

CALIFORNIA COASTAL COMMISSION

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



W 7

DATE: August 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-066-05
APPLICANT:	Department of the Navy
LOCATION:	Mugu Lagoon, Naval Base Ventura County
PROJECT:	Remove South J Avenue to create nesting islands in wetland
ACTION:	Concur
ACTION DATE:	7/29/2005

PROJECT #:	ND-078-05
APPLICANT:	National Park Service
LOCATION:	Point Reyes National Seashore, Marin Co.
PROJECT:	Non-native deer management plan
ACTION:	Concur
ACTION DATE:	8/5/2005

PROJECT #:	ND-081-05
APPLICANT:	U.S. Forest Service
LOCATION:	Los Padres National Forest, Monterey Co.
PROJECT:	Revised Land and Resource Management Plan
ACTION:	Concur
ACTION DATE:	7/25/2005

PROJECT #:	ND-082-05
APPLICANT:	Federal Aviation Administration
LOCATION:	El Segundo Dunes, Los Angeles International Airport
PROJECT:	Install and operate Airport Surface Detection Equipment
ACTION:	Concur
ACTION DATE:	8/9/2005

PROJECT #:	ND-089-05
APPLICANT:	National Park Service
LOCATION:	US 101 at south end of Freshwater Spit, Humboldt County
PROJECT:	Relocate entrance sign /interpretive highway turnout
ACTION:	Concur
ACTION DATE:	8/18/2005

PROJECT #:	ND-091-05
APPLICANT:	U.S. Coast Guard
LOCATION:	Various ports within the coastal zone, statewide
PROJECT:	Operate the MK11 Static Barrier Running Gear Entanglement System
ACTION:	Concur
ACTION DATE:	8/18/2005

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July 29, 2005

Robert Wood
Deputy Public Works Officer
Naval Base Ventura County
ATTN: James Danza
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Subject: Negative Determination ND-066-05, South "J" Avenue Restoration, Naval Base
Ventura County

Dear Mr. Wood:

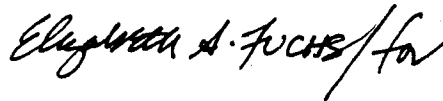
The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to remove South "J" Avenue, located on the south side of Mugu Lagoon and within the adjacent tidal wetland complex, and restore the roadway corridor to wetland and endangered species habitat. The project site is located within the boundaries of Naval Air Station Point Mugu. At this time there are no buildings or structures located along South "J" Avenue and the Navy has determined that retention of the roadway is no longer necessary. To return the road corridor to the elevation of the surrounding wetland and thereby eliminate an impediment to tidal flow, approximately 7,000 cu.yds. of asphalt concrete roadway, base fill material, and culverts and other associated structures will be excavated, removed, and transported to off-site disposal locations. As the roadway is removed in phases from north to south to the intersection at Beach Road, nine 12'x12' islands will be created along the former roadway and planted with Spiny Rush to provide critical nesting habitat for the federally-endangered Light-footed Clapper Rail. Removal of the roadway will restore 1.1 acres of tidal wetlands, improve the quality of the surrounding wetlands by restoring unimpeded tidal flow, and will further isolate the wetland from human disturbance and clapper rail predators such as coyotes, dogs, and feral cats.

The project will be implemented over several years, beginning in the fall of 2005. All construction and restoration work will occur outside the February 15 through July 31 clapper rail nesting season, and a Navy biologist will be present on site to monitor project construction. Excavation will start in the center of the roadway and will work outward, scraping the excavated materials inward to prevent fill discharge into the adjacent wetlands. In addition, silt fences will be installed to capture any accidental fill discharge, and erosion and pollution prevention control measures will be implemented to minimize surface runoff from the roadway and construction

sites. The project would not affect public access to or along the shoreline as the wetland site is located within the Naval Air Station, a secured military area closed to the public.

The Commission staff **agrees** that the proposed removal of South "J" Avenue and its restoration to wetland and endangered species nesting habitat 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, .

A handwritten signature in black ink, appearing to read "Peter M. Douglas" followed by a stylized flourish or "for".

PETER M. DOUGLAS
Executive Director

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

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August 5, 2005

Don L. Neubacher
Superintendent,
Point Reyes National Seashore
ATTN: Natalie Gates
Point Reyes, CA 94956

Subject: Negative Determination ND-078-05, Non-Native Deer Management Plan, Point Reyes National Seashore, Marin County

Dear Mr. Neubacher:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to implement a management plan for the eradication of non-native axis and fallow deer from within Point Reyes National Seashore by the year 2020 through a combination of long-lasting contraceptives and lethal removal. Individuals of both species were purchased from the San Francisco Zoo in the 1940s and 1950s and released on the Point Reyes peninsula by a private landowner before the establishment of the Seashore. The NPS estimates that currently there are approximately 250 axis and 860 fallow deer within the Seashore. Populations of both species of deer have increased in recent years and the range of fallow deer appears to be expanding eastward, towards and beyond the seashore boundary.

Point Reyes National Seashore is comprised of land and water owned and controlled by the NPS. Section 304(1) of the Coastal Zone Management Act excludes from the coastal zone all lands held in trust by or whose uses are subject solely to the discretion of the federal government. Notwithstanding this exclusion, if proposed activities on excluded lands could affect land or water uses or natural resources of the coastal zone, those activities must be reviewed for consistency with the California Coastal Management Program. It is in this context that the proposed management plan for the removal of non-native deer within the Seashore is reviewed.

The Point Reyes National Seashore 1999 Resource Management Plan (RMP) states that:

Regardless of potential competition and disease issues, the presence of these non-native deer compromises the ecological integrity of the Seashore and the attempts to reestablish the native cervid fauna comprising tule elk and black-tailed deer.

The proposed management plan states that removal of non-native deer would assist the NPS in the restoration of soils, water quality, aquatic habitat, riparian vegetation, forest understories, and threatened and endangered species habitat for salmonids and red-legged frogs within the Seashore that have been and continue to be damaged by the presence of non-native deer. In

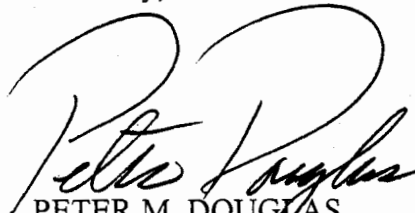
addition, the proposed activity would prevent the spread of non-native deer into surrounding private and public lands (including lands within the coastal zone) and the consequent spread of natural resource impacts, and would address adverse impacts to agricultural permittees by non-native deer within the Seashore.

The NPS proposes to eradicate all axis and fallow deer within the Seashore by 2020. A percentage of fallow deer would be treated with a long-acting contraceptive, and both axis and fallow deer would be removed by NPS staff trained in wildlife sharpshooting. The NPS reports that population modeling for fallow deer at the Seashore suggests that total numbers of both species of non-native deer removed by 2020 are projected to be at least 1,350 (800 axis and 550 fallow deer), while total numbers of fallow deer treated by 2020 with a contraceptive could range from 100 to 150. The population and distribution of non-native deer within the Seashore would continue to be monitored throughout the 2005-2020 time period.

Temporary area closures (excluding beaches) may be required for the safe capture and culling of non-native deer and may temporarily inconvenience visitors to the Seashore. Increased noise from aircraft use or firearms may temporarily result in the loss of peace and quiet in the Seashore during periods of non-native deer management activities. Over the long term, however, removal of two invasive animal species will enhance the quality of the visitor experience by contributing to the restoration of damaged habitats within the Seashore and providing increased opportunities for viewing native deer and elk in the Seashore. In addition, the proposed action would keep non-native deer from migrating into the coastal zone and adversely affecting environmentally sensitive habitats.

In conclusion, the Commission staff **agrees** that implementing the non-native deer management plan within Point Reyes National Seashore will not adversely affect coastal zone 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: North Central Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

provided for the protection and enhancement of these resources, the Commission identified several projects that could adversely affect the coastal zone. Since those projects would require additional consistency review, the Commission found that the plan was consistent to the maximum extent practicable with the CCMP.

The Commission staff has also recently concurred with a separate Forest Service negative determination (ND-58-05) for the continuation of certain oil and gas leases in Los Padres National Forest, located in inland areas ranging from 25 to 40 miles inland of the coastal zone, in Santa Barbara, Ventura, and Los Angeles Counties. That proposal was reviewed as a negative determination both because the activities were too far from, and thus extremely unlikely to affect, the coastal zone, and because the activities were similar to those authorized in the original management plan (CD-18-88). The Commission staff noted that the leases in question were located: (1) outside Big Sur where the Commission previously raised concerns (and in fact would not be in Monterey County at all); (2) far inland; (3) in areas of existing oil and gas development; (4) where downstream drainage would stop at inland dams and therefore do not have the potential to affect the coastal zone; and (5) for most (92%) of the leased areas (52,000 acres) would contain "No Surface Occupancy" restrictions, and for the remaining 8%, any subsequent development ultimately proposed would trigger: (a) environmental restrictions and procedures to assure that any wetlands, riparian or environmentally sensitive habitat resources in the affected areas would be protected (including the application of Best Management Practices); and (b) further Forest Service review and NEPA (National Environment Policy Act) analysis. Also, as is the case with the subject management plan, the Commission retains the ability to review activities if they would affect the coastal zone. The Forest Service had removed from the areas originally being considered for leasing those portions of the National Forest that were near (and therefore where drilling could have had the potential to affect) the coastal zone.

With the same understanding and agreement for future review of specific activities that may arise under the subject, updated Management Plan, the Commission staff agrees with the Forest Service that the Plan can be considered "the same as or similar to" the originally-concurred-with plan (CD-18-88), thereby qualifying the updated plan for review under the negative determination procedures (based on the federal consistency regulations, 15 CFR Part 930, Section 930.35).¹ The Forest Service and the Commission staff have mutually agreed that one of those specific activities that *will* be subject to further Commission review, and for which the Forest Service will submit a separate consistency determination, is the proposal for the continuing use of the Brazil Ranch. The Forest Service states:

As discussed in the Big Sur Place description, the facilities on the Brazil Ranch property will "be a place for conference and educational opportunities focused on environmental conservation, stewardship and sustainability. Managed public access

¹ §930.35 provides: (a) If a Federal agency determines that there will not be coastal effects, then the Federal agency shall provide the State agencies with a negative determination for a Federal agency activity: (1) Identified by a State agency on its list, as described in §930.34(b), or through case-by-case monitoring of unlisted activities; or (2) Which is the same as or is similar to activities for which consistency determinations have been prepared in the past; or (3) For which the Federal agency undertook a thorough consistency assessment and developed initial findings on the coastal effects of the activity.

and recreational opportunities will be provided. Traditional land uses and resource conservation activities can be showcased and studied. Other small-scale special uses may be authorized." That is, the desired condition for Brazil Ranch is to emphasize environmental education and proactively promote stewardship of the coastal environment. The Brazil Ranch is zoned Back Country Motorized Use Restricted (BCMUR) which is consistent with the notion of managed public access, particularly motorized use. As displayed in the LMP, Table 2.3.2 Suitable Uses Public Use and Enjoyment, motorized use is allowed only as authorized in BCMUR. Hiking, however, is considered a dispersed use and is suitable (allowable) unless otherwise restricted. Currently, the only area in the Forest which is restricted from hiking is the Sespe Condor Sanctuary in which hiking is restricted by a legal closure order. Brazil Ranch may be considered for trails that access the coastal terrace or interconnect to other coastal trails. Such activities as hiking enhance coastal access without excessive disturbance, visually and environmentally. Hiking trails and other activities specific to Brazil Ranch are the subject of a separate and more detailed consistency determination being submitted by LPNF.

The "Brazil Ranch" consistency determination is likely to be agendized for the August 2005 Commission meeting.

In its negative determination for the overall Management Plan, the Forest Service notes the similarity between the plan's goals and those embodied in the Coastal Act, including respecting the world-renowned and special character of the Big Sur coast, and balancing recreation, sensitive habitat, wetland, stream, and marine resource protection, cultural resource protection, view protection, agriculture, and historic industrial uses, in manner similar to that ingrained in the Coastal Act and Big Sur Land Use Plan. With respect to a particular historic Commission concern noted above (page 2) over hard rock mining on Forest Service lands, the Forest Service states:

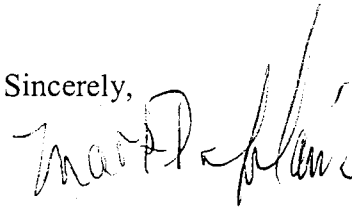
The following excerpt comes from the Big Sur Place description: "The Los Burros gold district, which includes most of the Big Sur place southeast of Prewitt Creek, was historically the principle source of gold mining, both lode and placer, in the Coast Ranges. Two small active gold mines remain in this area. The entire area is now withdrawn from mineral entry, which precludes any new mining claims. Claims with prior existing rights may still operate, subject to environmental restrictions.... There are now limestone mining claims on the slopes of Pico Blanco, both on private land and National Forest lands. These claims have not been [commercially] mined to date."

This is consistent with Section 30250 and related Chapter 3 resource protection policies of the California Coastal Act in confining existing mining claims to current sites while not allowing further minerals entry in the coastal zone. The Big Sur Coast LUP also recognizes that existing surface minerals claims with prior rights may still be mined. Existing limestone claims on Federal lands, although yet undeveloped beyond the exploratory stage, would be subject to environmental documentation for mining, and supporting road development. Those patented claims which have private land status for minerals extraction would be subject to County regulations. Other restrictions exist for hauling of materials on County roads and State Highways outside

of Federal lands. Moreover, such operations are subject to the permit authority of the California Coastal Commission. In summary, only existing claims may still be developed but are subject to environmental documentation. There will be no new claims within the Big Sur coastal zone. This is consistent with the policies of both the California Coastal Act and the Big Sur Coast LUP.

In conclusion, for the reasons discussed above, the Commission staff agrees with the Forest Service that the proposed updated Management Plan can be considered the same as or similar to a consistency determination with which the Commission has previously concurred (CD-18-88). 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,


(FD) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz District Office
Ventura District Office

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45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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July 25, 2005

Gloria Brown, Forest Supervisor
U.S. Forest Service
6755 Hollister Ave., Suite 150
Goleta, CA 93117

Attn: Jim Turner

RE: **ND-081-05**, Negative Determination, U.S. Forest Service, Land Management Plan,
Big Sur Coast, Los Padres National Forest, Monterey, San Luis Obispo, Santa
Barbara, and Ventura Counties

Dear Ms. Brown:

The Coastal Commission staff has received the above-referenced negative determination for its updated Management Plan (LRMP) for the Los Padres National Forest (LPNF) in four coastal and several inland counties. Because only the National Forest lands in Monterey County extend to (and seaward of) the coastal zone boundary, the Commission's reviews of Forest Service plans have historically focused heavily on the Monterey County portions of the Forest. The LRMP establishes long range direction for 10 to 15 years, specifies standards and practices necessary to achieve that direction, and specifies evaluation and monitoring requirements to ensure that the direction is being carried out effectively. The Forest Service describes the plan as follows:

The Forest Service has undertaken a revision of the LRMP as required by the National Forest Management Act which includes an FEIS written for the four National Forests of southern California: the Angeles, Cleveland, Los Padres, and San Bernardino National Forests. Each Forest tiers to the common FEIS with its own Record of Decision and Land Management Plan. These LMPs establish program level direction and reflect changing resource conditions, public needs, and management issues. This document demonstrates that the revised LRMP and its direction for Los Padres lands on the Big Sur Coast continue to be consistent with the California Coastal Act and the Big Sur Coast Land Use Plan and are similar to the previously-submitted consistency determination. This negative determination affirms that the LPNF is a partner in managing the resources of an immensely valuable coastal zone in league with the California Coastal Commission and the County of Monterey. It also includes a commitment for continued coordination with the Coastal Commission for any activities carried out under the plan, and, where applicable, submittal of future consistency or negative determinations for specified activities.

The LPNF LMP, in conjunction with its supporting FEIS, is a programmatic document that contains a hierarchy of strategic direction for the management of the Forest. In compliance with the National Forest Management Act of 1976, the FEIS and Plan are

part of a two-tier planning process in which the LMP establishes capability and suitability for various uses with restrictions or sideboards on how the uses may be implemented. Project-level planning with traditional NEPA documentation is then used to implement specific decisions on the ground in compliance with the LMP direction and guidance. Hence, the LMP does not make project-level decisions about roads, campgrounds, or other facilities and activities but the supporting FEIS does analyze the total effect of the standards and guidance such that if project implementation is in compliance with these LMP standards and guidance, resource protection objectives will be met Forest-wide. It is this concept of mitigation of aggregate effect, the fact of the Forest being federal land, the similarity to the previously concurred-with plan (the LRMP), and the commitment for future coordination of specific activities, that forms the foundation for this negative determination.

On June 7, 1988, the Commission concurred with the U.S. Forest Service's consistency determination (CD-18-88) for its original Management Plan for the Los Padres National Forest. In that decision, in accordance with typical Commission review of federal agency management plans, which are to some degree a conceptual (i.e., "phased") review, the Commission identified future projects that might arise from the plan that would trigger further Commission federal consistency review, as summarized below:

The management plan covered a five to ten year period, identifying long-range goals and objectives for the Los Padres National Forest. The plan also evaluated federal and private activities within the Forest for consistency with the plan's goals and objectives. The management plan included provisions for monitoring its effectiveness. Although the Commission found that the overall management plan was consistent to the maximum extent practicable with the CCMP, it found that specific projects not clearly spelled out in the general plan that might directly affect the coastal zone would need to be submitted to the Commission for further consistency review.

A significant issue raised by the plan was its provision for limestone mining within Big Sur, Monterey County. Specifically, the plan considered and allowed Granite Rock Company to mine its claims on Pico Blanco. Since the plan did not include details of the proposed mining operation, the Commission reviewed this activity in terms of its land-use implications. The Commission found that that activity has the potential to adversely affect access, recreation, visual, and habitat resources of the coastal zone and these effects had the potential to be inconsistent with the CCMP. Despite the potential inconsistencies, the Commission found in part, that the plan was consistent to the maximum extent practicable with the CCMP, because existing federal law prevented the plan's provisions for limestone mining from being fully consistent with the CCMP.

In addition, the Commission found that the proposed mining would require Forest Service approval of a Plan of Operation and that that approval would trigger a consistency certification. Finally, the Commission found that the proposed mining would also require a coastal development permit. The Commission also evaluated the Forest Management Plan's effect on scenic and visual resources, recreation and access, environmentally significant habitat areas, and agriculture. Although the plan

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FAX (415) 904-5400



August 9, 2005

Stephen B. Manley
Contracting Officer, ASU-320
Federal Aviation Administration
800 Independence Ave., SW
Washington, D.C. 20591

Subject: Negative Determination ND-082-05, Installation of ASDE-3X Airport Surface
Detection Equipment at Los Angeles International Airport

Dear Mr. Manley:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Federal Aviation Administration (FAA) proposes to install and operate a new Airport Surface Detection Equipment (ASDE-3X) system at Los Angeles International Airport (LAX). The system consists of 16 remote units and two reference transmitters and is designed to enhance the safety of air traffic operations by detecting the presence and movements of aircraft and surface vehicles on taxiways and runways. Two of the proposed remote units would be placed within the coastal zone, in particular, within the El Segundo Dunes portion of LAX. To avoid any impacts on this environmentally sensitive dunes habitat, the FAA proposes to locate the two remote units on existing FAA structures in the El Segundo Dunes. Equipment cabinets would be placed inside FAA equipment shelters at the two sites, and antennas would be mounted on the roofs of these shelters. No increase in building footprints or disturbance of sensitive habitat would occur from the proposed remote unit installations. FAA vehicle access to the proposed remote units and antennas would use existing service roads. The project will not affect public access or recreation as the existing FAA equipment shelters are located in an area closed to the public due to airport security restrictions. The antennas will not be visible from public areas within the coastal zone.

In conclusion, the Commission staff **agrees** that the proposed project 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,

A handwritten signature in black ink, appearing to read "Elizabeth A. Fuchs" followed by a stylized flourish.

PETER M. DOUGLAS
Executive Director

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

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VOICE AND TDD (415) 904-5200



August 18, 2005

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

RE: **ND-089-05** Negative Determination, National Park Service, Relocation of entrance sign, 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 Relocation of the National and State Parks' entrance sign, at the north end of Freshwater Lagoon Spit. The National Park Service proposes to remove the existing 10-foot-by-14-foot entrance sign and relocate it to an existing highway pullout at post mile 117.7 (northbound) approximately 1300 feet south of the existing sign location. The existing graveled pullout will be enlarged to accommodate up to three automobiles and one recreational vehicle by placing 101 cubic yards of commercially obtained aggregate base after grading. One red alder 10 inches in diameter at breast height (dbh) and one Sitka-spruce 20 inches dbh will be removed. The new pullout will be paved, with a drop inlet, drainage culvert, and concrete curbing and accessible pedestrian sidewalk. Orientation and interpretive signs will be installed in addition to the entrance sign. Approximately 800 square yards (0.16 acre) of compacted soils at the old entrance sign pullout will be restored to more natural conditions by ripping to a depth of 12 inches and regrading the surface, placing an estimated 29 cubic yards of material excavated from the new pullout and 180 cubic yards of commercially purchased topsoil, mulching, and replanting native vegetation.

The Park Service states that the project will improve safety of visitors and highway users due to the greater sight distance at the new location, that water quality in the lagoon will be protected by use of silt fencing around the project area, that impacts environmentally sensitive habitat and wetlands will be avoided, that visual quality will be enhanced by restoring the existing pullout (through grading to a more natural landform and using native plants for revegetation), and that all geologic hazards will be avoided (including potential tsunami run-up) at the new location. In addition, the Park Service has consulted with the Yurok Tribe and no adverse effects on archaeological resources will occur.

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).

We **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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FAX (415) 904-5400



August 18, 2005

Neal J. Armstrong
Headquarters
U.S. Coast Guard (G-OCU-3)
2100 Second Street, SW
Washington, D.C. 20593

Subject: Negative Determination ND-091-05, Deployment of Running Gear Entanglement System at ports in California

Dear Mr. Armstrong:

The Coastal Commission staff has reviewed the above-referenced negative determination and the Programmatic Environmental Assessment (PEA) for the project. The Coast Guard proposes to establish and operate, when determined necessary, the MK11 Static Barriers Running Gear Entanglement System (RGES) primarily, but not exclusively, at various ports in the United States, including the ports of Los Angeles, Long Beach, San Diego, and Hueneme in California. The RGES is designed to intercept small boats and watercraft by fouling the propellers of unauthorized vessels attempting to enter restricted areas. An RGES unit is comprised of three 100-foot-long sections of main line that float on the water surface, with attached floating 40-inch-long by eight-inch-wide loops spaced every eight inches. Inflatable 15-inch buoys would be placed every 100 feet on the main surface line, lights would be attached every 100 feet between the buoys, and anchors would be attached to the main surface line every 200 feet. There is no limit to the number of RGES units that can be strung together.

The Coast Guard states that the RGES would temporarily provide a non-lethal barrier around a high value asset and/or a line of demarcation, usually within currently designated security or safety zones, and would render vessels inoperable once they came into contact with the RGES. All vessels would be required to maintain a minimum distance of 200 feet from a deployed RGES. However, this standoff distance would be fully within the boundary of an existing safety or security zone, not an additional 200 feet beyond such a zone. The RGES can be rapidly hand-deployed and retrieved from any Coast Guard vessel, and Coast Guard personnel would provide continuous watch over a deployed RGES.

Because the proposed RGES would only be temporarily deployed when and where needed, depending on a potential threat to a vessel or facility primarily in one of the aforementioned ports, it is not possible to identify potential site-specific impacts to coastal resources. The Coast Guard addresses this issue in the PEA:

Detailed site-specific impacts cannot reasonably be addressed since we cannot know at the time of the preparation of this PEA exactly and specifically where RGES would be deployed. Site specific use of the MK 11 Static Barrier RGES would be evaluated against this PEA prior to implementation. If information or environmental concerns not addressed in this PEA are discovered or the mitigation plans in this PEA cannot be implemented such that there would be significant impacts, then appropriate follow-on analysis would be conducted.

Notwithstanding the programmatic nature of the PEA, the proposed RGES program includes mitigation measures to avoid adverse impacts on protected marine resources: (1) deployment of the system only after surveying the deployment area by air or water and observing no protected species; (2) deployment of the system only in areas not designated as critical habitat and areas not known to be a gathering point for protected species (e.g., a sea lion or seal rookery); and (3) retrieval of the system as soon as possible after the threat to the vessel or facility has subsided. However, the Coast Guard notes that the RGES could be deployed in emergency situations and that it might not always be possible to implement these mitigation measures prior to deployment. In that case, the Coast Guard would implement mitigation measures to minimize impacts on protected marine resources. First, at least one manned vessel will be assigned to tend the system at all times with on-scene capability to free any entangled animals. The tending vessel shall be in contact with an operations center that maintains a current contact list for stranding network personnel. The Coast Guard notes that it is a codesignee with NOAA Fisheries for marine mammal stranding response. Second, the deployed RGES system will be inspected every 24 hours (including retrieving and resetting the system) to ensure that the system is not adversely affecting marine resources.

The Coast Guard notes that deployment of the RGES in the California coastal zone would most likely occur in the ports listed above and within existing security and safety zones previously established by the Coast Guard to protect military areas and other sensitive facilities in those ports. As a result, the proposed RGES is not expected to affect existing public access and recreation within these ports, but instead provide for the potential deployment of a second but temporary layer of vessel and facility protection within safety and security zones presently off-limits to the general public.

In conclusion, the Commission staff **agrees** that the proposed RGES program will not adversely affect coastal resources in the potential deployment locations. 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,



(for) PETER M. DOUGLAS
Executive Director

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

