

CALIFORNIA COASTAL COMMISSION

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



W12

DATE: April 19, 2006

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-013-06
APPLICANT:	Department of the Navy
LOCATION:	Point Mugu, Naval Base Ventura Co.
PROJECT:	Demolish 11 th St. Bridge
ACTION:	Concur
ACTION DATE:	3/27/2006

PROJECT #:	ND-018-06
APPLICANT:	Department of the Navy
LOCATION:	From Reservation Road to offshore water depth of 36 feet, Marina, Monterey Co.
PROJECT:	install oceanographic research cable
ACTION:	Concur
ACTION DATE:	3/28/2006

PROJECT #:	ND-020-06
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	San Francisco Bar Channel, offshore San Francisco
PROJECT:	Maintenance dredging
ACTION:	Concur
ACTION DATE:	3/23/2006

PROJECT #:	ND-022-06
APPLICANT:	U.S. Coast Guard
LOCATION:	Coast Guard Station San Pedro, Los Angeles Co.
PROJECT:	wharf repairs
ACTION:	Concur
ACTION DATE:	3/30/2006

PROJECT #:	ND-023-06
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Bolsa Chica Lowlands, Orange Co.
PROJECT:	extend time for dredge material disposal to create offshore ebb shoal
ACTION:	Concur
ACTION DATE:	3/28/2006

PROJECT #:	ND-024-06
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	San Francisco DODS
PROJECT:	ocean disposal of dredged material from Richmond Inner Channel
ACTION:	Concur
ACTION DATE:	3/23/2006

PROJECT #:	ND-025-06
APPLICANT:	U.S. Coast Guard
LOCATION:	USCG Light Station Point Loma, San Diego
PROJECT:	upgrade GPS tower
ACTION:	Concur
ACTION DATE:	3/24/2006

PROJECT #:	ND-026-06
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Oceanside Harbor, San Diego Co.
PROJECT:	Annual Maintenance Dredging
ACTION:	Concur
ACTION DATE:	3/28/2006

PROJECT #:	ND-027-06
APPLICANT:	Department of the Navy
LOCATION:	West of Rte. 75, Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Demolition of 7 buildings and construction of 2 buildings for Navy SEALs
ACTION:	Concur
ACTION DATE:	3/30/2006

PROJECT #:	ND-028-06
APPLICANT:	Department of the Navy
LOCATION:	West side, Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Construction of 3 story Navy SEAL operations building
ACTION:	Concur
ACTION DATE:	4/3/2006

PROJECT #:	NE-029-06
APPLICANT:	Donald Christy, Jr.
LOCATION:	72 Linda Isle, Newport Beach, Orange Co.
PROJECT:	140 cy. yds. dredging with ocean disposal
ACTION:	No Effects
ACTION DATE:	4/10/2006

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SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



March 28, 2006

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

RE: **ND-018-06**, 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 3/8 inch armored cable that will run from the Marina Water District building off Reservation Road across the dune and beach out to an instrument depth of 12 m in the ocean to acquire wave and current data. The project is similar to the installation of a 1/4 inch cable installed in the same location that the Commission staff has concurred with in other negative determinations (ND-38-99 and ND-016-05). The cable would replace the previously existing cable, along the same alignment.

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 Diane Livia at (415) 904-5250 if you have any questions.

Sincerely,

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

(607) PETER M. DOUGLAS
Executive Director

cc: Santa Cruz District Office



CALIFORNIA COASTAL COMMISSION

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March 23, 2006

Peter E. LaCivita
Acting Chief, Environmental Sciences Section
U.S. Army Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

Re: Negative Determination **ND-020-06**, Corps of Engineers, Disposal of maintenance dredged material at SF-8 and at Ocean Beach nearshore beneficial re-use site, San Francisco

Dear Mr. LaCivita:

The Coastal Commission staff has reviewed the above-referenced negative determination for the disposal of approximately 215,000 cu.yds. of material from the maintenance dredging of the San Francisco Main Ship Channel. Disposal of the sandy material is proposed at SF-8, an authorized dredged material disposal site, and, as a continuing demonstration project, disposal is also proposed at the nearshore beneficial re-use site in waters off Ocean Beach, San Francisco (just south of Sloat Blvd.). Sediment testing indicates the material is over 98% sand and is free of chemical contaminants. The proposed disposal at either SF-8 or at the nearshore beneficial re-use site would benefit local sand supply; sand placed at either site would serve to replenish downcoast beaches. In addition, the nearshore beneficial re-use site has been selected to address particularly persistent erosion west of Sloat Blvd. The Commission has previously reviewed and authorized maintenance dredging of the Main Ship Channel with disposal at SF-8 (e.g. ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-009-01, ND-018-00, and ND-010-98).

In conclusion, the Commission staff agrees with the Corps' determination that the proposed project will not significantly affect coastal resources and that it is the same as or similar to previously reviewed projects. We therefore **concur** with your negative determination for the project made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5292 should you have any questions regarding this matter.

Sincerely,

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

(for) PETER M. DOUGLAS
Executive Director

cc: North Central District Office



CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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March 27, 2006

Ronald J. Dow, Director
Environmental Division
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Attn: Emilie Lang

RE: **ND-013-06**, Negative Determination, Navy, 11th St. Bridge Demolition, Point Mugu,
Naval Base Ventura County

Dear Mr. Dow:

The Coastal Commission staff has reviewed the above-referenced negative determination for the demolition and removal of an existing substandard, 225 ft. by 25 ft., bridge east of 11th St. and Las Posas Rd. across Calleguas Creek in eastern Point Mugu. The bridge barely clears the creek and is in danger of collapse from flooding or tidal surge (one 44 ft. long section of concrete from the bridge already collapsed during 1998 winter storms). The project includes removal of sewer and water lines attached to the bridge, as well as all bridge pilings and supports. The removal will include use of small explosives and will also serve as a Navy training operation. A clear span bridge, which will remain, is located just (26 inches) above the to-be-demolished bridge.

In the long term, the removal project will improve water circulation in the lagoon, and avoid adverse effects on the wetland that could occur if the bridge collapses. In the short term, the project includes potential adverse impact from small explosive charges used to separate the concrete bridge panels from their caps. In order to protect the steel bridge span bridge above, the smallest possible (2-4 lb.) above-ground and underwater charges will be used to separate the concrete bridge panels from their caps and to remove the pilings at the mudline (residual pilings, abutment, and reinforcement materials will be cut). All retrievable debris will be removed from the lagoon. The project will include Best Management Practices including use of silt screens to minimize turbidity, and scheduling during low tide periods. Despite the small size of the charges, due to the sensitivity of several bird and marine mammal species that frequent the lagoon (including harbor seals and light-footed clapper rails), the Navy will include monitoring by a

qualified biologist prior to any demolition or explosives work to survey for presence of marine mammals and other sensitive species. No work will proceed if harbor seals or any other marine mammals or sensitive bird species are present or near enough to be affected. To minimize disturbance to light-footed clapper rails, demolition work will not begin until after the nesting season (Feb 15-July 31) has ended. If light-footed clapper rails are determined to be present (via call counts or nest surveys performed during the nesting season) either on the southeast or southwest side of the 11th Street Bridge, the Navy will coordinate further with the U.S. Fish and Wildlife Service to determine whether any further measures are needed to protect the species. Finally, the project will not affect public access, which is restricted due to military security needs.

The Coastal Commission staff **agrees** that, with the water quality and habitat monitoring and protection measures incorporated into it, the proposed project will not adversely affect coastal zone resources. We, therefore, **concur** with your negative determination made pursuant to 15 C.F.R. Section 930.35. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: Ventura District Office
Army Corps, Ventura Field Office

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FAX (415) 904-5400



March 30, 2006

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-022-06**, Industrial wharf repair at Integrated Support Command San Pedro, Los Angeles County

Dear Mr. Stalters:

The Commission staff has reviewed the above-referenced negative determination for repairs to the Industrial wharf at the Integrated Support Command facility in San Pedro. The Coast Guard proposes to conduct the following activities:

- Re-secure loose sections of timber decking and replace failed timbers;
- Replace failing timber stringers and pile caps;
- Install new protective caps on all fender piling;
- Repair failing composite timber beams;
- Replace four failing timber piles with four new ammoniacal copper zinc arsenate treated timber piles;
- Protect four failing timber support piles with heavy plastic pile wrapping;
- Replace 324 ft. of floating camels and chains along the berthing side of the pier;
- Provide a new brow from the Industrial wharf deck to the 87 ft. Patrol Boats.

The Coast Guard states that this project is necessary because the wharf has exceeded both the typical design life and practical service life and failure to make these repairs will seriously hinder the unit's ability to carry out its mission. No dredging is included in this project, and no threatened, endangered, or sensitive aquatic or terrestrial species or habitats occur or are located near the Industrial wharf.

The proposed project will not significantly affect coastal uses or resources. The project is located in an area currently used by the Coast Guard, which currently restricts public access to the area due to military security requirements. The proposed project will not change that restriction. In addition, the project will not significantly affect marine habitat or water quality.

The Coast Guard maintains that the removal and replacement of the four piles associated with this project will result in minimal increases in turbidity that will be isolated to a small area around the piles and near the bottom. The small number of piles and short duration of activity at San Pedro will ensure that there is no impact to foraging terns or fisheries from this project.

Additionally, the project includes measures to minimize water quality impacts from the proposed repair of the wharf. By replacing deteriorating chemically treated wood pilings and installing protective plastic pile wrapping, the Coast Guard will reduce an existing impact to water quality resources. The Commission staff has previously reviewed the water quality effects from the use of plastic pile wrap composites. In a leach test only minor amounts of copper, iron, and zinc leached from the plastic. None of these contaminants had a concentration significant enough to have any adverse effects on the marine environment. Additionally, in a study comparing the toxic effects of plastics to treated wood, the researchers concluded that "*in all these experiments with four different species of estuarine organisms, the recycled plastic proved to be far less toxic material than the treated wood.*"¹ Thus, the replacement of treated wood pilings with plastic wrapped pilings will reduce contaminants in marine waters.

To address the potential increase in marine debris due to the possible weathering, break-down or detachment of plastic pile wrapping, the Coast Guard has agreed to address this issue by modifying its negative determination to inspect the plastic wrapping and provide reports to the Commission staff. Specifically, the Coast Guard has added the following language to its negative determination:

Coast Guard Civil Engineer Unit Oakland (CG CEUO) will conduct a facility inspection every 5 years for 15 years that includes the new plastic pile wrap at the Industrial Wharf. The above water sections of the plastic wrap will be inspected for cracks, deterioration, abrasions, and other conditions that may contribute plastic debris to the marine environment. The results of this inspection will be provided to the Executive Director of the Commission. CG CEUO acknowledges that if these inspections or other information relative to the performance of plastic piling wrapping in the marine environment indicate that plastic materials such as those used in the project adversely affect marine water quality, marine habitat, or other coastal uses or resources, the Commission has the authority pursuant to regulations implementing the Coastal Zone Management Act to reopen this negative determination (see 15 CFR § 930.45(b)).

Based on this change, the Commission staff concludes that the project incorporates measures to address potential coastal zone effects should the plastic pile wrapping deteriorate over time. Therefore, the Commission staff concludes that the proposed project will not affect water quality resources of the coastal zone.

In conclusion, the Commission staff **agrees** that the proposed Industrial wharf repair activities will not adversely affect coastal resources. We therefore **concur** with your negative

¹ Toxicity of Construction Materials in the Marine Environment; Weis, Peddrick; Weis, Judith; Greenberg, Arthur; and Nosker, Thomas; **Archives of Environmental Contamination and Toxicology**; 1992.

determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Cassidy Teufel at (415) 904-5502 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.

(for)

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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March 28, 2006

Jack Fancher
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Re: **ND-023-06**, U.S. Fish and Wildlife Service, Negative Determination, Bolsa Chica Wetland Restoration Time Extension for nearshore disposal during least tern nesting season, Huntington Beach, Orange Co.

Dear Mr. Fancher:

The Coastal Commission staff has reviewed the above-referenced negative determination for continuing dredging, disposal, and restoration work into the least tern nesting season. The Commission concurred with a consistency determination for the restoration project on November 13, 2001 (CD-061-01). Since that time, the Service has kept the Commission staff informed of progress being made during the final design phase of the restoration project, and the Service began the restoration work project in Fall 2004. Under the originally proposed project the Service had committed to nearshore disposal work outside the April-September least tern nesting season. At that time, the Service was unsure of what the extent of turbidity would be, and the Service anticipated this restriction would not slow the restoration project. However, due to mechanical and logistical problems, the restoration work was slower than expected, and based on its turbidity monitoring, the Service now believes the work would not adversely affect least turn foraging and should be allowed to continue into the April-May period, to avoid delay (i.e., stopping work and restarting in the Fall). The Service notes that, as is often the case with dredging and disposal of predominantly sand sized material, the actual turbidity footprints have been small and less than anticipated; the Service states:

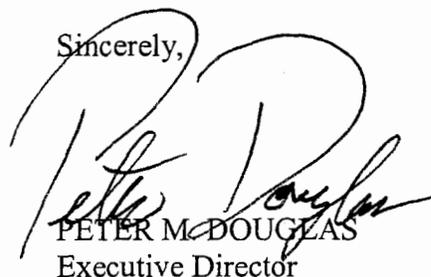
Our observations identify a quite small area of surface turbidity around the end of the dredge discharge line (about 80' x 80', 0.15 acres). The spread of surface turbidity from the Bolsa Chica Project dredge has been very limited. While the "discoloration" from muddy water can be seen from above, the turbid water is settling below the surface at a relatively rapid rate, possibly because the dredge material is mostly sand and the vertical discharge pipe that directs the dredge flow downward. Observations of the beach and surf zone indicate that the muddy water plume does not come inshore and is not visible within the surf line or at the beach edge. The appearance of the beach face is not discolored or in any way degraded by the dredge discharge, either. No complaint of discolored or turbid water has yet been received from any beach recreational users or surfers. No other aspect of the project, such as construction footprint on the beach, area impacted by ebb shoal construction would change from that already approved.

Alternatively, the pumping of sand to the ebb shoal could be suspended and resumed only after the least tern has finished breeding at Bolsa Chica, about Sept 1. Although virtually all other project components would be completed by then, the resumed dredging could continue for months after September 1. While this extension of the overall project and construction contract could result in some additional costs, the preferred course of action is to continue the work in the Spring, finishing in late Spring or early Summer, and open the inlet, completing the restoration in early August. However, the primary factor in disfavoring this alternative is that the impacts of continuing the dredging and discharges would result in no significant impacts to a coastal resource and no adverse affect on a listed threatened or endangered species. We have actual data and observation regarding the extent of muddy surface water from the spill barge. During the environmental review and your Consistency Determination, the worst case scenarios were still possible. The actual impacts are inconsequential.

Therefore, our conclusion is that the ebb shoal location of the discharge, manner of the discharge, and high sand content of the dredge discharge will have no adverse affect on the California least tern nesting at Bolsa Chica if continued after April 1 and farther into the breeding season. We wish to amend our project description accordingly. Continuing observations of the extent of turbid surface water around the spill barge over the ebb shoal will continue throughout dredging.

The Commission staff agrees that the project, as modified, will not adversely affect coastal resources or render the previously-concurred-with project no longer consistent with the resource protection policies of the Coastal Act. In addition, the sooner the project is completed the greater the long-term habitat benefits from the completed Bolsa Chica Lowlands restoration project. 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,



PETER M. DOUGLAS
Executive Director

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

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FAX (415) 904-5400



March 23, 2006

Peter E. LaCivita
Acting Chief, Environmental Sciences Section
San Francisco District
Corps of Engineers
333 Market Street
San Francisco, CA 94105-2197

Re: Negative Determination **ND-024-06**, disposal at SF-DODS of materials dredged from
Richmond Inner Harbor channels

Dear Mr. LaCivita:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to dispose of up to 550,000 cubic yards of material dredged from Port of Richmond inner harbor channels at the San Francisco Deep Ocean Disposal Site (SF-DODS), located 49 nautical miles west of the Golden Gate Bridge. Dredging at the Port of Richmond is scheduled to commence in June 2006. The proposed maintenance dredging is subject to the permit and/or federal consistency jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). Only the offshore disposal is subject to Coastal Commission jurisdiction.

The Coastal Commission has reviewed past federal consistency submittals for administrative authorizations for disposal at the SF-DODS site in conjunction with Corps of Engineers dredging at the Port of Richmond. Through these reviews the Commission has determined that transportation of dredged material through the coastal zone to SF-DODS, and disposal at this site, if not properly conducted, could affect the coastal zone. The Commission has determined that key to avoiding these effects is the continuation of adequate testing and monitoring provisions. The Commission noted that use of the SF-DODS site would not be authorized unless: (1) an adequate monitoring program is in place to assure dredging will not affect the Gulf of the Farallones National Marine Sanctuary, and to assure that transportation of dredged material through the coastal zone will not result in premature spills and adverse effects on coastal waters; and (2) testing establishes that the dredged material complies with "Green Book" standards for ocean disposal (i.e., Evaluation of Dredged Material Proposed for Ocean Disposal, Testing Manual, 1991, EPA/COE).

The Commission staff received a copy of the U.S. Environmental Protection Agency's letter of December 12, 2005, in which EPA confirmed its concurrence with the proposed project. In that letter EPA stated that in 2004 Richmond Inner Harbor sediment samples were subjected to full "Tier III" testing in accordance with the EPA-USACE national ocean testing manual, and that

additional chemical testing of these sediments was performed in early 2005. The EPA concluded that the concentrations of contaminants in Richmond Inner Harbor sediment samples were well within the range of concentrations previously approved for disposal at SF-DODS. Based on these test results, the consistent track record of Richmond Inner Harbor sediments meeting unconfined aquatic disposal suitability requirements and the USACE's November 2005 Tier I Evaluation, EPA formally agreed that a Tier I suitability determination would be appropriate for fiscal year 2006 dredging operations in the Richmond Inner Harbor without confirmatory chemical evaluation and determined that the proposed dredged materials were suitable for ocean disposal at SF-DODS. EPA's letter also included a copy of the newly updated "Generic Ocean Disposal Special Conditions for use of the San Francisco Deep Ocean Disposal Site" (December 12, 2005) governing the use of SF-DODS and which will be fully incorporated into the project dredging contracts.

Therefore, based on Richmond Inner Harbor sediment test results and the implementation of special conditions to protect water quality and marine resources within and adjacent to the coastal zone, we 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: CCC - North Central Coast District Office
EPA
BCDC
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
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March 24, 2006

Patrick Wallis
Chief, Shore Team South
Civil Engineering Division
U.S. Coast Guard
1301 Clay Street, Suite 700N
Oakland, CA 94612-5203

RE: **ND-025-06** Negative Determination, U.S. Coast Guard, Upgrade DGPS Tower at
USCG Light Station, Point Loma, San Diego County

Dear Mr. Wallis:

The Coastal Commission staff has reviewed the materials submitted by the U.S. Coast Guard for the upgrade of the Differential Global Positioning System (DGPS) transmission tower at the U.S. Coast Guard facility at Point Loma (San Diego County). In 1994 the Commission's Executive Director concurred with a Coast Guard negative determination (ND-081-94) for installation of four DGPS transmission towers at Pigeon Point, Point Loma, Point Arguello in Santa Barbara County, and Cape Mendocino in Humboldt County. The Executive Director determined that the installation and operation of the towers would increase navigation safety along the California coast and would not adversely affect the coastal zone. Additionally, in 1997 the Commission's Executive Director concurred with a Coast Guard negative determination (ND-163-97) for the replacement and upgrade of DGPS transmission towers at Pigeon Point and Point Loma. The Executive Director concluded that the replacement and upgrade of these towers would not affect the coastal zone and did not raise any issues not previously addressed by the Commission staff in its review of ND-081-94.

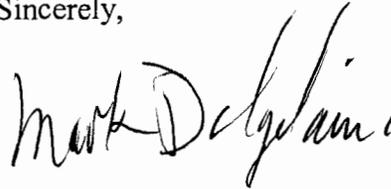
The Coast Guard reports that an additional upgrade to the DGPS transmission tower at Point Loma is currently required to extend the area coverage of the broadcast antenna and to reduce electrical interference in the ground plane antenna and electrical arcing on the tower antennas and guy wires. These upgrades will necessitate an increase in the number of guy wires supporting the tower array, from six to nine guy wires. The addition of these guy wires will require the excavation of six new guy wire foundations (3-in. diameter by 4-ft. deep fence post holes) and approximately 30 5/8-in. diameter by 8-ft. deep ground rod holes. As on the existing guy wires, bird diverters will be installed on the new guy wires attached to the transmission tower.

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 transmission tower upgrade activities previously concurred with by the

Commission (ND-163-97), thereby qualifying it for review under the negative determination process.

The proposed Differential Global Positioning System transmission tower upgrade activities will not adversely affect coastal resources and will not raise any issues not previously addressed by the Commission staff in it's review of ND-081-94 and ND-163-97. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Cassidy Teufel at (415) 904-5502 should you have any questions regarding this matter.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

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

CALIFORNIA COASTAL COMMISSION

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March, 28, 2006

Dan Sulzer
Acting Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Larry Smith
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: **ND-026-06**, Army Corps of Engineers, Negative Determination, maintenance dredging, Oceanside Harbor, Oceanside, San Diego Co.

Dear Mr. Sulzer:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to dredge between 183,000 and 262,000 cu.yds. of sandy material from Oceanside Harbor and dispose of it onto Oceanside beach, south of the municipal pier. This project is similar to projects previously approved by the Commission. In 1990, the Commission concurred with a consistency determination for a six-year dredging program for Oceanside Harbor (CD-008-90) that included beach disposal. In 1994, the Commission concurred with another consistency determination for a similar six-year maintenance dredging program (CD-053-94). Beginning in 2000, the Commission staff has concurred with annual negative determinations for one-year maintenance dredging and beach disposal programs at Oceanside Harbor (ND-075-00, ND-016-01, ND-008-02, ND-009-03, and ND-020-04).

The proposed project will not adversely affect water quality, sand supply, beach recreation, or habitat resources of the coastal zone. The Corps' sediment analysis concludes that the dredged material consists primarily of clean sand that is suitable for beach replenishment, either by direct placement on receiving beaches or by placement in the nearshore zone. Dredging will not adversely affect water quality because the sediments are not contaminated and these sands will only generate short-term and localized increases in turbidity. The project will improve beach recreational opportunities and will not adversely affect regional sand supply. Dredging and disposal will not adversely affect California least tern foraging or benthic and sandy beach habitats due to the short-term nature of the project.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. 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 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Delaplaine". The signature is written in a cursive style with a large initial "M".

(for) PETER M. DOUGLAS
Executive Director

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

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March 30, 2006

Brian Gordon
Director, Compliance and Technical Division
Department of the Navy
Commander Navy Region Southwest
937 North Harbor Dr.
San Diego, Ca 92132-0058

Attn: Delphine Lee

RE: **ND-027-06**, Negative Determination, Navy, Demolition and Rebuild, western side of Naval Amphibious Base, Coronado, San Diego Co.

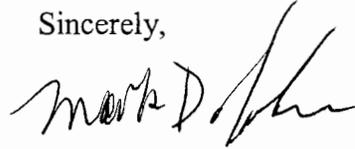
Dear Mr. Gordon:

The Coastal Commission staff has reviewed the above-referenced negative determination for the demolition of seven one- and two-story buildings and construction of two new buildings on the western side of the Naval Amphibious Base (NAB), and west of Silver Strand Boulevard (Highway 75), in Coronado. The new buildings would consist of a 2-story barracks/medical center facility and a 2-story equipment storage facility. The purpose is to provide more space for Naval Special Warfare training, in particular, Navy "SEAL" (Sea, Land and Air) training. The project site is within an already densely developed portion of the base, and the new buildings would be no higher than surrounding buildings, and, in any event, only barely visible from Highway 75, because they would be hidden behind existing buildings and fences.

The project would not affect public access, recreation, archeological resources, or environmentally sensitive habitat. The sites proposed for construction are paved and currently used for parking and storage buildings. The overall amount of impervious areas would not be increased as part of the project, and the Navy will implement erosion controls and Best Management Practices to minimize water quality impacts, including preparation of a stormwater pollution prevention plan (SWPPP). Although the beach just west of the site is used for Navy SEAL training and does not currently provide nesting habitat for least terns or snowy plovers, the Navy states: "As a precautionary measure and good construction practice, bird deterrent devices will be incorporated into the project design to prevent predator perching. In addition, lights will face away from the beach area."

The Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. We, therefore, **concur** with your negative determination made pursuant to 15 C.F.R. Section 930.35. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,

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

(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

CALIFORNIA COASTAL COMMISSION

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



April 3, 2006

Brian Gordon
Director, Compliance and Technical Division
Department of the Navy
Commander Navy Region Southwest
937 North Harbor Dr.
San Diego, Ca 92132-0058

Attn: Delphine Lee

RE: **ND-028-06**, Negative Determination, Navy, SEAL Operations Building, west side of Naval Amphibious Base, Coronado, San Diego Co.

Dear Mr. Gordon:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of a three-story, 14,400 square foot, Sea, Land and Air (SEAL) Operations Building on the western side of the Naval Amphibious Base (NAB), and west of Silver Strand Boulevard (Highway 75), in Coronado. The new building would be located adjacent to existing buildings of comparable height. The purpose is to provide office space for officers-in-charge and department heads and operational storage space for Navy SEAL training.

The project would not affect public access, recreation, archeological resources, or environmentally sensitive habitat. The project site is within an already densely developed portion of the base, and the new building would be no higher than surrounding buildings, and, in any event, only barely visible from Highway 75. The building design will be consistent with the adjacent buildings and with the Base Exterior Architecture Plan. The project site is currently paved, the overall amount of impervious areas would not be increased as part of the project, and the Navy will implement erosion controls and Best Management Practices to minimize water quality impacts, including preparation of a stormwater pollution prevention plan (SWPPP). Although the beach just west of the site is used for Navy SEAL training and does not currently provide nesting habitat for least terns or snowy plovers, the Navy states: "As a precautionary measure and good construction practice, bird deterrent devices will be incorporated into the project design to prevent predator perching. In addition, lights will face away from the beach area."

The Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. We, therefore, **concur** with your negative determination made pursuant to 15 C.F.R. Section 930.35. If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

CALIFORNIA COASTAL COMMISSION

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



April 10, 2006

Donald Christy, Jr.
NADA Appraisal Guides
P.O. Box 7800
Costa Mesa, CA 92628

Re: **NE-029-06**, No Effects Determination, 140 cu. yds. of maintenance dredging, with ocean disposal, Newport Beach, Orange Co.

Dear Mr. Blair:

The Coastal Commission staff has received the above-referenced "no effects" determination for maintenance dredging and ocean disposal of 140 cubic yards of material at 72 Linda Isle in Newport Beach. The project would have been covered by previous Commission actions (CDP 5-99-282 and Consistency Certification CC-078-99/CC-077-01); however those authorizations have expired. The dredging is exempt from CDP requirements; however the dredging and disposal are both subject to federal consistency review. The applicant has complied with the pre-construction permit conditions that would have applied had the permit not lapsed. The material is suitable for ocean disposal, eelgrass beds would not be affected, and the material is not suitable for beach replenishment. The Commission staff has typically waived the requirement for a consistency certification for these types of situations where ocean disposal at EPA-approved ocean disposal sites (including LA-3) of clean, non-sandy material is proposed. The Commission staff is willing to similarly waive the federal consistency provisions, provided that the applicant also comply with the remaining permit conditions that would have applied, particularly:

CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

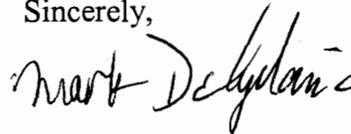
The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project implementation shall be allowed at any time in the intertidal zone or in the harbor;

- (d) Sediment for beach nourishment shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;
- (e) If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
- (f) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (g) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (h) The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited;
- (i) Prior to commencement of beach nourishment the boundaries of any eelgrass meadow within the general project area shall be marked with buoys so that equipment and vessel operators shall avoid damage to eelgrass meadows;
- (j) Barges and other vessels shall be anchored a minimum of 15 feet from any eelgrass bed. Anchors and anchor chains shall not encroach into any eelgrass bed.
- (k) Barges and other vessels shall avoid transit over any eelgrass meadow to the maximum extent practicable. Where transit over eelgrass beds is unavoidable such transit shall only occur during high tides when grounding and potential damage to eelgrass can be avoided.

With the understanding the applicant agrees to comply with these measures, we concur with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: Long Beach District Office
EPA
U.S. Army Corps of Engineers, L. A. District