

CALIFORNIA COASTAL COMMISSION

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



F 3

DATE: July 18, 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 #:	NE-038-06
APPLICANT:	North County Transit District
LOCATION:	LOSSAN rail corridor, one-third mile north of Las Pulgas Rd on Camp Pendleton, San Diego Co.
PROJECT:	Replace two timber railroad crossings with pipe culverts
ACTION:	No effect
ACTION DATE:	6/26/2006

PROJECT #:	ND-039-06
APPLICANT:	U.S. Forest Service
LOCATION:	Nacimiento-Ferguson Road, Big Sur, Monterey Co.
PROJECT:	Culvert Replacement
ACTION:	Concur
ACTION DATE:	6/27/06

PROJECT #:	ND-041-06
APPLICANT:	U.S. Air Force
LOCATION:	Channel Islands Air National Guard Station, Ventura Co.
PROJECT:	Construction activities supporting 146 th Aircraft Wing
ACTION:	Concur
ACTION DATE:	6/26/06

PROJECT #:	ND-045-06
APPLICANT:	U.S. Coast Guard
LOCATION:	Coast Guard Station San Diego
PROJECT:	Replace concrete floating dock
ACTION:	Concur
ACTION DATE:	7/11/2006

PROJECT #:	ND-047-06
APPLICANT:	U.S. Navy
LOCATION:	Naval Base Ventura County, Port Hueneme, Ventura Co.
PROJECT:	Install Laser Data Communications System
ACTION:	Concur
ACTION DATE:	7/13/06

PROJECT #:	ND-049-06
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Humboldt Bay National Wildlife Refuge, Humboldt Co.
PROJECT:	non-mechanized removal of invasive plants from salt marshes
ACTION:	concur
ACTION DATE:	7/3/2006

PROJECT #:	ND-050-06
APPLICANT:	U.S. Marine Corps
LOCATION:	Del Mar Boat Basin, Camp Pendelton Marine Corps Base, Oceanside, San Diego Co.
PROJECT:	Construct concrete swale to divert stormwater runoff from eroded west side slope
ACTION:	Concur
ACTION DATE:	7/10/2006

PROJECT #:	ND-051-06
APPLICANT:	Bureau of Land Management
LOCATION:	Mal Coombs Park, Shelter Cove, Humboldt Co.
PROJECT:	Replace public restroom facility
ACTION:	Concur
ACTION DATE:	6/29/2006

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June 26, 2006

Karen H. King
Executive Director
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

Subject: No-Effects Determination NE-038-06 (Track Roadbed Drainage Improvement/Bridge Replacements at Mileposts 216.9 and 217.0, Camp Pendleton, San Diego Co.)

Dear Ms. King:

The Coastal Commission staff received the above-referenced no-effects determination from the North County Transit District (NCTD) for replacement of two existing railroad structures at Mileposts (MP) 216.9 and 217.0 with pipe culverts. The existing timber structures must be replaced because key structural timber members are decaying and the structures are nearing the end of their expected service life. The structures cross over two unnamed ephemeral streambeds within the existing NCTD railroad right-of-way on a portion of the Los Angeles-San Diego-San Luis Obispo Rail Corridor, located within Marine Corps Base Camp Pendleton just north of Las Pulgas Road in northern San Diego County.

NCTD will demolish and remove the existing timber structures and construct concrete-lined, metal pipe arch culverts at the same locations. A single culvert 70 feet long, 21 feet wide, and 13 feet high will be installed at MP 216.9, and a four-barrel culvert comprised of four 45-foot-long, six-foot diameter pipes will be installed at MP 217.0. NCTD states that streamflow at MP 216.9 is greater than that which occurs at MP 217.0 during ephemeral storm events, hence the design of a single large culvert to efficiently convey flood flows at MP 216.9. NCTD states that the unavoidable permanent impacts from culvert installation in the two ephemeral streambeds (3,050 sq. ft. of non-wetland waters of the U.S.) will be mitigated at a ratio of 2:1 (6,100 sq. ft.) through the purchase of off-site mitigation credits from the Mission Resource Conservation District.

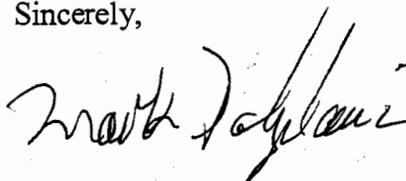
NCTD states that vegetation within the project area consists of coastal sage scrub, non-native grasses, and disturbed habitat; no wetland vegetation is located within or adjacent to the project area. NCTD states that under Section 7 of the Endangered Species Act, a Programmatic Biological Opinion (FWS-SDG-4123.2) and associated Incidental Take Permit was issued by the U.S. Fish and Wildlife Service on September 9, 2005, for several types of NCTD projects, including the proposed project. The Biological Opinion states that "work in vegetation communities that support the California gnatcatcher will be timed to avoid the breeding season (February 15 to September 1) to the extent practicable . . ." As project construction will take place during September and October 2006, no effects to the gnatcatcher or its habitat will occur.

After project construction is completed, the 0.59 acres of temporarily impacted sensitive upland habitat (Diegan coastal sage scrub and disturbed Diegan coastal sage scrub) will be hydroseeded with native upland species as required by the Biological Opinion, to be followed by a 90-day maintenance and monitoring period.

NCTD states that the project includes the preparation of a Storm Water Pollution Prevention Plan by the project engineer, in compliance with the required National Pollution Discharge Elimination System general construction permit to be issued by the Regional Water Quality Control Board. The plan will identify construction and post-construction best management practices to protect water quality and will include, but not be limited to, stabilized construction entrances, filter fiber fencing, hay bales, dust control, construction area limits fencing, and debris controls.

We agree with NCTD's conclusion that the proposed culvert installation at Mileposts 216.9 and 217.0 north of Las Pulgas Road in northern San Diego County would not affect the coastal zone. We therefore concur with your "no-effects" determination for this project. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District Office
Patrick O'Neill, BRG Consulting
Robert Smith, Corps of Engineers

CALIFORNIA COASTAL COMMISSION

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June 27, 2006

John Bradford
District Ranger
U.S. Forest Service
466 S. Mildred
King City, CA 93930

Re: **ND-039-06**, Negative Determination, Forest Service, Nacimiento-Ferguson Road Culvert Replacement, Big Sur, Monterey Co.

Dear Mr. Bradford:

The Coastal Commission staff has reviewed the above-referenced negative determination for repairs due to landslide activity on federal land at Milepost 5.5 on the Nacimiento-Ferguson Road in Big Sur. The project includes replacing an 18 inch culvert with a 24 inch culvert, replacing fill material washed out by the 1998 storms, road widening, a concrete catch basin and a debris rack, riprap or gabion energy dissipaters at both culvert outlets. As discussed in the attached Categorical Exclusion, the Forest Service has consulted with the resource agencies and has incorporated measures to protect environmentally sensitive habitat and the adjacent stream (Mill Creek). The project includes best management practices (including silt fencing, rock catchment fencing, and hemp erosion mats) and will improve water quality and environmentally sensitive habitat, including steelhead habitat. Monterey County would perform the work under the Forest Service's supervision, funding, and monitoring.

NOAA Fisheries has issued a "Section 7" Biological Opinion covering the activities. In addition, the Forest Service will conduct post-project monitoring. Short term construction impacts will be minor, and with the monitoring and coordination, and the fact that the project will benefit habitat protection, the Commission staff therefore 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 if you have any questions regarding this matter.

Sincerely,

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

(for)

PETER M. DOUGLAS
Executive Director

Attachment

cc: Santa Cruz District Office
California Department of Water Resources
Governors Washington D.C. Office

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June 26, 2006

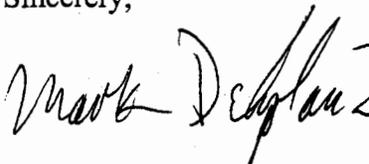
Harry A. Knudsen, JR
Chief, Environmental Planning Branch
Department of the Air Force
Air National Guard
NGB/A7CVP
3500 Fetchet Avenue
Andrews AFB, MD 20762-5157

Subject: Negative Determination ND-041-06 (Construction projects at Channel Islands Air National Guard Station, Ventura County)

Dear Mr. Knudsen:

The Coastal Commission staff received the above-mentioned negative determination and submits the following comments. The proposed construction activities in support of the 146th Aircraft Wing of the California Air National Guard will take place on federal lands licensed to the State of California and developed as the Channel Islands Air National Guard Station, adjacent to Naval Base Ventura County/Point Mugu. The project site is located inland of the coastal zone boundary. The Commission staff agrees with the Air Force that the proposed construction of support facilities will not adversely affect coastal resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

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

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July 11, 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-045-06**, Concrete Floating Dock Replacement at Coast Guard Station San Diego, San Diego County

Dear Mr. Stalters:

The Commission staff has reviewed the above-referenced negative determination for the replacement of a floating concrete dock at Coast Guard Station San Diego, east of Harbor Island and south of Lindbergh Field, along northern San Diego Bay. The Coast Guard proposes to conduct the following activities:

- Remove existing 86 ft. long concrete floating dock;
- Remove five 18 in. concrete piles;
- Install new 80 ft. long concrete floating dock;
- Install four 24 in. pre-cast concrete piles using a 'jetting' method of pile driving;
- Install new 45 ft. grated steel gangway;
- Re-connect existing utilities (sewage, potable water, electricity and telecom).

The Coast Guard states that this project is necessary because the existing concrete dock is causing significant damage to the other concrete floating docks that it is connected to as well as to the utilities that run through them.

In order to minimize the proposed project's potential impacts on marine resources, the Coast Guard has committed to instituting several protocols. To avoid the least tern nesting season and potential adverse effects on foraging terns, construction will be confined to a period between September 16 and April 1. Additionally, a silt curtain will be used at the project site to minimize turbidity and the spread of suspended sediment in the water column. Eelgrass surveys will also be conducted both before and after construction and any eelgrass impacts will be mitigated in accordance with standard mitigation practices for projects in San Diego Bay affecting eelgrass (typical mitigation requires replacement at a ratio of 1.2:1). Finally, *Caulerpa taxifolia* surveys

will be performed to ensure that the proposed project does not result in the inadvertent spread of this invasive species.

The project will not affect public access and recreation because the project site is within the confines of Coast Guard Station San Diego, an area of restricted public access. Coast Guard rescue and other missions, which include support for public boating activities, will be improved by this project. Additionally, the project will result in a reduction in area of 60 square feet from the existing dock structure, allowing sunlight into a shallow water area suitable for eelgrass.

Regarding the potential sound impacts associated with the pile driving aspects of this project, the Coast Guard notes the following, "Contractors advised [the Coast Guard] that during jetting, some impact is required to drive the pile down and as it approaches the desired depth, impact will occur for about fifteen minutes to set the correct pile elevation. A wooden cushion block is always placed between the hammer and the concrete pile to protect the concrete but it also offers some muffling of the sharp sound from the hammer strike." Studies conducted during pile driving activities similar to those proposed by this project and described above (using similar concrete piles and pile driving equipment), subjected fish "to average peak sound pressure levels of 185-189 dB re 1 Pa" and demonstrated "no significant difference in the behavior, near-term mortality rate, or tissue damage between the controls and the exposed fish."

To address the potential impacts of pile driving noise on marine mammals and sea turtles, the Coast Guard (CG) proposes the following:

Impacts from pile driving to marine mammals and sea turtle species likely to be in the area should be less significant due to their body size. However, due to the uncertainty surrounding this assumption, the CG proposes to have a biological monitor on site during pile driving. A 500-ft safety zone around the area will be established and monitored during pile driving. If a marine mammal or sea turtle enters the safety zone, work will be stopped until the animal leaves. If the animal has not been observed in the safety zone area for 15 minutes the area will be considered clear and pile driving can begin again. In the unlikely event a protected species is injured or killed due to construction activities, the CG will immediately contact Ms. Monica DeAngelis, National Marine Fisheries Service (NMFS) at (562) 980-3232 to discuss the incident and options for mitigation. In addition, the CG shall immediately contact Mr. Joe Cordaro, California Stranding Coordinator, National Marine Fisheries Service at (562) 980-4017. The monitor will also note the presence of any California least tern and California brown pelican while on site. A short report documenting the results of the monitoring will be prepared and copies of the report will be sent to interested agencies [including the California Coastal Commission].

Based on the studies described above, the short duration of pile driving activities (an estimated 15 minutes per pile), the small number of piles to be driven during this project (four), and the Coast Guard's commitment to reduce the potential for adverse impacts on marine mammals, sea turtles and seabirds, the Commission staff concludes that the proposed project includes adequate

safeguards to protect marine life and will not adversely affect the marine resources of the coastal zone.

In addition, 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." The Coast Guard states that the proposed project is similar to several previously concurred with negative determinations (ND-063-01 and ND-078-03).

In conclusion, the Commission staff **agrees** that the proposed concrete floating dock replacement activities will not adversely affect coastal resources and are the same as or similar to a previously concurred with activity. We therefore **concur** with your negative 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,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
California Department of Water Resources
Governor's Washington, D.C., Office
U.S. Army Corps of Engineers, San Diego Field Office

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July 13, 2006

Ronald J. Dow, Director
Environmental Division
Department of the Navy
Naval Base Ventura County
311 Main Road, Suite 1
Pt. Mugu, CA 93402-5033

Attn: Emilie Lang

RE: ND-047-06 Negative Determination, U.S. Navy, Install an Eye Safe Laser Data Communication System, Port Hueneme, Ventura County

Dear Mr. Dow:

The Coastal Commission staff has reviewed the above-referenced negative determination for the installation of an Eye Safe Laser Data Communication System (ESLDCS) at Port Hueneme (Ventura County). The Navy states that the installation of this equipment is necessary to supplement data communication at Navy Base Ventura County and to support testing and ensure that the Navy's Test Ship Remote Control Systems are prepared, operational, tested and that Navy mandated safety checks for calibrations and alignments are completed.

Installation of the ESLDCS will require the placement of a SONAbeam 155-S type laser transmitter-receiver at two locations within the Surface Warfare Engineering Facility (SWEF) at Navy Base Ventura County in Port Hueneme. The transmitter-receivers are approximately one cubic foot in volume and will be mounted to the side of one building at 78 feet above the ground and another building at 21 feet above the ground. The Navy notes that the ESLDCS will not be in active use on a daily basis and will only be used when necessary to supplement data communications. The Navy also notes that SONAbeam 155-S type laser transmitter-receiver is extremely safe:

The International Standards Organization rates eye safety on a scale between one and four, where Class 1 (safest rating), is defined as "Safe under reasonably foreseeable conditions with no limitations on radiation wavelength." Class 4 (most unsafe), is defined as "Capable of producing hazardous diffuse reflections. Not permitted for laser communications." Through the use of a unique combination of infra-red wavelength and receiver optics, the SONAbeam product achieves a Class 1 rating for eye safety.

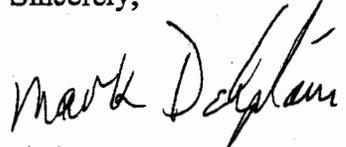
...
Currently, various regulatory agencies in the United States and Europe are contemplating legislation against the use of non-eye safe laser based products in populated urban areas. Should this occur, the SONAbeam product line would be one of

only two laser technologies approved for use in the metropolitan marketplace, and the most cost-effective solution.

The proposed project will not change the existing military uses of the site. The current military use and ownership of SWEF precludes public use of the area for military security and public safety reasons. Thus, the proposed project will not affect public access to the shoreline or recreational use of the coastal zone. The project site does not include endangered, threatened or sensitive species. Additionally, the proposed project will not have an impact on marine resources or water quality within the coastal zone. Given these facts, the project will not adversely affect resources of the coastal zone.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. The Commission staff, therefore, concurs with the negative 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,



(for)

PETER M. DOUGLAS
Executive Director

CC: Ventura District Office
Governor's Washington, D.C., Office

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July 3, 2006

Eric T. Nelson
Project Leader
United States Department of the Interior
Fish and Wildlife Service
Humboldt Bay National Wildlife Refuge
Lanphere Dunes Unit
6800 Lanphere Road
Arcata, CA 95521

Re: **ND-049-06**, Negative Determination, U.S. Fish and Wildlife Service, Non-mechanized Removal of Invasive Plants From Salt Marshes, Humboldt Bay, Humboldt Co.

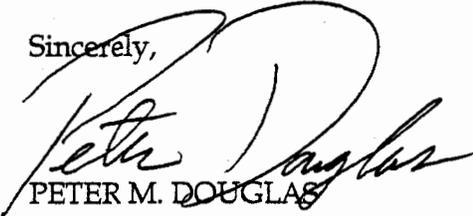
Dear Mr. Nelson:

The Coastal Commission staff has reviewed the above-referenced negative determination for the non-mechanized removal of invasive cordgrass (*Spartina densiflora*) from salt marshes in Humboldt Bay. The U.S. Fish and Wildlife Service (USFWS) proposes to remove the invasive cordgrass using manual removal (digging/pulling) and weed-eaters from high and mid-elevation salt marsh within Humboldt Bay National Wildlife Refuge (NWR). The USFWS would remove the cordgrass from 60 acres of salt marsh located along the Mad River and Hookton Sloughs of Humboldt Bay. The USFWS would use a proven, successful method for eradication of *Spartina densiflora*, which it developed in similar conditions, over a two year period, at the NWR. The USFWS would repeatedly mow large areas of cordgrass over the growing season, and spot mow and then dig in the second season. Isolated plants would be dug in the first season. Native species, such as pickleweed (*Salicornia virginica*) and salt grass (*Distichlis spicata*), recolonize naturally in the bare areas left after mowing. To expedite revegetation, USFWS would plant plugs of these native species grown at a local nursery from local genetic stock. Previous research has shown that revegetating bare areas greatly reduces the likelihood of reinvasion. In the highest elevation areas, two salt marsh species are found—*Castilleja ambigua* var. *humboldtiensis* and *Eordylanthus maritimus* ssp. *palustris*. These rare species occur only in areas with sparse *Spartina densiflora* (which is less vigorous at the highest elevations) and both quickly rebound from trampling and mowing. After using weed-eaters, the USFWS would leave *Spartina densiflora* leaves to accumulate on the salt marsh and be dispersed by high tides, much in the manner of naturally dying *Spartina*. Past USFWS studies at the NWR indicate that none of the areas to be treated have cultural or archeological relicts. Before treating any area, the USFWS would conduct a visual survey for nesting birds or vertebrate fauna. Should any nesting

birds or vertebrates be found, the USFWS would stop treatment in that area and return in a few months to finish the treatment.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 CFR § 930.35. If you have questions, please contact Diane Livia of the Coastal Commission staff at (415) 904-5250.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: North Coast District Office

DL/PMD

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July 10, 2006

S. W. Norquist
Head, Natural Resources Department
Assistant Chief of Staff Environmental Security
U.S. Marine Corps
Box 555008
Camp Pendleton, CA 92055-5008

RE: ND-050-06 Negative Determination, U.S. Marine Corps, Erosion Repairs at Del Mar Boat Basin, Marine Corps Base Camp Pendleton, San Diego County

Dear Mr. Norquist:

We have received your negative determination for erosion repairs on the west side slope of the Del Mar Boat Basin at Marine Corps Base, Camp Pendleton. The project would be on the western side of the boat basin within an existing developed area of the basin. The footprint of the developed area would not be expanded, nor would new roads be built. The project is needed to decrease erosion on the slope and decrease safety hazards caused by the resulting damage. The Marine Corps would build a concrete swale parallel to the side slope to drain water to a lower spot elevation, and install a discharge structure and energy dissipater to slow water velocity. The Marine Corps would backfill, compact and grade the slope to its original condition, and revegetate the site to prevent future erosion. The minimum necessary riprap would be placed at the toe of the slope, and erosion best management practices (BMPs) would be employed to protect beach resources and keep sediment out of the waters of the boat basin. The Marine Corps would replace and secure a power pole anchor cable at the south end of the slope. The proposed project would not adversely affect coastal resources.

Therefore, we **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 black ink that reads "Mark Delaplaine".

(SA) Peter Douglas
Executive Director

cc: San Diego Coast District Office
DL/PD

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June 29, 2006

Lynda Roush
Arcata Field Manager
Bureau of Land Management
ATTN: Bob Wick
1695 Heindon Road
Arcata, CA 95521

Subject: Negative Determination ND-051-06 (Replace public restroom at Mal Coombs Park, Shelter Cove, Humboldt Co.)

Dear Ms. Roush:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to replace the deteriorated public restroom facility located at Mal Coombs Park in the community of Shelter Cove, on the southern Humboldt County shoreline. The existing building was constructed by the BLM in 1980, is connected to the community sewer system, and serves Shelter Cove beachgoers, fishers and boaters using the boat launch facility, and other public land visitors to Shelter Cove, Mal Coombs Park, and other BLM-managed coastal access sites in the vicinity. This facility is the only public restroom in Shelter Cove. More than two decades of heavy public use, the adverse effects from the marine environment, sporadic vandalism, vehicle collision impacts, and plumbing problems have exacted a physical toll on the building. The facility has deteriorated and is at the end of its useful public life. The proposed project would demolish the existing facility, refurbish the plumbing and electrical service, and install a precast concrete restroom building occupying the same footprint as the existing facility. The building design will incorporate natural colors to remain visually compatible with the surrounding landscape and development. The project site is located well away from coastal bluffs and scenic vistas, and no sensitive habitats or cultural resources would be affected.

The Commission staff agrees that the proposed restroom facility replacement at Mal Coombs Park will not adversely affect coastal resources and will support public access and recreation at Shelter Cove. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Peter M. Douglas".

(F21) PETER M. DOUGLAS
Executive Director