

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****W12****DATE:** April 20, 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 #:	NE-030-05
APPLICANT:	Caltrans
LOCATION:	Highway 1, Bolinas Lagoon, Marin Co.
PROJECT:	Culvert maintenance
ACTION:	No Effect
ACTION DATE:	4/6/2005

PROJECT #:	ND-035-05
APPLICANT:	Corps of Engineers
LOCATION:	Humboldt Bay, Humboldt Co.
PROJECT:	Maintenance dredging, disposal at HOODS
ACTION:	Concur
ACTION DATE:	3/30/2005

PROJECT #:	ND-037-05
APPLICANT:	Department of the Navy
LOCATION:	Naval Air Station North Island (NASNI) and Naval Amphibious Base (NAB) Coronado, San Diego Co.
PROJECT:	Demolish warehouse at NASNI and place sand at Delta Beach (NAB)
ACTION:	Concur
ACTION DATE:	4/1/2005

PROJECT #:	ND-041-05
APPLICANT:	Bureau of Land Management
LOCATION:	Stornetta Public Lands, Point Arena, Mendocino Co.
PROJECT:	Replace an existing bluff-top fence
ACTION:	Concur
ACTION DATE:	4/12/2005

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April 6, 2005

Jeffrey G. Jensen
Chief, Biological Sciences and Permits
California Department of Transportation
ATTN: Kathleen Stycket
111 Grand Avenue
Oakland, CA 94623-0660

Subject: No-Effects Determination NE-030-05, Bolinas Lagoon Culvert Maintenance Project,
Highway 1, Marin Co.

Dear Mr. Jensen:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. Caltrans proposes maintenance activity (e.g., removal of accumulated sediment, debris, and vegetation) over a five-year period at 14 culverts along State Highway 1 adjacent to Bolinas Lagoon in Marin County. These culverts were inadvertently left out of a previous no-effects determination (NE-080-03) submitted to the Commission in August 2003 and agreed with by the Executive Director on September 11, 2003, for maintenance activity at 45 culverts along Highway 1.

The subject culverts are located within the Coastal Commission's coastal development permit jurisdiction. Caltrans asserts that it is exempt from having to obtain a Commission-issued coastal development permit for the proposed culvert work based on the Commission's regulations providing exemptions for culvert repair and maintenance activities. The Coastal Commission nevertheless retains federal consistency authority because the project requires a federal (U.S. Army Corps of Engineers) individual or nationwide permit. Nevertheless, we believe it is appropriate to waive federal consistency for this maintenance project. This decision assumes Caltrans' compliance with the resource protection measures contained in its submittal, including measures to protect steelhead habitat, avoid activities during rainy conditions, and dispose of the material outside the coastal zone at authorized sites. Based on this waiver we agree with Caltrans' "No Effects" determination for this project. 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 over the printed name.

(s) PETER M. DOUGLAS
Executive Director

cc: North Central District Office
U.S. Army Corps of Engineers, San Francisco District Office

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March 30, 2005

Thomas R. Kendall
Chief, Planning Branch
Corps of Engineers
ATTN: Tamara Terry
333 Market Street, 7th Floor
San Francisco, CA 94105-2197

Subject: Negative Determination ND-035-05, Humboldt Bay Inner Harbor Spring Maintenance Dredging and Disposal, Humboldt Co.

Dear Mr. Kendall:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to conduct annual spring maintenance dredging of the Humboldt Harbor, North Bay, Eureka, Samoa, and Field's Landing Channels in Humboldt Bay. Between April 23 and May 23 the Corps' hopper dredge will remove approximately 350,000 cu.yds. of shoaled material that has accumulated in the aforementioned channels over the past winter. Physical, chemical, and biological testing of sediments from the subject navigation channels was conducted in January 2005. The test results indicated that the proposed dredged sediments from the inner harbor channels contain no significant contamination or toxicity and are suitable for disposal at the Section 102 designated Humboldt Open Ocean Disposal Site (HOODS). The U.S. EPA reviewed the test results and determined that the sediments are suitable for disposal at HOODS.

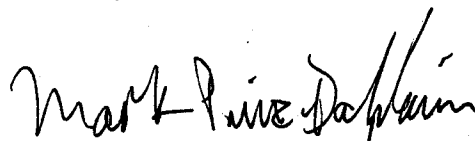
As noted in our recent concurrence letter for ND-029-05 (Corps spring maintenance dredging of the Humboldt Bay Bar and Entrance Channels), the Commission concurred with a consistency determination (CD-005-04) for 2004 spring and fall maintenance dredging at Humboldt Bay. In that concurrence, the Commission referenced its long history of reviewing the Corps' dredging and disposal operations at Humboldt Bay. The Commission's primary concern in recent years is the potential adverse effect on local sand supply, beach width, and public recreation from disposal of sandy dredged materials at the HOODS site, located outside the littoral system. In CD-005-04, the Corps committed to continue implementing its ongoing shoreline monitoring program along the north and south spits of Humboldt Bay. Should that monitoring indicate that that adverse shoreline erosion is occurring, the Corps will reconsider its disposal at HOODS. The Commission also found that given the monitoring results to date, it is not yet clear whether loss to the littoral system of the material dredged from Humboldt Bay is significant to the local beaches or shoreline, due to the amount of natural sedimentation into Humboldt Bay, as well as the healthy delivery of sediment to the south spit by the Eel and Mad Rivers. However, as long as the monitoring program continues, there will be an early warning of any shoreline erosion that

may occur. If it does, the Corps will be able to revise its disposal practices to keep more sandy material in the littoral cell. As a part of the subject negative determination, the Corps will continue to implement its shoreline monitoring program at Humboldt Bay.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to numerous individual spring and fall maintenance dredging operations previously concurred with by the Commission (e.g., CD-005-04, ND-043-04, CD-045-98, ND-024-98), thereby qualifying it for review under the negative determination process.

The proposed maintenance dredging and disposal activities at the Humboldt Bay inner harbor channels 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,



(fm)

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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April 1, 2005

A.J. Gonzales, Captain
U.S. Navy
Department of the Navy
Commander Navy Region Southwest
937 N. Harbor Dr.
San Diego, CA 92132-0058

Attn: Pat McCay, Joseph Arcega

RE: **ND-037-05**, Negative Determination, Navy, Building Demolition and Sand
Relocation, Naval Air Station North Island and Naval Amphibious Base,
Coronado

Dear Captain Gonzales:

The Coastal Commission staff has reviewed the above-referenced negative determination for the demolition of Building 652 at the Naval Air Station North Island, and removal of 60,000 cu. yds. of sand underlying the building and relocating it to Delta Beach at the Naval Amphibious Base. The building demolition on federal land would not affect the coastal zone. The sand is being relocated to a least tern nesting site. The Navy has tested the material and coordinated with the U.S. Fish and Wildlife Service, which has authorized the project and confirmed the test results. The sand would be retained within the littoral system and would improve wildlife habitat, and its placement (including stockpiling if necessary to avoid any effects on tern nesting) would not adversely affect least tern habitat.

In conclusion, we **agree** with your that the activity would not adversely affect any 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.

Sincerely,

(for) Mark Delaplaine

PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

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April 12, 2005

Rich Burns
Ukiah Field Office Manager
Bureau of Land Management
ATTN: Diane Knox
2550 N. State Street
Ukiah, CA 95482

Subject: Negative Determination ND-041-05, replacement of bluff fence at Stornetta Public Lands, Point Arena, Mendocino County

Dear Mr. Burns:


The Coastal Commission staff has reviewed the above-referenced negative determination. The BLM proposes to replace an existing bluff-top fence alongside a ¾-mile-long segment of Lighthouse Road south of the Point Arena Lighthouse on the BLM's recently-acquired Stornetta Public Lands. The existing dilapidated barbed wire fence was installed 50 years ago by the previous landowner to prevent livestock and people from falling over the 65-foot-high coastal bluff; a segment of no-climb mesh fence was installed 15 years ago after a portion of the bluff and barbed wire fence collapsed. Currently, some visitors to the newly-opened Stornetta Public Lands park their cars and climb through or over the dilapidated fence. The parked cars partially block Lighthouse Road and create a safety hazard to vehicles, bicyclists, and pedestrians using this narrow roadway. People climbing through or over the fence place themselves in danger should sections of the undercut bluffs collapse and/or individuals fall onto the rocks below.

The proposed replacement fence will be installed in the same location as the existing fence on the west side of Lighthouse Road. The four-foot-high fence will include see-through, non-climb wire mesh topped with one strand each of smooth and barbed wire. The wire mesh will intersect the ground along the northern 100 yards of the fence; along the balance of the fence the wire mesh will terminate 18 inches above the ground to allow for wildlife movement. Existing wooden fence posts will be re-used when feasible along with new treated wood and fiberglass posts. The proposed fence replacement is consistent with the Stornetta Public Lands Interim Management Plan (IMP), and was listed as a future project in the IMP consistency determination (CD-070-04) concurred with by the Commission in October 2004.

The proposed replacement fence will not adversely affect existing public access or scenic coastal views to or along this segment of shoreline (including pedestrian access along Lighthouse Road), and will maintain and improve public safety for those visiting the Stornetta Public Lands and the adjacent Point Arena Lighthouse. In conclusion, we **agree** with the BLM that the proposed fence would not adversely affect coastal zone resources. We therefore **concur** with your

negative determination made pursuant to Section 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,

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

(PMD) PETER M. DOUGLAS
Executive Director

cc: North Coast District Office