

CALIFORNIA COASTAL COMMISSION

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



W 9

DATE: December 20, 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-078-06
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Moss Landing Harbor, Monterey Co.
PROJECT:	Maintenance dredging, beach and ocean disposal
ACTION:	Concur
ACTION DATE:	12/13/2006

PROJECT #:	ND-090-06
APPLICANT:	U.S. Navy
LOCATION:	Seal Beach National Wildlife Refuge, Orange Co.
PROJECT:	Wildlife Refuge Security Fencing
ACTION:	Concur
ACTION DATE:	12/7/2006

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December 13, 2006

Eric Jolliffe
Acting Chief, Environmental Section A
San Francisco District
U.S. Army Corps of Engineers
ATTN: Nancy Ferris
333 Market Street, 7th Floor
San Francisco, CA 94105-2197

Subject: Negative Determination ND-078-06 (Maintenance dredging at Moss Landing Harbor,
Monterey County)

Dear Mr. Jolliffe:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to conduct maintenance dredging within the federal channels at Moss Landing Harbor in Monterey County during a 45-day period in January and February 2007. Maintenance dredging of the federal channels by the Corps of Engineers normally occurs on a three-year dredging cycle; the Moss Landing federal channels were last dredged in October and November 2002. The proposed project includes the maintenance dredging of 45,000 cubic yards (cu.yds.) of shoaled sediment in the Moss Landing Harbor federal channels with beach and ocean disposal as follows: (1) 13,500 cu.yds. of clean sandy material from the entrance channel will be disposed as beach nourishment at the historically used South Spit Beach disposal site; and (2) 31,500 cu.yds. of clean silty material from the Entrance and Lagoon Channels will be disposed at the historically used and EPA-approved SF-12 offshore disposal site, located 1,100 feet offshore from Moss Landing in water depths of 100-150 feet at the head of Monterey Canyon. Dredging for all channels would extend to authorized dredge depths of -15 feet mean lower low water.

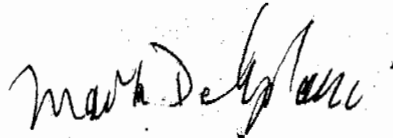
The sediments proposed for dredging were tested and analyzed as specified in "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual (USEAP/USACE 1998)" and "PN 01-01: Guidelines for Implementing the Inland testing Manual in the San Francisco Bay Region (USACE 2001)." The test results established that the sediments proposed for beach nourishment are suitable for placement on South Spit Beach and that sediments proposed for placement at SF-12 are suitable for unconfined aquatic disposal. USEPA also reviewed the sediment test results and concluded that the materials were acceptable for beach and ocean disposal. Other sediments within Moss Landing Harbor which were determined unsuitable for unconfined aquatic disposal due to contamination levels will not be dredged; buffer zones between these sediments and the areas to be dredged have been established and will ensure that dredging operations do not disturb unsuitable sediments.

Disposal pipes conveying dredged material, equipment to contour the beach after dredged material placement, and safety fencing may temporarily disrupt recreational use of South Spit Beach. However, because project activities will occur in January and February, only minimal and temporary adverse effects on public access and recreation are likely to occur. The federally threatened Western snowy plover will not be adversely affected by the proposed project, as this species does not nest on South Spit Beach and the project will occur outside the March through September breeding season. Seals and sea lions occasionally haul out on the South Spit Beach shoreline, and the Corps has committed to halting disposal activities when marine mammals are encountered.

Under the federal consistency regulations (Section 15 CFR 930.35(a)), a negative determination can be submitted for an activity "which is the same or similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to Corps of Engineers dredging and disposal projects at Moss Landing previously concurred with by the Commission, including most recently consistency determinations CD-097-98 and CD-038-83, and negative determinations ND-056-02, ND-042-96, and ND-031-93.

In conclusion, we agree with the Corps that the proposed project would not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(PMD) PETER M. DOUGLAS
Executive Director

cc: CCC – Central Coast Area Office
California Department of Water Resources
Governor's Washington, D.C., Office
Moss Landing Harbor District
Monterey Bay National Marine Sanctuary

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December 7, 2006

David Baillie
Environmental Director
Department of the Navy
Naval Weapons Station, Seal Beach
800 Seal Beach Boulevard
Seal Beach, CA 90740-5000

Attn: Margaret Wallerstein

RE: **ND-090-06** Negative Determination, Navy, Wildlife Refuge Security Fencing,
Naval Weapons Station, Seal Beach, Orange Co.

Dear Mr. Baillie:

The Coastal Commission staff has received the above-referenced negative determination for the installation of 1600 linear ft. of security fencing to protect the Seal Beach Wildlife Refuge, at the Naval Weapons Station in Seal Beach. The fencing would be placed adjacent to Pacific Coast Highway (PCH), south of the Anaheim Bridge and northeast of Surfside Colony. Existing "no trespassing" signs have not stopped unauthorized entry and damage to the resources of the refuge. The project is supported by the U.S. Fish and Wildlife Service, as well as the City of Seal Beach and the County Sheriff's Department.

The fence would be similar to a number of existing fences along PCH that protect other portions of the refuge, would be 7 ft. high, chain link, and topped with barbed wire. The fence will benefit, among other species, the light-footed clapper rail, the California least tern, and ghost shrimp. The fence will not block legal public access and recreation and will keep debris and erosion from unauthorized public out of sensitive areas. Views will be available through the fence, and, due to its similarity to adjacent fencing, the project is similar to nearby fencing and will not appreciably adversely affect scenic coastal public views. The project will also benefit public safety and traffic flow.

In conclusion, we **agree** with your that the activity would not adversely affect any coastal zone resources, and we hereby **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: Long Beach District Office