

**CALIFORNIA COASTAL COMMISSION**

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



# F 3

**DATE:** August 24, 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]

<b>PROJECT #:</b>	ND-042-06
<b>APPLICANT:</b>	Department of the Navy
<b>LOCATION:</b>	Chollas Creek, Naval Base San Diego
<b>PROJECT:</b>	Small boat dock replacement
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	7/25/2006

<b>PROJECT #:</b>	ND-048-06
<b>APPLICANT:</b>	Corps of Engineers, Los Angeles District
<b>LOCATION:</b>	Channel Islands Harbor and Port Hueneme Harbor, Ventura Co.
<b>PROJECT:</b>	Maintenance dredging and beach replenishment disposal
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	7/20/2006

<b>PROJECT #:</b>	ND-052-06
<b>APPLICANT:</b>	Department of the Air Force
<b>LOCATION:</b>	Vandenberg AFB, Santa Barbara Co.
<b>PROJECT:</b>	Combat Information Transport System upgrade
<b>ACTION:</b>	Concur
<b>ACTION DATE:</b>	7/25/2006



PROJECT #:	ND-062-06
APPLICANT:	Department of the Navy
LOCATION:	Wilson Cove, San Clemente Island, Los Angeles Co.
PROJECT:	Replacement of 4 Small Boat Moorings
ACTION:	Concur
ACTION DATE:	7/27/2006

PROJECT #:	ND-067-06
APPLICANT:	Department of the Navy
LOCATION:	Southeast of Wilson Cove, San Clemente Island, Los Angeles Co.
PROJECT:	Temporary Boat Mooring
ACTION:	Concur
ACTION DATE:	8/16/2006



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July 25, 2006

CDR Marko Medved  
Naval Base San Diego  
Department of the Navy  
3455 Senn Road  
San Diego, CA 92136-5084

Attn: Catherine Haran

Subject: Negative Determination **ND-042-06**, Chollas Creek Small Boat Dock Replacement at Naval Base San Diego, San Diego County

Dear Commander Medved:

The Commission staff has reviewed the above-referenced negative determination for the replacement of the Chollas Creek small boat dock at Naval Base San Diego. The Navy proposes to conduct the following activities:

- Remove existing temporary wooden floating docks;
- Install new pre-engineered floating concrete headwalk;
- Install three new pre-engineered steel "T" shaped finger piers with floating docks;
- Install 12 new 13 to 16 inch diameter concrete piles;
- Install 2 new 35 foot steel gangway platforms.

The Navy states that this project is necessary because the existing temporary dock facilities are no longer adequate for the Navy Boat Police's approximately 27 small crafts and the continued use of these facilities will result in substantial repair costs to these vessels. In addition, the Navy states that continued use of the existing facilities will increase the likelihood that Naval personnel working in this area will be injured due to unstable footing, weakened wood support, tripping hazards, and overall unsafe conditions. The proposed project will not result in an increase in existing operations as the operating time of the crafts and the number and type of crafts will remain the same.

The proposed project will not significantly affect coastal uses or resources. The project is located in an area currently used by the Navy, which restricts public access 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 Navy maintains that the removal and replacement of the floating docks associated with this project will result in minimal

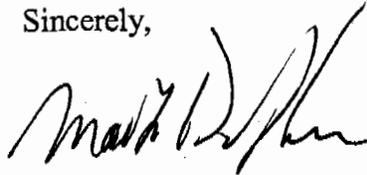
increases in turbidity that will be isolated to a small area around the piles and near the bottom. These increases in turbidity will be contained by the use of silt curtains during pile driving and jetting. The small number of piles and short duration of construction activity (less than 45 days) at Naval Base San Diego combined with the project's distance from least tern foraging and nesting areas will ensure that this project has no significant impacts on foraging or nesting least terns.

Potential underwater noise impacts associated with the pile driving aspects of the proposed project will be reduced by "pre-jetting" the concrete piles to minimize the time needed for pile driving. Additionally, the Navy has determined that no adverse impacts to protected marine species are expected from the proposed project because these species are not likely to be within the vicinity of the project area during the short time that will be spent driving piles.

The Navy has submitted the results of a pre-construction *Caulerpa taxifolia* survey to the Commission demonstrating that there is no *Caulerpa taxifolia* within the project area and has also submitted the results of eelgrass surveys from 1994 to 2004 as evidence that the project site is not suitable eelgrass habitat.

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 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,



(fan)

PETER M. DOUGLAS  
Executive Director

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

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July 20, 2006

Ruth Villalobos  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

**RE:** ND-048-06 Negative Determination, Army Corps, Extension to previously-concurred-with consistency determination (CD-52-94) and subsequent negative determination (ND-040-00) for 6-Year Maintenance Dredging Program for Channel Islands and Port Hueneme Harbors, Ventura County

Dear Ms. Villalobos:

In 1994, the Coastal Commission concurred with the Army Corps' consistency determination for the six-year Maintenance Dredging Program for Channel Islands and Port Hueneme Harbors, including maintenance dredging to existing dredged depths, and beach disposal of up to 6.9 million cubic yards of clean sandy material at Sliver Strand and Hueneme beaches. In 2000, the Coastal Commission staff concurred with the Army Corps' negative determination for the six-year extension of the dredging program, citing Federal consistency regulations which allow a negative determination to 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 proposed project is required in order to maintain federally-authorized channel configurations, and restore and assure safe navigability within the harbors. At Channel Islands Harbor, the Corps would dredge material in three biennial dredging cycles (at years 1, 3, 5), removing up to 2.0 million cubic yards of material per cycle. At Port Hueneme Harbor, the Corps would dredge once, during one of the dredging cycles for Channel Islands Harbor, removing up to 300,000 cubic yards of material. The Corps would dispose of the dredged material, as needed, on Hueneme Beach and Silver Strand Beach for shore protection and to offset current erosion problems.

Prior to the start of the 2005 dredging cycle at Channel Islands Harbor, the U.S. Fish and Wildlife Service (FWS) informed the Corps that California least terns (*Sterna antillarum brownii*) and Western snowy plovers (*charadrius alexandrinus nivosus*) were

using an ephemeral beach that had formed at the sand trap area for nesting (terns) and foraging, roosting and loafing (plovers). The Corps initiated formal consultation with the FWS, and the resulting Biological Opinion concluded that, while the project would not result in any direct losses or harassment, the loss of nesting habitat and foraging, roosting and loafing habitat constituted a "take" of up to 51 pair of California least terns and up to 5 pair of Western snowy plovers. Reasonable and prudent measures were recommended by the FWS in order to allow this "incidental take." Those measures were required during the 2005 dredging and would be required during all dredging at Channel Island Harbor during the period covered by this negative determination:

1. *The limits of the dredging activities shall be clearly marked to prevent dredging equipment from entering areas beyond the smallest footprint needed to complete the project. Colored flagging would be appropriate to delineate the project boundaries.*
2. *Vehicles and all dredging activities shall remain within the defined activity area and use only designated access points and staging areas.*
3. *The work area shall be kept clean to avoid attracting predators. All food and trash shall be disposed of in closed containers and removed from the project site.*
4. *No pets shall be allowed on the construction site.*<sup>1</sup>

Dredging activities would not take place during the nesting season of Western snowy plovers or California least terns, or the spawning season of California grunion (*Leuresthes tenuis*). Construction would be scheduled to take place between October 1 and March 15 to accommodate these reproductive windows. Should construction extend past March 15, due to winter storms, additional measures would be imposed to minimize potential impacts to snowy plovers and least terns:

1. *Agency coordination will be reinitiated when it appears operations may continue beyond March 15.*
2. *Beach disposal will be limited to a diked, single-point disposal site.*
3. *The Corps will have a qualified expert survey the project area and document snowy plover activity. If it is documented that no plover nesting activities are occurring or found in the project area, then operations may continue with triweekly surveys (3 times per week). If snowy plover sites are found or nesting activities are noted, activities will be marked and mapped. Field monitoring will be conducted to determine impacts to the snowy plover. The Corps will consult with the resource agencies to determine the level of impacts to the snowy plover. If, at any time, it is determined that construction will affect active nesting snowy plovers, the Corps will instruct the contractor to immediately stop operations.*<sup>2</sup>

Should construction extend past March 15, due to winter storms, additional measures would be imposed to minimize impacts to California grunions:

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<sup>1</sup> Draft Environmental Assessment for Channel Islands/Port Hueneme Harbors Maintenance Dredging Project, Ventura County. Prepared by U.S. Army Corps of Engineers, South Pacific Division, Los Angeles District. June 2006. pg. 18.

<sup>2</sup> Ibid., Appendix B. 404(b)(1)Evaluation. pg. 5.

*...observing the beach during the spawning time (night-time, high, spring tides) prior to the proposed operation to determine if grunion has spawned*

*in the proposed disposal area. If grunion has spawned, no disposal activities will occur until the eggs are hatched at the following two spring-tide series.<sup>3</sup> [sic]*

Finally, for any nearshore disposal, dredged material would be restricted to water depths greater than -3m MLLW to avoid impacts to the Pismo clam (*Tivela stultorum*).

Under 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." As discussed above, the Commission has concurred with a similar consistency determination (CD-52-94) and a similar negative determination (ND-040-00) for this project, and similar habitat protection measures were included in those projects. We therefore **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Diane Livia (415-904-5250) if you have any questions.

Sincerely,



(for) Peter Douglas  
Executive Director

cc: Ventura District Office  
U.S. Fish and Wildlife Service

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<sup>3</sup> Ibid.



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July 25, 2006

Gary Johnson  
Chief, Environmental Flight  
30<sup>th</sup> Space Wing  
Department of the Air Force  
30 CES/CEV  
1515 Iceland Avenue, Room 181C  
Vandenberg AFB, CA 93437-5319

Subject: Negative Determination ND-052-06 (Combat Information Transport System Upgrade,  
Vandenberg Air Force Base, Santa Barbara Co.)

Dear Mr. Johnson:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to install and upgrade fiber optic cables to support the Combat Information Transport System Upgrade throughout Vandenberg Air Force Base (VAFB) in Santa Barbara County. The work includes installation of approximately 90 miles of new and replacement fiber optic cable and conduit, 82 new handholes, and maintenance and upgrade work at 438 existing manholes, handholes, and pullboxes on VAFB. Most installation and maintenance work would occur along paved roads, unpaved or gravel roads, dirt access roads, and established trails; five segments of new fiber optic cable would be installed in open space. The project is scheduled to occur over a twelve-month period starting in July 2006.

Sensitive biological resources that occur within project boundaries will either be avoided or potential adverse effects will be mitigated in accordance with formal Section 7 consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act. Installation and upgrade work would occur in areas not located along the shoreline or in other scenic coastal areas. The project would not affect public access or recreation as VAFB is closed to public use for military security reasons.

In conclusion, the Commission staff agrees that the proposed communications system upgrade at Vandenberg Air Force Base 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,

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

(for) PETER M. DOUGLAS  
Executive Director

ND-052-06 (U.S. Air Force)

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

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July 27, 2006

R.D. Johnston  
Deputy Public Works Officer  
Department of the Navy  
Naval Air Station North Island  
Box 357033  
San Diego, CA 92135-7033

Attn: Delphine Lee

Re: **ND-062-06**, Navy, Negative Determination, Small Boat Moorings for Wilson Cove,  
San Clemente Island

Dear R.D. Johnston:

The Navy has submitted a negative determination for the replacement of four small boat moorings at Wilson Cove, San Clemente Island. 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." The Coastal Commission staff agrees that the proposed moorings replacement, as described in your submittal, would not adversely affect coastal zone resources and would be similar to the project proposed in ND-024-04 with which we previously concurred. 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,

*(for) Mark Delaplaine*  
PETER M. DOUGLAS  
Executive Director

cc: Long Beach District Office  
Corps of Engineers, L.A. District



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August 16, 2006

G.A. Shephard  
CDR, CEC, USN  
Public Works Officer  
Naval Base Coronado  
P.O. Box 357040  
San Diego, CA 92135-7040

Subject: Negative Determination ND-067-06 (Temporary boat mooring offshore of San Clemente Island, Los Angeles Co.)

Dear CDR Shephard:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to install a temporary boat mooring approximately 1.7 miles east of San Clemente Island (southeast of Wilson Cove) at a water depth of 1,000 feet. Since 1998 the Navy has recorded noise levels of Navy surface ships in the waters east of San Clemente Island using a fixed vertical-line hydrophone array. The fixed array recently failed and until repairs are completed the Navy must use a portable array deployed from a range craft. The portable array requires a stable platform and this requirement would be met by the range craft using the proposed mooring. The mooring consists of a four-foot-cubed 6,000 pound concrete anchor placed on the sandy bottom ocean floor, 67 feet of anchor chain, 1,000 feet of double-braided nylon rope, and a lighted buoy at the ocean surface. The anchor and mooring will be installed by crane from a surface vessel in the general location of the fixed array, and will be removed when the inoperable fixed array is replaced and the portable array is no longer needed. The Navy anticipates the portable array will be used between August 2006 and January 2007. The temporary mooring will not affect recreational boating or fishing as the project site is closed to public use for military security reasons. The proposed mooring and array are similar in design to the currently inoperable fixed array. The Navy reports that because the fixed array has not affected marine mammals offshore of San Clemente Island, it does not anticipate any adverse effects from the temporary mooring and array.

The Commission staff agrees that the proposed temporary boat mooring offshore of Wilson Cove at SCI 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,

*LARRY EMMON*  
*For*

PETER M. DOUGLAS  
Executive Director

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