supported by pontoon units, gates, mooring buoys, chains, and deadweight anchors. The Navy believes these barriers will function more efficiently than the Dunlop Barriers, stating:

The 2-foot Dunlop barriers were installed in January 2003 for identifying and defining a line of demarcation for the security zone near NAVSTA. The 2-foot barriers are not effective against small boat attacks, resulting in inadequate protection for ships moored at the piers. Additionally, we have had constant maintenance problems with these barriers (i.e. deflates, sinks often).

At the Commission staff's request, the Navy has also agreed to consider removing the barriers if and when they are no longer needed; the Navy states:

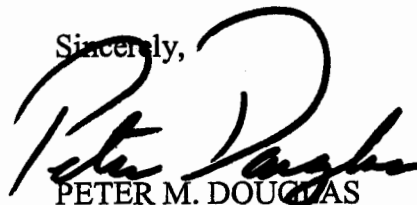
If the war on terror is declared over, the U.S. Navy for fiscal and manpower resource reasons would consider viable options to the proposed Port Security Barrier (PSB) system. The operation (opening/closing) and maintenance of the Port Security Barriers (PSB) will be a significant resource burden to the Navy. Therefore, if the war on terror is officially declared over, the U.S. Navy will assess the need for the PSB system and evaluate reasonable alternatives including removal or downgrade to a smaller, more economical barrier system.

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." We **agree** with the Navy that this negative determination is for a project that is similar to the previous negative determination with which we concurred (ND-58-02), and with the Navy's agreement to remove the barriers if no longer needed, we **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. In considering the continued necessity for barriers, please understand that we do not believe it is appropriate to wait for a formal declaration of the end of the war on terror to be over. Rather we are requesting that the Navy continually assess the effectiveness and need for the barriers and remove them if the risk is reduced to the point they are no longer needed.

By this letter, we also **concur** with the Coast Guard's slight revision to the location of the security zone, as described in the Coast Guard's letter to our San Diego office of July 8, 2004. On October 16, 2001, the Commission staff concurred with the Coast Guard's original negative determination for the establishment of this security zone (ND-088-01), and we **agree** with the Coast Guard that this security zone revision is similar to the previous negative determination with which we concurred. For future reference, we request that the Coast Guard please address letters to the Coastal Commission involving security zone establishment or revisions to security zones to our Headquarters Office in San Francisco.

If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
Army Corps, San Diego Field Office

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September 8, 2004

Brian O'Neill
National Park Service
Golden Gate National Recreation Area
Fort Mason
San Francisco, CA 94123

Attn: Carolyn Shoulders

Re: **ND-071-04**, Negative Determination, National Park Service, Interim Flood Reduction Actions in Lower Redwood Creek at Muir Beach, Marin Co.

Dear Mr. O'Neill:

The Coastal Commission staff has reviewed the above-referenced negative determination for the proposed remediation of historic sediment aggradation in Lower Redwood Creek at Muir Beach, which causes flooding on Pacific Way, a county road providing the single access route to nearby homes and the visitor parking lot at Muir Beach. Under even moderate flows Pacific Way becomes temporarily impassable. In addition channel avulsion threatens passage for federally listed salmonids, because the levee between the creek and Green Gulch pasture could be an obstacle to re-entry to the mainstem channel.

While the Park Service is working on long term plans for restoration of this watershed (the Big Lagoon Wetland and Creek Restoration Project), since the overall plan will likely not be completed for several years, the Park Service proposes interim restoration measures (similar to those proposed two years ago, and concurred with by the Commission staff (ND-053-02)), as follows:

- 1) Armor approximately 120 linear feet of the levee road with crushed rock.
- 2) Armor the outboard slope (pasture side) of the levee at the Green Gulch tributary culvert with large rock.
- 3) Build a willow mattress on the bank between the levee and the creek where avulsion is likely to occur.

- 4) Cap or crush the inlet to the three 12-inch diameter culverts to prevent fish passage and stranding in the pasture during moderate flows.
- 5) Manually remove woody debris jams downstream of the Pacific Way Bridge, as follows:
 - a) a debris jam in the left channel adjacent to the levee road. This debris jam is the only one where wood would be removed from the flowing channel.
 - b) a wood pile on the bank at the outside of a meander bend on the left channel, where wood is blocking a former channel. Wood will be removed from the bank only, not the channel at this location.
- 6) Excavate about 66 cubic yards of sediment and two woody debris jams along approximately 100 linear feet of the right channel downstream of the Pacific Way Bridge. The channel is completely dry due to aggradation of sediment behind debris jams.
- 7) Remove the fill placed on the left bank of the creek immediately upstream of the Pacific Way Bridge to reduce flow onto Lagoon Drive. The removed fill will be used to reinforce the existing berm along upper Pacific Way.

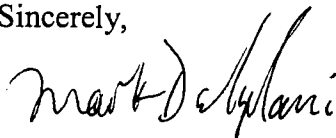
The Park Service states that these seven actions will: (1) increase the flow capacity of the channels downstream of the Pacific Way Bridge; (2) relieve pressure on the berms along Pacific Way and reduce the likelihood that they will be breached during a high flow; (3) reduce the likelihood that the channel will avulse into the Green Gulch pasture; and (4) improve passage for outmigrant juvenile salmonids in the spring. The Park Service also states that by removing sediment from a dry channel to reactivate it as a primary flow route, impacts on fish are diminished compared to the impacts of excavating sediment from a flowing channel.

Due to the presence of the California red-legged frog, coho salmon, and steelhead at the site, the Park Service has reinitiated formal consultation with the U.S. Fish and Wildlife and NOAA Fisheries to request concurrence that proposed actions are covered under the Biological Opinions issued for the 2002 actions.

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." On July 29, 2002, the Coastal Commission staff concurred with a Park Service negative determination (ND-53-02) for similar interim measures on this creek. In addition, the project is located on federal land, and the project will benefit habitat protection, public access and recreation, and water quality. We therefore **agree** with the Park Service that this project is similar to the previously-concurred with negative determination, and we hereby **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 regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office
California Department of Water Resources
Governors Washington D.C. Office

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September 7, 2004

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

Subject: Negative Determination ND-072-04, Temporary Job Office for Bolsa Chica Lowlands Restoration Project

Dear Mr. Fancher:

The Coastal Commission staff has reviewed the above-referenced negative determination for placement of a temporary office building on Huntington Mesa to support the construction of the Bolsa Chica Lowlands restoration project. The Commission staff concurred with negative determination ND-064-03 for the placement of two temporary office buildings to support the administration and oversight of the project. One building used by the U.S. Fish and Wildlife Service has been on the site for many months. The second building, to be used by the construction management contractor, will be brought onsite in two weeks. There is now a need for a third building for use by the construction contractor. This modular building would be placed directly adjacent to the two previously-approved buildings in late September. All three buildings will be removed from the site upon completion of construction in 2006.

The Commission staff agrees that the proposed temporary modular building will not adversely affect coastal resources on or adjacent to the project site, and raises no new Coastal Act issues that were not addressed in a previous negative determination for two temporary modular buildings on the site. 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 "Peter M. Douglas", written over a horizontal line.

(f.i.)

PETER M. DOUGLAS
Executive Director

cc: South 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, 2004

Robert Wood
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

Attn: James Danza

RE: **ND-073-04**, Negative Determination, Navy, Warning Sign on SWEF Building, Naval Base Ventura County, Port Hueneme, Ventura Co.

Dear Mr. Wood:

The Coastal Commission staff has reviewed the above-referenced negative determination for the placement of a warning sign on the Surface Warfare Engineering Building at the Naval Base Ventura County in Port Hueneme. The Navy proposes the sign as an alternative to free-standing signs at the end of the piers located at the harbor entrance. The wording on the sign will be to warn that this is a restricted area. The sign will be located on federal land, and although intended to be visible to areas outside the base, the sign's visibility will not be substantially different than that of the existing building. We also agree that signs on the pier termini would, as new structures, create a greater degree of visibility.

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 C.F.R. Section 930.35. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: Ventura District Office