

## CALIFORNIA COASTAL COMMISSION

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



# Th 8

**DATE:** April 19, 2007

**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-004-07
APPLICANT:	U.S. Marine Corps
LOCATION:	San Onofre Mobile Home Park and South Mesa, northern Marine Corps Base Camp Pendleton, San Diego Co.
PROJECT:	Military family housing
ACTION:	Concur
ACTION DATE:	4/4/2007

PROJECT #:	ND-005-07
APPLICANT:	U.S. Marine Corps
LOCATION:	Wire Mountain housing area, southern Marine Corps Base Camp Pendleton, San Diego Co.
PROJECT:	Temporary Lodging Facilities and Extension of San Jacinto St.
ACTION:	Object
ACTION DATE:	4/18/2007

PROJECT #:	ND-006-07
APPLICANT:	U.S. Navy
LOCATION:	Naval Base Point Loma, San Diego
PROJECT:	Upgrades to Magnetic Silencing Facility and construction of replacement finger pier
ACTION:	Concur
ACTION DATE:	3/23/2007

PROJECT #:	ND-016-07
APPLICANT:	U.S. Navy
LOCATION:	Naval Weapons Station, Seal Beach, Orange Co.
PROJECT:	Construct storage building
ACTION:	Concur
ACTION DATE:	4/17/2007

PROJECT #:	ND-020-07
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Oceanside Harbor, San Diego Co.
PROJECT:	Maintenance Dredging, nearshore disposal
ACTION:	Concur
ACTION DATE:	4/18/2007

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April 4, 2007

S.W. Norquist  
Head, Natural Resources Department  
Marine Corps Base Camp Pendleton  
ATTN: Mark Anderson  
Box 555008  
Camp Pendleton, CA 92055-5008

Re: **ND-004-07** U.S. Marine Corps Negative Determination, Military family housing at San Onofre Mobile Home Park and South Mesa, Marine Corps Base Camp Pendleton, San Diego Co.

Dear Mr. Norquist:

The Coastal Commission staff has reviewed the above-referenced negative determination for two military housing redevelopment projects at Marine Corps Base Camp Pendleton. The projects would be mostly landward of the coastal zone boundary, and fully within existing residential development footprints. Towards the northern part of the base, in the San Onofre area and east of I-5, the Marine Corps proposes to demolish vacated mobile home pads and driveways and construct up to 344 multi-family housing units on the 44-acre San Onofre Mobile Home Park, which previously contained 249 mobile home units. In the southern portion of the base, in the South Mesa area, also east of I-5, the Marine Corps proposes to replace 474 existing duplex units with the same number of new units, and, within the same development footprint, construct an additional 134 multi-family units.

The Marine Corps has included measures to minimize traffic and water quality impacts, and, in consultation with the U.S. Fish and Wildlife Service (USFWS), to protect nearby environmentally sensitive habitat areas. Water quality measures include:

- a) Prepare water quality plans (an SWPPP) to minimize and control runoff and Best Management Practices (BMPs), including use of bioswales, straw bales, erosion control mats, hydroseeding, and other site-specific measures to reduce the transport of pollutants and sediment in surface runoff from developed areas.
- b) Follow design measures, including construction restrictions, revegetation, storm water/erosion management, habitat restoration, and exotic species control to reduce the impact on terrestrial species. Any additional terms and conditions of

the USFWS informal consultation will be incorporated into the project to avoid, minimize, and compensate for any effect on protected species.

Habitat measure include:

- a) Protect the arroyo toad by installing exclusionary fencing from construction areas prior to the breeding season (15 March-1 July), with a biological monitor present.
- b) Protect (offsite) coastal California gnatcatchers by either avoiding construction during the breeding season or preconstruction nest surveys, nest monitoring during construction, noise monitoring, and noise attenuation measures if needed to stay below 60 dBA (decibels) within nesting territories.
- c) Protect against indirect impacts to the least Bell's vireo and southwestern willow through following the guidance provided in the Riparian BO (USFWS 1995).
- d) Protect nearby habitat areas through light shielding directed away from adjacent natural habitats, prohibiting cats and dogs (unless confined to an enclosure), and fencing around the outer perimeter of the housing site will help reduce human disturbance in areas adjacent to natural habitats.
- e) Provide boundary delineators and educational signage along access roads adjacent to sensitive habitats to discourage trespass into sensitive wildlife areas. Educational signage will provide public awareness about environmental resources, increasing local stewardship of sensitive species and associated habitats.
- f) Protect nesting avian and raptor species by performing preconstruction nest surveys, avoiding any active nests, and clearing of vegetation prior to the nesting period.

Access and recreation impacts would be minimal. Aside from traffic impacts, the project would not affect public access or recreational use of the coastal zone. Both sites are located east of I-5 in military property with restricted access to the public. Reducing on-base housing deficiencies will reduce off-base traffic. Furthermore, most of the traffic generated from the new homes would be internal to Camp Pendleton and would not affect roads used by the public for access and recreation, such as I-5. Construction traffic would be planned to minimize impacts on I-5 and during peak periods, through the preparation and implement a traffic control plan, which would contain measures needed to minimize traffic safety and congestion impacts.

Impacts on public views, such as from I-5, would be minimal, as the new development would occur in previously developed areas and would have a similar appearance to surrounding uses (and would include landscaping). Building heights and architectural styles would be similar to the existing development. The projects would not obstruct any current public views toward the ocean. Finally, no archaeological resources would be affected.

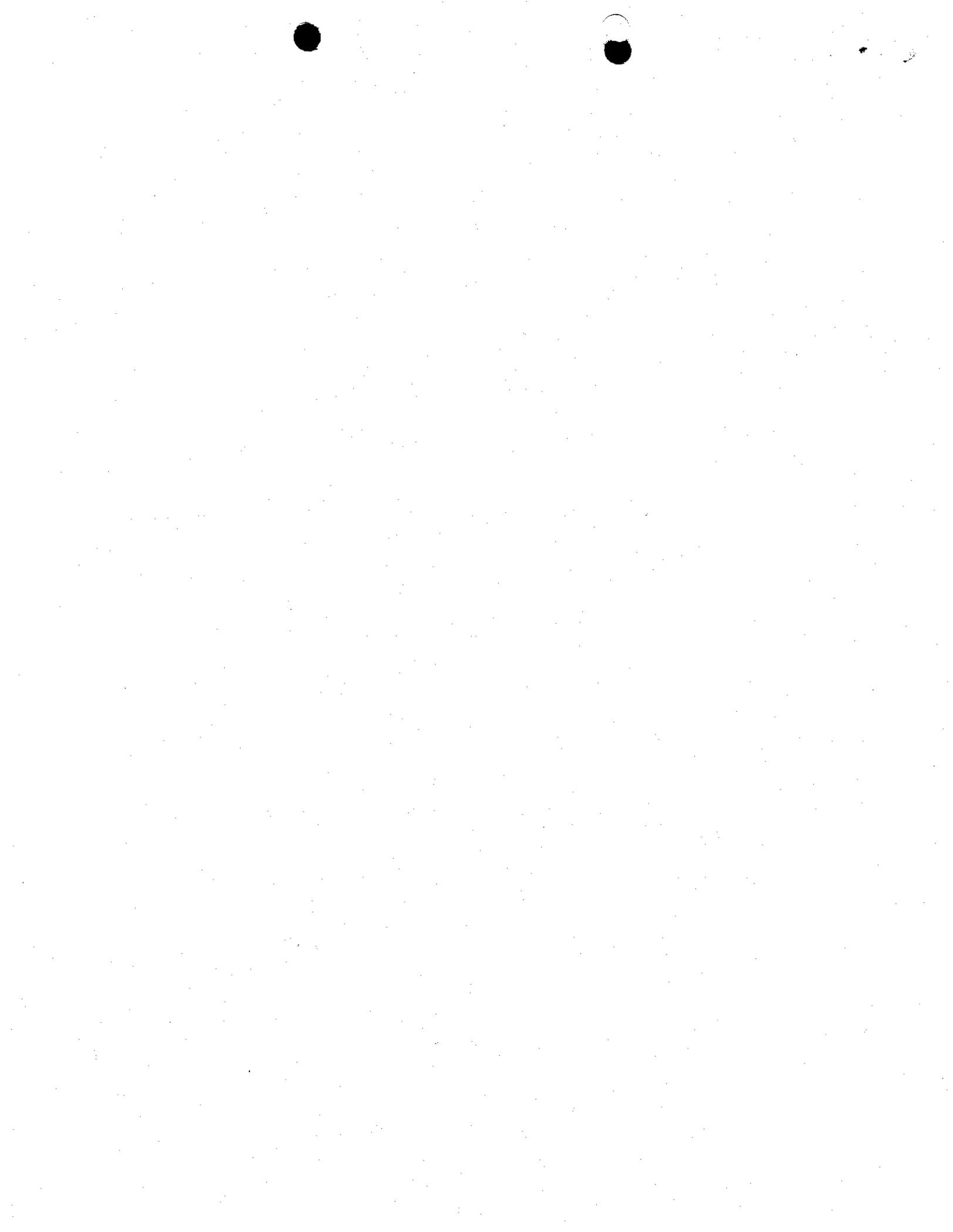
In conclusion, the Commission staff **agrees** that the proposed project would not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 should you have any questions regarding this matter.

Sincerely,



(PMD)  
PETER M. DOUGLAS  
Executive Director

cc: CCC- San Diego Coast Area Office  
California Department of Water Resources  
Governor's Washington, D.C., Office



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April 18, 2007

S.W. Norquist  
Head, Natural Resources Department  
Marine Corps Base Camp Pendleton  
ATTN: Colleen Eckenroad  
Box 555008  
Camp Pendleton, CA 92055-5008

Re: **ND-005-07** U.S. Marine Corps Negative Determination, Temporary Lodging Facilities and Extension of San Jacinto St., Marine Corps Base Camp Pendleton, San Diego Co.

Dear Mr. Norquist:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of Temporary Lodging Facilities (TLF) and the Extension of San Jacinto St., in the southern portion of Marine Corps Base Camp Pendleton (and in the Wire Mountain Housing area, east of I-5).

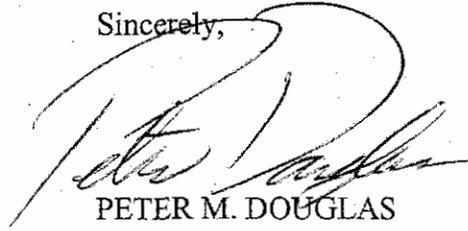
We agree with the Marine Corps that, with the measures you have included to protect water quality, the housing portions of the project, located within existing developed areas, would not affect the coastal zone. However we disagree that the street extension would not affect the coastal zone. The street extension involves wetland fill and impacts to gnatcatcher occupied coastal sage scrub habitat. The project would therefore be inconsistent with several Coastal Act policies protecting wetlands and environmentally sensitive habitat (Sections 30233 and 30240 of the Coastal Act). Moreover, the Marine Corps has not looked at alternatives that would avoid these impacts (i.e., relocating the road to avoid taking out coastal sage scrub habitat, and/or bridging the wetlands). In addition, even if the use were allowable, the Marine Corps has not shown how the wetland and coastal sage scrub/gnatcatcher losses would be mitigated. While the activities are located slightly outside the coastal zone, we have historically consistently treated wetlands and endangered/threatened species impacts on federal lands to constitute coastal zone effects, due to the scarcity of the habitat, the loss of which puts additional pressure on any remaining habitat in the coastal zone.

If these two projects were separated, which it would appear they could be, we could concur with a negative determination for the housing portions of the project. However, since they have been combined into one determination, it is necessary to object to the

determination as submitted. At a minimum, the street extension portion will need a consistency determination, or, alternatively, a redesign to avoid the conflicts with the Coastal Act policies noted above.

In conclusion, the Commission staff **disagrees** that the proposed project would not adversely affect coastal zone resources. We therefore **object** to 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, appearing to read "Peter M. Douglas", written over a large, stylized, looping flourish.

PETER M. DOUGLAS  
Executive Director

cc: CCC- San Diego Coast Area Office  
Army Corps, San Diego Field Office

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FAX (415) 904-5400



March 23, 2007

Michael Roth  
Naval Base Point Loma  
140 Sylvester Road  
San Diego, CA 92106-3521

Subject: Negative Determination ND-006-07 (Upgrades to Magnetic Silencing Facility and construction of replacement finger pier, Naval Base Point Loma, San Diego)

Dear Mr. Roth:

The Coastal Commission staff has reviewed the above-referenced negative determination for upgrading the Magnetic Silencing Facility (MSF) located at Naval Base Point Loma (NBPL) on San Diego Bay. The facility currently provides magnetic treatment (deperming) of Navy surface vessels and calibration and testing of magnetic signature reduction (degaussing) systems. The deperming and degaussing process significantly reduces the risk to Navy ships from magnetic mines. The proposed upgrades to the MSF will provide it with the capability to meet operational requirements for deperming and degaussing newer class Navy surface vessels equipped with advanced degaussing systems, which are not currently supported at any U.S. Naval base in the Pacific region.

The MSF includes two piers, a 750-foot-long by 26-foot-wide concrete Deperming Pier and an Electromagnetic Roll Garden Pier, consisting of two parallel 300-foot-long by 8-foot-wide concrete finger piers. The two piers are connected by an access walkway at the north end of the Deperming Pier; a second access walkway connects the southern end of the Deperming Pier to the shoreline. Existing underwater systems associated with the piers consist of magnetic field generating coils (Y-Loop and Z-Loop), magnetometer arrays (sensors), and associated cables. Other existing in-water elements include mooring dolphins, mooring buoys, and floating boat barriers. Immediately to the south of the MSF is the Explosive Ordnance Disposal (EOD) pier and the attached dolphin pens, which are used by the Space and Naval Warfare Systems Command (SPAWAR) in its marine mammal mine-hunting behavior training operations.

The proposed action will upgrade the existing deperming and measurement systems at the two piers and the associated in-water sensors and cables, vessel mooring and fendering systems at the Deperming Pier, the floating boat barriers, and the power supply system. Horizontal directional drilling will be used to install cables below the floor of San Diego Bay. The MSF upgrades would expand the bay bottom footprint of this facility from seven to sixteen acres. (The water portion of NBPL includes submerged lands extending from the high water mark out to 300 yards, and all but the extreme northeast corner of the expanded footprint will remain within this offshore area. The only structure which would extend outside the 300-yard zone is a section of

the floating boat barrier that will extend approximately 125 feet beyond the NBPL water boundary at the northeast corner of the MSF.) Four small onshore buildings no longer needed by the MSF will be demolished. The existing EOD pier and dolphin pens will be demolished, and new dolphin pens will be attached to a new 423-foot-long by 20-foot-wide Marine Mammal Pier to be constructed between the MSF and the existing refueling pier to the north. This new finger pier will extend out to an existing SPAWAR dolphin isolation pen facility, which will be reconfigured to add additional dolphin pens.

All in-water construction activities will occur outside the California least tern nesting season in order to avoid any adverse effect on least tern foraging in waters within and adjacent to the MSF. No dredging is proposed with this project. New concrete pilings for the replacement mooring dolphin adjacent to the Deperming Pier and the replacement Marine Mammal Pier will be installed using jetting and a vibratory hammer to reduce sediment suspension and noise. Bottom sediment disturbance from installation of electronic components will be temporary in nature. While there are no eelgrass beds in the immediate project area, eelgrass is present in adjacent waters and could potentially be affected from sediment suspension and movement. The Navy will conduct pre-and post-construction eelgrass surveys in the general project area, and if adverse effects are documented the Navy will mitigate those impacts by using credits in the Navy's San Diego Bay eelgrass mitigation bank. The replacement Marine Mammal Pier north of the MSF will not adversely affect marine habitat as the shading and piling impacts of this structure will be offset by the removal of the existing and larger EOD Pier and pilings south of the MSF.

Horizontal directional drilling (HDD) technology will be used to install the Y-Loop cables into the bay bottom at approximately 90 feet below mean lower low water. The Navy has developed an HDD monitoring plan that establishes monitoring and response criteria to minimize the environmental effects of this operation. The plan includes a description of HDD operations, provisions for Navy and contractor personnel training, monitoring elements, and drilling fluid spill response and clean-up plans. The HDD monitoring plan is similar to previous plans the Commission has concurred with for the Navy's use of HDD technology in coastal waters (most recently with CD-043-06 for the installation of cables offshore of San Clemente Island).

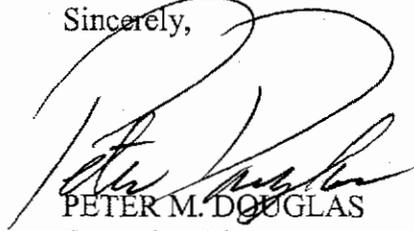
The floating boat barriers that will be placed around the perimeter of the MSF are identical to those installed by the Navy at several of its San Diego Bay facilities, including Naval Base Point Loma, and concurred with by the Commission in past consistency and negative determinations. Public access and recreation will not be affected by the proposed project as the waters of NBPL are presently closed to the public due to military security restrictions, and the extension of the floating boat barrier system approximately 125 feet beyond the 300-yard zone at the extreme northeast corner of the MSF will not adversely affect public recreational use of the waters of San Diego Bay in this area.

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 contains pier replacement and HDD construction elements similar to Navy projects in San Diego Bay and offshore waters previously concurred with by the Commission or its Executive Director (e.g., CD-043-06, ND-

088-06). The project would upgrade the existing MSF in a manner similar to a previous upgrade at this facility concurred with by the Commission in 1992 (CD-028-91).

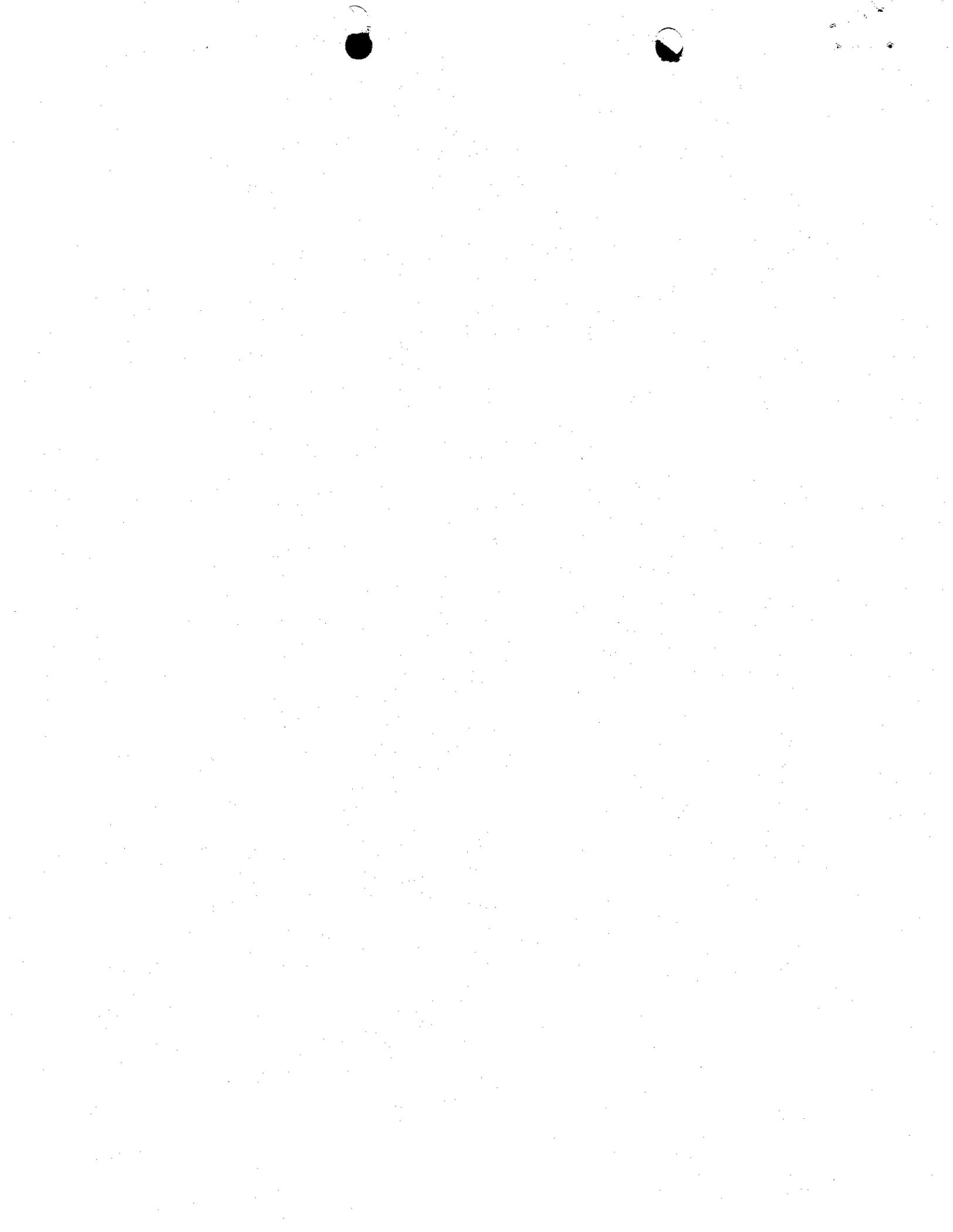
In conclusion, the Coastal Commission staff **agrees** that the proposed upgrades to the Magnetic Silencing Facility and construction of a replacement Marine Mammal Pier at Naval Base Point Loma will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS  
Executive Director

cc: Delphine Lee, Navy Region Southwest, San Diego  
Julia Speer, Navy Region Southwest, San Diego  
CCC – San Diego Coast District Office  
California Department of Water Resources  
Governor's Washington, D.C., Office



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April 17, 2007

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-016-07** Negative Determination, Navy, Mobile Mine Assembly Unit Fifteen,  
Naval Weapons Station, Seal Beach, Orange Co.

Dear Mr. Baillie:

The Coastal Commission staff has received the above-referenced negative determination for the construction of an approximately 20,000 sq. ft. building adjacent to an existing building at the Seal Beach Naval Weapons Station. The project also includes infrastructure, renovations to the existing adjacent building (Building 78), and repairs (to pre-existing conditions) of an existing berm adjacent to Forrestal Pond. The building is needed to serve the Mobile Mine Assembly Unit Fifteen, which recently transferred from Texas.

The new building would be no closer to existing wetlands on the refuge than the existing building, does not pose any public view or access impacts, and construction activities would include Best Management Practices and preparation of a Stormwater Prevention Plan to protect water quality and nearby wetlands. The berm repair would benefit wildlife and has been requested by the U.S. Fish and Wildlife Service. The Navy has also included measures to assure protection of environmentally sensitive habitat (including measures to avoid impacts to burrowing owls, snowy plovers, least terns, Belding's savannah sparrows, brown pelicans, and light footed clapper rails).

In conclusion, we **agree** with your conclusion 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 black ink, appearing to read "Mark Douglas", written over a white background.

*(KAD)* PETER M. DOUGLAS  
Executive Director

cc: Long Beach District Office



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April 18, 2007

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

Re: Negative Determination ND-020-07, Army Corps Maintenance Dredging,  
Oceanside Harbor, San Diego County

Dear Ms. Villalobos:

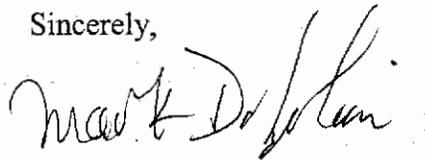
The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps proposes to dredge between 130,000 and 200,000 cu.yds. of sandy material from Oceanside Harbor and dispose of in the nearshore area it south of Ash St. in Oceanside (south of the municipal pier). This project 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, and 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, and the Corps habitat protection commitments remain the same as those included in the previous dredge/disposal sessions.

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 the above-mentioned consistency and negative determinations with which we 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 at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine". The signature is written in a cursive, somewhat stylized font.

(for) PETER M. DOUGLAS  
Executive Director

cc: San Diego Coast District Office