

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

**W 15**

DATE: September 21, 2005

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-079-05
APPLICANT:	U.S. Coast Guard
LOCATION:	Coast Guard Station Monterey, City of Monterey
PROJECT:	Construct floating dock
ACTION:	Concur
ACTION DATE:	8/30/2005

PROJECT #:	NE-085-05
APPLICANT:	San Diego Unified Port District
LOCATION:	LA-5 Ocean Disposal Site, offshore of San Diego
PROJECT:	Disposal of dredged material from Tenth Ave. Marine Terminal in San Diego Bay
ACTION:	No effect
ACTION DATE:	9/1/2005

PROJECT #:	ND-088-05
APPLICANT:	Department of the Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Relocate Falcon Launch Vehicle Program from SLC-3 to SLC-4
ACTION:	Concur
ACTION DATE:	8/31/2005

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August 30, 2005

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

Subject: Negative Determination ND-079-05, Construction of floating dock at Coast Guard Station Monterey

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Coast Guard proposes to install a new 12' x 102' concrete floating dock for use by the Monterey Bay National Marine Sanctuary (MBNMS) at the Government Wharf at Coast Guard Station Monterey. The MBNMS is receiving a new 65-foot research vessel R/V FULLMAR in spring 2006; this vessel will serve the four national marine sanctuaries in California and be homeported at Monterey. The proposed floating dock to berth the R/V FULLMAR is similar to and will be adjacent to the existing Coast Guard floating dock, concurred with by the Executive Director in Negative Determination ND-089-01. Access to the proposed floating dock will be by a new aluminum gangway from the pier; potable water, sewage, and electrical service will be provided to the dock. The proposed floating dock will be attached to the Coast Guard pier and no pile driving, dredging, or bottom disturbance will be required.

The Coast Guard proposes to install the dock during the fall months of 2005, construction is expected to last approximately 60 days, and will occur only during daylight hours Monday through Friday. California sea lions and Pacific harbor seals are found in the immediate project area, including the Coast Guard pier and floating dock, and therefore the Coast Guard has coordinated its construction plans with the National Marine Fisheries Service (NMFS). The Coast Guard will ensure that a biological monitor present on-site during all construction activities that could potentially affect marine mammals. If a California sea lion or Pacific harbor seal moves into the project area during construction, the biologist will advise the Coast Guard to halt activities that may affect the marine mammal until it has moved outside of the project area. In addition, NMFS stated in its July 28, 2005, letter to the Coast Guard concurring with the proposed project that:

... the USCG, under Section 109(h)(1)(A) of the Marine Mammal Protection Act, as a part of its official duties, could deter sea lions hauled out under the pier and on the adjacent

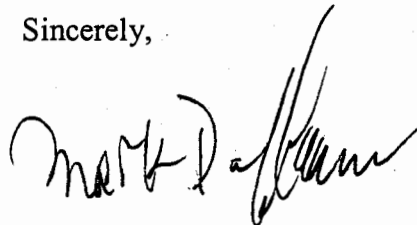
dock, by using a non-injurious method, such as a high pressure water hose, to quickly and efficiently deter the sea lions from hauling out at those locations near the area where the proposed MBNMS floating dock will be constructed.

If the Coast Guard deters the sea lions, it is required to submit a report to the NMFS Southwest Regional Office detailing the method of deterrence, the date, time, and the species and number of animals deterred. The waters at the project site do not support sensitive marine vegetation and the additional shading to be generated by the increase in floating dock surface area will not affect the biological productivity of the waters at and adjacent to the proposed dock. In addition, the dock would not affect public access or scenic views to or along the shoreline.

The City of Monterey has expressed concerns to the Commission that the western 25 feet of the proposed floating dock could interfere with a potential future City/Coast Guard project at this location on the Government Wharf. The City also restated its position that it owns the tidelands at this site and that the Coast Guard should apply to the City for permission to undertake the proposed project. The Commission staff continues to encourage the Coast Guard and the City of Monterey to work toward resolution of these issues.

In conclusion, the Commission staff **agrees** that the proposed installation of a floating dock at Coast Guard Station Monterey will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office
Monterey Bay National Marine Sanctuary
National Marine Fisheries Service, Southwest Regional Office
City of Monterey

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September 1, 2005

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

Subject: No-Effects Determination NE-085-05, Disposal of Dredged Material at LA-5 Ocean Disposal Site, San Diego County

Dear Ms. Maher:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. The Port District proposes to dispose 30,000 cu.yds. of clean sediment at the LA-5 ocean disposal site, located six miles southwest of San Diego. The sediments will be dredged from Berths 10-3 to 10-6 at the Tenth Avenue Marine Terminal in San Diego. Based on "Green Book" testing protocol (including Tier III ocean disposal testing), the Corps of Engineers determined that the dredged materials were suitable for ocean disposal at the LA-5 site. U.S. EPA concurred with this determination. The dredged materials are mostly fine-grained and are not suitable for beach nourishment.

With this letter we are waiving the need for a consistency certification, as the proposed dredged material disposal will not adversely affect coastal zone resources. 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: San Diego Coast District office
Corps of Engineers, San Diego
San Diego RWQCB
USEPA, San Francisco

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August 31, 2005

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

Subject: Negative Determination ND-088-05, Relocate Falcon Launch Vehicle Program from SLC-3W to SLC-4W on south Vandenberg AFB, Santa Barbara County.

Dear Ms. Caron:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to relocate the upcoming Falcon Launch Vehicle Program from Space Launch Complex 3 West (SLC-3W) to SLC-4W on South Vandenberg Air Force Base, and to make minor modifications within the present boundary of SLC-4W to support the launch program. The proposed relocation of the Falcon program from SLC-3W to SLC-4W is necessary due to concerns expressed by the National Reconnaissance Office (NRO) regarding potential risks to NRO's national security asset located at SLC-3 East during the initial launch phase of Falcon vehicles from SLC-3W.

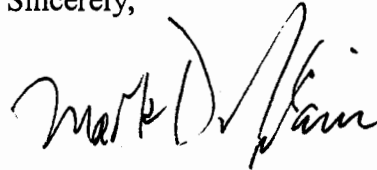
In December 2003 the Executive Director concurred with the Air Force's ND-103-03 for implementation of the Falcon Launch Vehicle Program at SLC-3W. The Falcon program is a private commercial venture to place commercial and research payloads into earth orbit from existing launch facilities at Vandenberg AFB. The Executive Director determined that the program would not generate new or additional adverse impacts on coastal resources not previously examined by the Commission in its concurrence with a consistency determination by the Air Force (CD-049-98) for launch activities at the adjacent SLC-3E. While the initial Falcon launch under ND-103-03 was expected to occur in 2004, the revised schedule calls for the first Falcon launch in 2005 and two launches in 2006.

All proposed launch facility modifications for the relocated Falcon program would occur within the existing and previously-disturbed area of SLC-4W. No sensitive habitats or resources occur within the fenced boundary of SLC-4W. To protect marine resources and special biological areas at Vandenberg AFB during the life of the relocated Falcon program, the Air Force will continue to implement measures described in the May 10, 1996, Biological Opinion issued by the U.S. Fish and Wildlife Service for the Titan Space Launch program at SLC-4W. To protect special status marine mammals that may be present underneath the launch path, the Falcon program is subject to the measures described in the Letter of Authorization issued by NOAA

Fisheries on March 4, 2005, for space vehicle launches from Vandenberg AFB. During Falcon vehicle launches, public access to the shoreline from Wall Beach to Jalama Beach (inclusive) will be prohibited for a five hour period, as is presently done for all space launches at South Vandenberg AFB. As the Falcon vehicle is much smaller than the Titan launch vehicles that previously used SLC-4W, and because no significant impacts on coastal resources (beyond temporary beach access closures) were documented as a result of noise, sonic boom, and exhaust materials from the Titan launches at SLC-4W, no significant impacts are expected to occur from the Falcon program.

After reviewing the accompanying *Final Draft Supplemental Environmental Assessment for the Falcon Launch Vehicle Program from SLC-4W at Vandenberg AFB SLC-3W*, the Commission staff agrees that the proposed relocation of the Falcon program to SLC-4W will not generate new or additional adverse impacts on coastal resources not previously examined by the Commission in CD-049-98 and ND-103-03 for launch activities on South Vandenberg AFB. 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 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,



(for)

PETER M. DOUGLAS
Executive Director

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