

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

**W 10**

DATE: February 23, 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-003-05
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Imperial Beach, San Diego Co.
PROJECT:	Acquisition and inclusion of 0.26 acres of land to the Tijuana Slough National Wildlife Refuge
ACTION:	Concur
ACTION DATE:	2/14/2005

PROJECT #:	ND-011-05
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Replace six road culverts in the Drakes Estero watershed
ACTION:	Concur
ACTION DATE:	2/15/2005

PROJECT #:	ND-012-05
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Removal and restoration at two water impoundments and one road crossing in Drakes Estero watershed
ACTION:	Concur
ACTION DATE:	2/15/2005

PROJECT #: NE-013-05
APPLICANT: Union Pacific Railroad
LOCATION: Milepost 389.08, Unnamed Creek, Ventura Co.
PROJECT: Bridge Replacement
ACTION: Concur
ACTION DATE: 2/23/2005

PROJECT #: ND-016-05
APPLICANT: Department of the Navy
LOCATION: Offshore of Marina Water District building, Marina, Monterey Co.
PROJECT: Install oceanographic instrumentation in Monterey Bay
ACTION: Concur
ACTION DATE: 2/14/2005

PROJECT #: ND-018-05
APPLICANT: National Park Service
LOCATION: Cabrillo National Monument, Point Loma, San Diego
PROJECT: Rehabilitate Coast View and Sea Cove parking areas
ACTION: Concur
ACTION DATE: 2/14/2005

PROJECT #: ND-020-05
APPLICANT: National Park Service
LOCATION: Diamond X Ranch, Santa Monica Mountains National Recreation Area, Los Angeles Co.
PROJECT: Relocation of parking area
ACTION: Concur
ACTION DATE: 2/22/2005

PROJECT #: NE-023-05
APPLICANT: Watershed Environmental
LOCATION: 338 Toro Canyon Rd., East of Summerland, Santa Barbara Co.
PROJECT: Agricultural grading and bioswale
ACTION: Concur
ACTION DATE: 2/23/2005

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February 14, 2005

S.D. Austin, Captain
U.S. Coast Guard
Chief, Office of Homeland Security Operations and Tactics
2100 Second St., S.W.
Washington D.C. 20593-0001

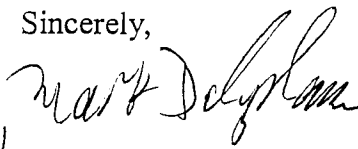
RE: **ND-002-05**, Negative Determination, Establishment and Operation of a Maritime Safety and Security Team, Marine Corps Recruit Depot, San Diego

Dear Captain Austin:

The Coastal Commission staff has received the above-referenced negative determination for the establishment and operation of a Maritime Safety and Security Team at the Marine Corps Recruit Depot. The team would be a 76 person operation, using an existing military building, with slight internal modifications. The project would also include six new 25-ft. long Response Boats-Small (RB-S) and is intended to protect domestic ports from illegal activity, sabotage, and other subversive acts including terrorism. The boats would be stored on land when not in use.

We agree with the Coast Guard that the project will not adversely affect any 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,


(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

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February 14, 2005

Richard Smith
U.S. Fish and Wildlife Service
California/Nevada Operations Office
2800 Cottage Way, Room W-2610
Sacramento, CA 95825-1846

RE: **ND-003-05**, Negative Determination, USFWS, Addition to Tijuana Slough
National Wildlife Refuge, Imperial Beach, San Diego Co.

Dear Mr. Smith:

The Coastal Commission staff has received the above-referenced negative determination for the acquisition of a small (0.26 acre) parcel along Seacoast Drive adjacent to the northwest portion of the Tijuana Slough National Wildlife Refuge in Imperial Beach. The addition has been made possible through a Coastal Conservancy grant to San Diego County for the purposes of wildlife protection.

We agree with the Fish and Wildlife Service that the addition to Refuge 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,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

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February 15, 2005

Don L. Neubacher
Superintendent
Point Reyes National Seashore
Point Reyes, CA 94956

Attn: Brannon Ketcham

Re: **ND-011-05**, Negative Determination, National Park Service, Road Crossing
Modifications, Six Locations, Point Reyes National Seashore, Marin Co.

Dear Mr. Neubacher:

The Coastal Commission staff has reviewed the above-referenced negative determination for a coastal watershed restoration program subcomponent consisting of replacing six road crossings at the Point Reyes National Seashore to improve fish passage and repair damaged facilities. The crossings are at Mt. Vision Rd./E. Schooner Creek, Estero Rd./E. Schooner Creek, Estero Rd./North Home Ranch Creek, Estero Rd./Home Ranch Creek, Upper Laguna Crossing, and Lower Laguna Crossing. The projects would increase flood conveyance and reduce barriers to fish passage, and would include Best Management Practices to protect water quality and measures to avoid impacts to sensitive wildlife species, including migratory birds and the California red legged frog.

The projects' impacts will be temporary, the projects are located on federal land, and in the long term the projects will benefit water quality, public access and recreation, sensitive habitat, and scenic public views. The Commission staff therefore agrees that the proposed projects 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,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office

CALIFORNIA COASTAL COMMISSION

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February 15, 2005

Don L. Neubacher
Superintendent
Point Reyes National Seashore
Point Reyes, CA 94956

Attn: Brannon Ketcham

Re: **ND-012-05**, Negative Determination, National Park Service, Drake's Estero Road
Crossing Improvements Project, Point Reyes National Seashore, Marin Co.


Dear Mr. Neubacher:

The Coastal Commission staff has reviewed the above-referenced negative determination for a coastal watershed restoration program subcomponent consisting of three restoration projects at the Point Reyes National Seashore to improve fish passage and repair or restore existing facilities. The improvements are located at two water impoundments (Muddy Hollow and Limantour Beach Pond), and one road crossing (Glenbrook Crossing). The restoration projects would consist of removing an existing dam and spillway at Muddy Hollow, replacing an existing culvert with a bridge crossing at Limantour Beach Pond, and restoring the Glenbrook Crossing to a more natural gradient.

The projects would restore natural hydrologic functions, increase flood conveyance and reduce barriers to fish passage, and would include Best Management Practices to protect water quality and measures to avoid impacts to sensitive wildlife species, including migratory birds and the California red legged frog.

The projects' impacts will be temporary, the projects are located on federal land, and in the long term the projects will benefit water quality, public access and recreation, sensitive habitat, and scenic public views. The Commission staff therefore agrees that the proposed projects 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 Coast District Office

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February 23, 2005

JURISDICTION LETTER

Quinn Damgaard
HDR One Company
8404 Indian Hills Drive
Omaha, NE 68114

Applicant: **Union Pacific Railroad**

Project: **Bridge Replacement, Unnamed Creek, Milepost 389.08,
west of Ventura, Ventura County**

Coastal Commission Federal Consistency Jurisdiction No: **NE-013-05**
U.S. Army Corps of Engineers Notice No. (if applicable): **200500212-MWV**

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. The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has concluded as follows:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project constitutes repair and maintenance and is exempt from the need for a locally issued coastal development permit; and (2) the project does not raise significant issues with respect to coastal resources.

Sincerely,

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

MARK DELAPLAINE
Federal Consistency Supervisor

cc: Ventura Area Office (John Ainsworth)
U.S. Army Corps of Engineers (Matthew Vandersande, Ventura Field Office)

CALIFORNIA COASTAL COMMISSION

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February 14, 2005

Edward Thornton
Naval Post Graduate School
Oceanography Department
1 University Circle
Monterey, CA 93943-5000

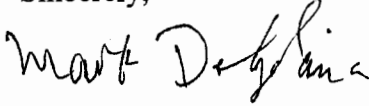
RE: **ND-016-05**, Negative Determination, Navy Cable Installation, Marina,
Monterey Co.

Dear Professor Thornton:

The Coastal Commission staff has received the above-referenced negative determination for the installation of a ¼ inch diameter oceanographic cable from the Marina Water District building off Reservation Road in Marina. The purpose of the cable is to gather wave and current data, and the project is similar to nearby cables in Monterey and San City that the Commission staff has concurred with in other negative determinations (ND-38-99). The cable would replace a previous cable that existing along this alignment from 1986-1995.

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." This project is similar to the above-referenced negative determination with which we previously concurred. 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,

(for) 
PETER M. DOUGLAS
Executive Director

cc: Santa Cruz District Office

CALIFORNIA COASTAL COMMISSION

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February 14, 2005

Terry DiMattio
National Park Service
Cabrillo National Monument
P.O. Box 6670
San Diego, CA 92106

Attn: Terry DiMattio

RE: **ND-018-05**, Negative Determination, National Park Service, Tidepool parking improvements, Cabrillo National Monument, San Diego.

Dear Mr. DiMattio:

The Coastal Commission staff has received the above-referenced negative determination for improvements to two parking areas (Coast View and Sea Cove parking areas) along Gatchell Road on the western side of the Cabrillo National Monument. The Park Service proposes to improve traffic circulation and to include visual features to integrate the lots with the design of nearby facilities. The improvements would only be constructed during weekdays, and at least one parking lot would remain open at all times that the tidepools are open to the public (the area has three lots). The project is located on federal land and the improvements will benefit public access and recreation. All disturbed areas will be revegetated with native species. Best Management Practices and parking lot runoff filtration will be incorporated to the design.

We agree with the National 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.

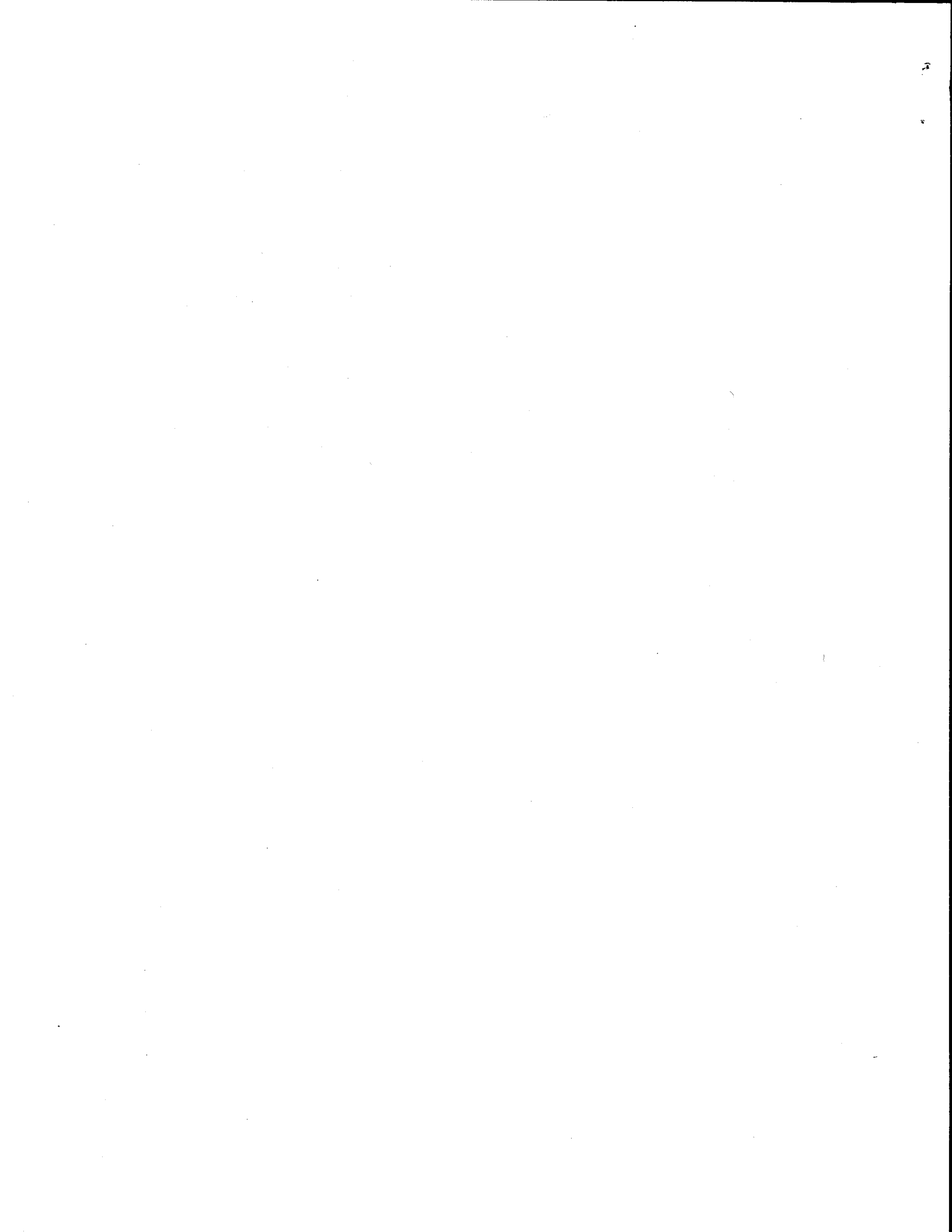
Sincerely,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(For)

PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District



CALIFORNIA COASTAL COMMISSION

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February 22, 2005

Woody Smeck
National Park Service
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4207

Attn: Leslie Jennings

RE: **ND-020-05**, Modification to Previously-concurred-with Negative Determination for the Heart-of-the-Park Shuttle Demonstration Project, Santa Monica Mountains National Recreation Area, Los Angeles Co.

Dear Mr. Smeck:

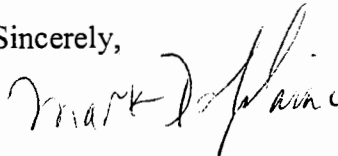
On July 29, 2003, we concurred with your negative determination for the National Park Service's (Park Service) Heart-of-the-Park Shuttle Demonstration Project for the Santa Monica Mountains National Recreation Area (Recreation Area)(ND-45-02). In that determination the Park Service proposed the operation of a tourist shuttle system to serve popular sites within the Recreation Area, including travel in a bi-directional loop around the central part of the park, using Malibu Canyon Road, the Pacific Coast Highway, Kanan Dume Road, and the Mulholland Highway, and including stops at 13 sites including Malibu Creek State Park, Malibu Lagoon State Beach, Solstice Canyon, Zuma Beach, Paramount Ranch, Tapia Park, Backbone Trailhead, Rocky Oaks, Peter Strauss Ranch, and four other flag stop sites.

The Park Service currently proposes to relocate one of the shuttle bus parking areas from Malibu Creek State Park (the "Reagan Ranch" site) to the Diamond X Ranch off Mulholland Drive to the east. To implement this modification, the Park Service proposes expanding an existing parking lot by approximately 19,000 sq. ft., where the Park Service would park the shuttle buses when not in use. The project would include water quality controls and Best Management Practices. The site contains no vegetation or sensitive habitat, and it already has an aggregate base and is informally used for parking.

In our previous negative determination concurrence, we agreed that the program would improve public access and recreational resources of the coastal zone by providing transportation to several coastal recreation areas and public beaches, would reduce vehicular traffic within the Santa Monica Mountains, would involve construction activities adjacent to existing roads, parking areas, and other park facilities and will be visually consistent with these areas, would avoid adverse effects on sensitive biological resources, would include measures to protect water quality, and would improve air quality by providing an alternative means of transportation to recreational areas in the Santa Monica Mountains.

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." This project is similar to the above-referenced negative determination with which we previously concurred (ND-45-02) and does not raise any new coastal resource issues not previously considered. 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,



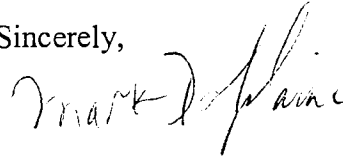
(for)

PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

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." This project is similar to the above-referenced negative determination with which we previously concurred (ND-45-02) and does not raise any new coastal resource issues not previously considered. 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,



(for)

PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

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February 23, 2005

JURISDICTION LETTER

Melodee Ann Hickman
Watershed Environmental
1103 E. Clark Ave., Suite F-6
Orcutt, CA 93455

Applicant: **Watershed Environmental**
Project: **1,430 cu. yds. of grading on existing agricultural land and installation of bioswale and drainage pipe, 338 Toro Canyon Rd., east of Summerland, Santa Barbara County**

Coastal Commission Federal Consistency Jurisdiction No: **NE-023-05**
Santa Barbara County File No.: **04CDP-00000-00147**
U.S. Army Corps of Engineers Notice No. (if applicable):

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. The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has concluded as follows:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project has received a locally issued coastal development permit from Santa Barbara County; (2) the project was modified to conform with the applicant's Nov. 29, 2004 biological consultant recommendations; and (3) the project does not raise significant issues with respect to coastal resources.

Sincerely,

A handwritten signature in black ink that reads "Mark Delaplane".

MARK DELAPLAINE
Federal Consistency Supervisor

cc: Ventura Area Office (John Ainsworth)
U.S. Army Corps of Engineers (Heather Wylie, Ventura Field Office)