

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

**W 9**

DATE: December 15, 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-075-04
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	San Lorenzo River, Santa Cruz
PROJECT:	Amendment to previous consistency determination for bank stabilization, consisting of controlled river mouth breaching
ACTION:	Concur
ACTION DATE:	12/3/2004

PROJECT #:	NE-081-04
APPLICANT:	Santa Barbara County Flood Control & Water Conservation District and Water Agency
LOCATION:	Countywide, Santa Barbara County
PROJECT:	Annual Routine Flood Control Maintenance Plan
ACTION:	No effect
ACTION DATE:	12/2/2004

PROJECT #:	ND-091-04
APPLICANT:	Bureau of Land Management
LOCATION:	Ma-le'l Dunes, north spit, Humboldt Bay, Humboldt Co.
PROJECT:	Ma-le'l Dunes Trailhead Parking Area Project
ACTION:	Concur
ACTION DATE:	12/13/2004

PROJECT #:	ND-092-04
APPLICANT:	National Park Service
LOCATION:	Redwood National Park, Del Norte Co.
PROJECT:	Relocation of existing maintenance facility from the Requa area to near Crescent City
ACTION:	Concur
ACTION DATE:	12/13/2004

CALIFORNIA COASTAL COMMISSION

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December 3, 2004

Mark Charlton, Chief
Planning Division
U.S. Army Corps of Engineers
Sacramento District
1325 J St.
Sacramento, CA 95814-2922

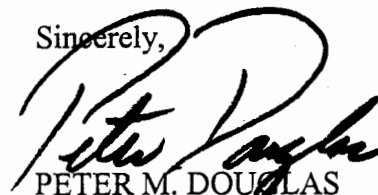
ATTN: Mike Dietl

Re: **ND-075-04** Negative Determination, Army Corps, Modification to CD-034-03,
Bank Stabilization, San Lorenzo River, Santa Cruz

Dear Mr. Charlton:

On June 13, 2003, the Commission concurred with the Corps' consistency determination for 900 ft. of bank stabilization on the west side of the San Lorenzo River in Santa Cruz (CD-034-03). The Corps has submitted an after-the-fact negative determination for controlled breaching of the river mouth to enable it to complete the project, which was partially flooded due to high river levels. The Corps notified the Commission staff prior to undertaking this controlled breaching and addressed concerns raised over the effects of breaching on sensitive fish habitat and public access and recreation. The Corps monitored the temporary breach, conducted in a controlled manner based on recommendations of NOAA Fisheries and the U.S. Fish and Wildlife Service, and submitted monitoring results confirming that sensitive fish species were protected during the temporary breach. We appreciate the Corps continued coordination, and the monitoring reports enable us to agree that the project, as modified, did not have coastal zone effects beyond those the Commission reviewed in the initial consistency determination. Thus, we agree with the Corps' assessment that coastal zone resources were not adversely affected by the modified project, and that the modifications do not trigger the need for a new consistency determination. 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,


PETER M. DOUGLAS
Executive Director

cc: Santa Cruz District Office

CALIFORNIA COASTAL COMMISSION

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December 2, 2004

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

RE: **NE-81-04**, No Effects Determination, Santa Barbara County Routine Flood Control Routine Maintenance Plan, (Army Corps File # 199915898-JEM)

Dear Mr. Treiberg:

The Coastal Commission staff has reviewed Santa Barbara County's plan for routine maintenance program on various streams and flood control facilities in Santa Barbara County. Typical flood control maintenance activities include removal of obstructive vegetation from streambeds, applications of herbicide to obstructive and non-native vegetation, channel shaping associated with bank stabilization, and channel desilting. In recent years, the Flood Control Agency submitted these plans as annual reviews, through the "No Effects" determination process (NE-79-97, NE-68-98, NE-66-99, NE-69-00, NE-57-01, and NE-44-02). The last of these reviews temporally expanded the review period to coincide with 5-year Army Corps authorizations, with a termination date of December 31, 2004. The subject No Effects determination would cover the following 5-year period commencing January 1, 2005. In addition, Santa Ynez River maintenance has been added to this programmatic request (the maintenance for this river was previously reviewed separately from the County-wide plan).

Several of the activities identified in the plan are within the coastal zone and are subject to the coastal development permit requirements of the Coastal Act. Most of the activities within the coastal zone are under the coastal permit jurisdiction of either the County or the City of Santa Barbara; permits approved by those agencies would generally be appealable to the Commission. In situations such as this, the Commission usually waives federal consistency review if the project is appealable and does not raise any significant issues. After reviewing the current maintenance plan, the Commission staff concludes it is appropriate to waive federal consistency review for those activities within the coastal zone.

For those activities located outside the coastal zone, the Commission staff evaluated the projects for effects on water quality, hydrology, sand supply, and habitat. With respect to water quality, the Commission staff has historically expressed concerns about effects from the spraying of herbicides on the water quality of the coastal zone. However, the District proposes to use only herbicides that USEPA has approved for use in streams. The District has also documented that it has continued its progress in reducing herbicide use over the past 8 years.

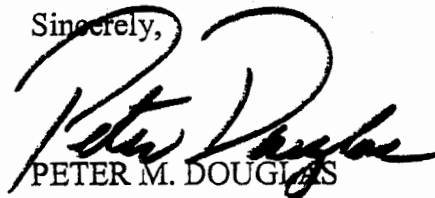
The District has coordinated with the U.S. Fish and Wildlife Service, NOAA Fisheries, and the California Department of Fish and Game, and has included a number of avoidance features and minimization and mitigation measures recommended by those agencies which would minimize the activities' effects on sensitive habitat and water quality in the coastal zone. With the measures included, the activities proposed by the District will not result in significant adverse effects on environmentally sensitive habitat, or hydrology, in the coastal zone. At the Commission staff's request, the District has submitted its annual monitoring reports dating back to 1995 providing evidence of the success of its mitigation commitments.

The removal of sediment from the streams scheduled for annual maintenance has the potential to affect sand supply resources of the coastal zone. Several of the projects involve the removal of material from streams that drain into the ocean. These projects could result in a loss of sand resources to local beaches. However, as in past years, the County is proposing to remove only small amounts of material from these systems. Therefore, the effect on sand supply will be insignificant. Based on this conclusion, the Commission staff agrees that the proposed desilting projects will not significantly affect sand supply resources of the coastal zone. As we have informed the District in past reviews, the Commission staff requests that the District consider, where appropriate, using compatible materials removed from streambeds for beach replenishment in the region.

In conclusion, the Coastal Commission staff has decided not to act on this consistency certification. This decision is based on the fact that within the coastal zone the activities will require coastal developments from the County or City of Santa Barbara that will address relevant coastal resource issues (and be appealable), and further, that activities located outside the coastal zone will be conducted in a manner protecting resources in the coastal zone. 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 any questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,


PETER M. DOUGLAS
Executive Director

cc: Ventura District Office
U.S. Army Corps of Engineers (Jim Mace)
California Department of Water Resources
Governor's Washington, D.C., Office

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December 13, 2004

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

Re: **ND-091-04**, Bureau of Land Management (BLM), Negative Determination, Ma-le'l Dunes Trailhead Parking Area Project, north end of the North Spit, Humboldt Bay, Humboldt County

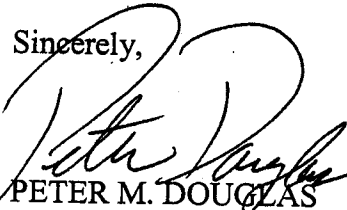
Dear Ms. Roush:

The Commission staff has reviewed the above-referenced negative determination for the Ma-le'l Dunes Trailhead Parking Area Project, located at the northern end of the Humboldt Bay north spit, north of Manila. The project purpose is to provide public access and parking for primarily hikers and equestrians to gain access to the shoreline through a recently acquired, 43 acre, BLM parcel. Parking is already available at the site; however the proposed improvements would reorganize the site to include parking for 12 vehicles (it can only accommodate four vehicles currently) and three horse trailers, picnic tables, restroom facilities, an interpretive kiosk, and information signs. Cable barriers and native vegetation would also be installed to separate the site from nearby residences, rerouting cars and improving public safety for the residents. BLM anticipates annual usage of up to 5,000 visitors/year once it makes the improvements.

Seaward of the parking lot (which is on the landward edge of the parcel), the improvements would assure closure of the parcel to motorized vehicular use, thereby protecting sensitive wildlife habitat. The project includes retention of a qualified archeologist and a Table Bluff Reservation-Wiyot Tribal representative, to monitor ground disturbing construction activities, as well as erosion controls to protect water quality. The project would be located on federal land, improve public access, be compatible with the scenic visual quality of the area, and avoid effects on environmentally sensitive habitat, water quality, and archaeological resources.

We **agree** with your conclusion that the proposed project would not adversely affect 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 regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

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

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December 13, 2004

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

RE: **ND-092-04** Negative Determination, National Park Service, Relocation of existing maintenance facility from the Requa area to a site outside the coastal zone near Crescent City, Redwood National Park, Del Norte Co.

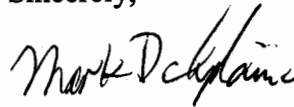
Dear Mr. Pierce:

The Coastal Commission staff has received the above-referenced negative determination for the removal of an existing maintenance facility on federal land in the Requa area, north of the mouth of the Klamath River, and relocating it to a site outside the coastal zone, located near Crescent City, on Aubell Lane off Elk Valley Road. The relocation is proposed due to geologic stability at the Requa site, which has caused cracks in building foundations, severed subsurface utility lines, and severely damaged roads. The Park Service proposes to restore the site to natural conditions, using native plants for revegetation. Two communications towers would be allowed to remain at the site, as would the road to the towers. All the other facilities at the site, including over 100,000 sq. ft. of structures, and a sewage treatment facility, would be relocated. The facilities would be consolidated with existing facilities at Aubell, on a 9 acre parcel owned by the Department of Parks and Recreation, which is level, currently contains several State and National Parks facilities, and where it would not affect coastal zone resources.

No streams, wetlands, or environmentally sensitive habitat exists at the maintenance area, which is located 900 feet above sea level. The project would include erosion controls, use of Best Management Practices, revegetation of graded areas with native plant species, removal of non-native plants from the maintenance area, and retention of a qualified archeologist and a Yurok tribal representative to monitor ground disturbing construction activities.

In conclusion, we **agree** with the Park Service that the project will not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(s) 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)