

CALIFORNIA COASTAL COMMISSION

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



F 5

DATE: May 23, 2007

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
 Alison Dettmer, Deputy Director, Energy, Ocean Resources and Federal
 Consistency Division
 Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
 Consistency Division

RE: Negative Determinations Issued by the Executive Director
 [Executive Director decision letters are attached]

PROJECT #:	ND-003-07
APPLICANT:	U.S. Navy
LOCATION:	East side of San Clemente Island
PROJECT:	Cable replacement
ACTION:	Concur
ACTION DATE:	3/29/2007

PROJECT #:	ND-015-07
APPLICANT:	U.S. Coast Guard
LOCATION:	Coast Guard Station Bodega Bay, Sonoma Co.
PROJECT:	Installation of floating "Jet" Dock
ACTION:	Concur
ACTION DATE:	4/27/2007

PROJECT #:	ND-017-07
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	San Francisco Deep Ocean Disposal Site
PROJECT:	Maintenance dredge material disposal, dredged from Port of Richmond
ACTION:	Concur
ACTION DATE:	5/8/2007

PROJECT #:	ND-019-07
APPLICANT:	U.S. Navy
LOCATION:	Naval Base Point Loma, San Diego
PROJECT:	Military Construction Projects
ACTION:	Concur
ACTION DATE:	5/15/2007

PROJECT #:	ND-021-07
APPLICANT:	Department of the Air Force
LOCATION:	Pillar Point Air Force Station, San mateo County
PROJECT:	Rmove radar and support structures
ACTION:	Concur
ACTION DATE:	5/3/2007

PROJECT #:	ND-023-07
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Port Hueneme, Ventura Co.
PROJECT:	Install Air Search Radar System at the Surface Warfare Engineering Facility (SWEF)
ACTION:	Concur
ACTION DATE:	5/15/2007

PROJECT #:	ND-027-07
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Various locations, northern California
PROJECT:	Habitat Restoration Activities
ACTION:	Concur
ACTION DATE:	4/27/2007

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March 29, 2007

G.A. Shephard, CDR, CEC, USN
Department of the Navy
Commander Navy Region Southwest
937 North Harbor Dr.
San Diego, CA 92132-0058

Attn: Delphine Lee

RE: **ND-003-07**, Negative Determination, Navy Cable Replacement, Surface Ship Radiated Noise Measurement (SSRNM) Array, east side of San Clemente Island

Dear CDR. Shephard:

The Coastal Commission staff has reviewed the above-referenced negative determination for the replacement of an underwater cable array on the east side of San Clemente Island. The cable array would be located about 5000 yards from shore in water depths of 3900 ft., with a connecting cable from shore (Bldg. 60114 on the southern tip of Wilson Cove). The cables are used for passive acoustic monitoring. Existing cable failure necessitates their replacement. No active acoustics are involved.

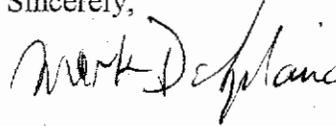
The cable diameter for the first third of cable length from shore will be 2.5 inches, with the remainder 1.5 inches. The cables will connect to anchored risers with vertical underwater buoy lines containing the passive hydrophones. The Navy estimates a 15 year life for the cable array. As an alternative to previous Navy commitments that the Navy submit a future analysis addressing the feasibility and environmental effects of removal when the array is no longer needed, the Navy provided an up-front analysis discussing those factors and concluding that based on its experience with similar cables, removal at that future date would be more environmentally damaging and arguably infeasible than leaving in place. The Commission staff notes that the federal consistency reopener provisions (15 CFR § 930.45(a)(2)) are available in the event that circumstances change such that what may currently be infeasible may in the future become feasible, or that the cable may not be buried as the Navy anticipates. Also, the Navy notes that it does remove obsolete hydrophones from the marine environment when replacing them with new hydrophones.

The cable will be laid through a section of kelp bed; the Navy will use divers to carefully and slowly lay the cable to avoid affect kelp plants. White abalone will not be affected. The project will not release contaminants or adversely affect water quality.

The project will not affect public access and recreation.

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 cursive script that reads "Mark Delaplaine".

(for) PETER M. DOUGLAS
Executive Director

cc: Long Beach District Office

CALIFORNIA COASTAL COMMISSION

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April 27, 2007

Dave Stalters
Chief, Environmental Division
Civil Engineering Unit Oakland
U.S. Coast Guard
ATTN: Amanda Velasquez
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

Re: **ND-015-07**, Coast Guard Negative Determination, Jet Dock® installation, Bodega Bay, Sonoma County

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination for the installation of a floating Jet Dock® at the Coast Guard's Bodega Bay station on the north side of Doran Spit in Bodega Bay. The dock would be adjacent to an existing dock, and would enable small boats to sit out of the water (and reduce the need for hull maintenance). The project would not affect any eelgrass and would not involve pile driving or bottom disturbance. Shading impacts from the 30 by 15 ft. dock would be minimal. The Jet Dock® would consist of interlocking plastic components, and the Coast Guard has committed, at the Commission staff's request, to monitor the integrity and avoid exposing marine mammals to debris from the dock, stating:

Coast Guard, Civil Engineer Unit Oakland (CG CEUO) will conduct a facility inspection every 5 years for 15 years that includes the new Jet Dock on the East floating dock. The above water sections of the Jet Dock 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 the Jet Dock 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.

With this commitment, the Commission staff **agrees** that the proposed dock installation 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 if you have any questions regarding this matter.

Sincerely,



(FD)

PETER M. DOUGLAS
Executive Director

cc: North Central Coast District Office

CALIFORNIA COASTAL COMMISSION

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May 8, 2007

Laurie Suda, Chief
Environmental Section B
U.S. Army Corps of Engineers
Attn: Roger Fernwood
San Francisco District
333 Market St.
San Francisco, CA 94105-2197

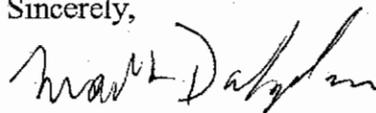
Re: **ND-017-07** Negative Determination, Corps of Engineers, Port of Richmond Inner Harbor Maintenance Dredging, with Disposal at SF-DODS, offshore of San Francisco

Dear Ms. Suda:

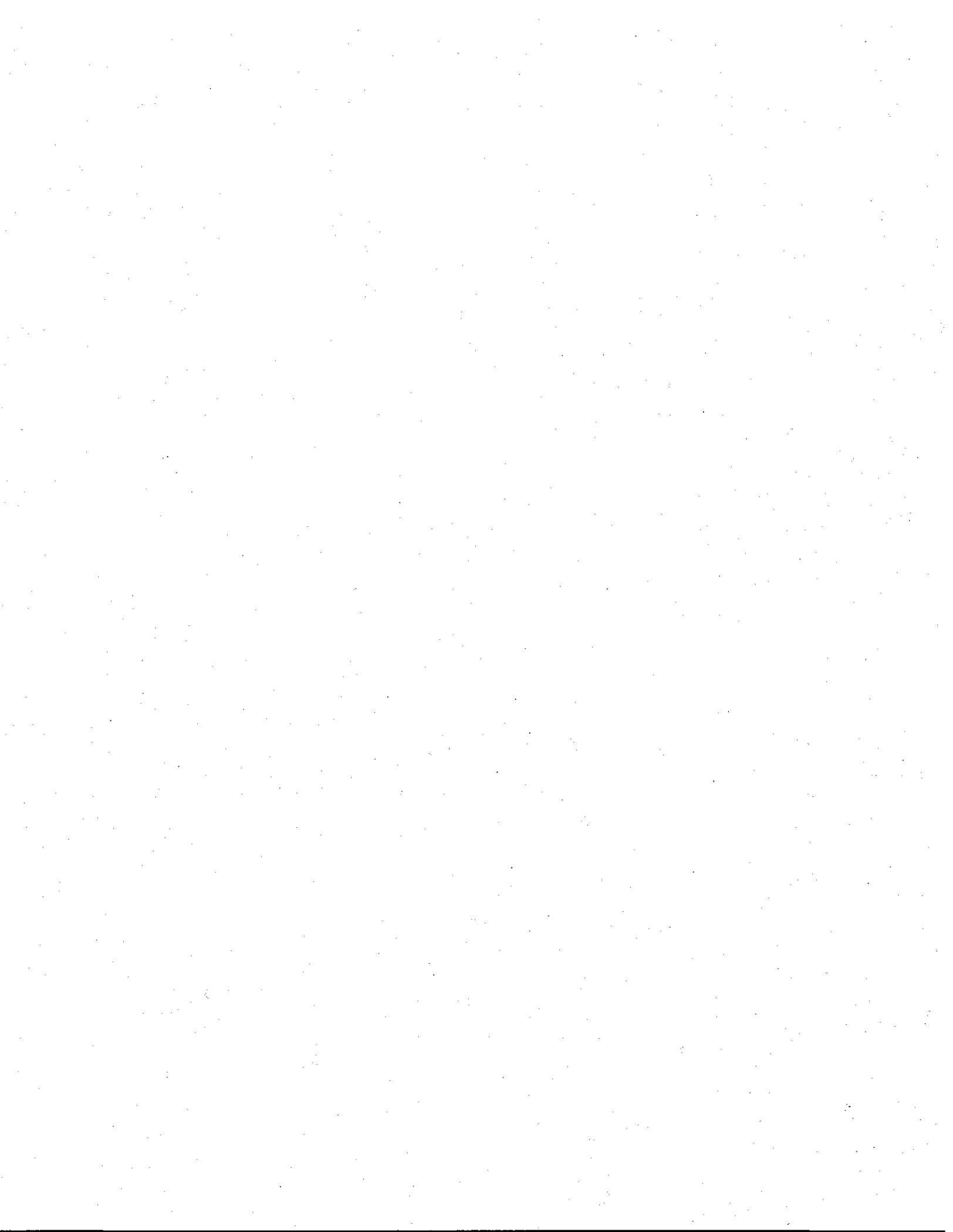
The Coastal Commission staff has received the above-referenced negative determination for ocean disposal of 450,000-750,000 cubic yards of material to be dredged in the Port of Richmond. The disposal site is the EPA-approved deep ocean disposal site (SF-DODS), located approximately 50 miles west of San Francisco. The proposed dredging and disposal project is anticipated to be completed by November 30, 2007. As you are aware, most of that project entails activities within San Francisco Bay that do not involve Coastal Commission jurisdiction, but rather are within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The Corps has tested the material, and the test results have been reviewed by the interagency Dredge Materials Management Office (DMMO) set up to review San Francisco Bay dredging activities. The test results show the material proposed for disposal at SF-DODS is suitable for open ocean disposal.

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." We agree with the Corps that this project is similar to several Army Corps Consistency and Negative Determinations we have concurred with. We therefore **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,


(for) PETER M. DOUGLAS
Executive Director

cc: North Central Coast Area Office
EPA
BCDC
RWQCB, S.F. Bay Region



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May 15, 2007

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

Subject: Negative Determination ND-019-07 (Military construction projects at Naval Base Point Loma, San Diego)

Dear CDR Roth:

The Coastal Commission staff has reviewed the above-referenced negative determination. In September 2005, the federal Base Realignment and Closure Commission recommended closure of Naval Station Ingleside, Texas, realignment of Naval Air Station Corpus Christi, Texas, and relocation of certain ships, personnel, equipment, and support from these facilities to Naval Base San Diego and Naval Base Point Loma (NBPL). In order to implement this relocation, the Navy will construct five projects at two of NBPL's tenant command locations – Submarine Base San Diego and Fleet AntiSubmarine Warfare Center. The following proposed projects are located at the Submarine Base:

- Project 794V: Interior refurbishment of Building 603 for housing.
- Project 797V: Interior refurbishment of Building 139 for administrative offices.
- Project 796V: Addition of one parking level to the top of existing three-level Parking Structures 608 and 636.

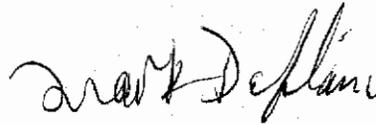
The following proposed projects are located at the Fleet AntiSubmarine Warfare Center:

- Project 792V: Interior renovation of Buildings 11, 502, and 554 for offices, laboratories, and classrooms. Demolition of Buildings 553, 554, and 555 (Bachelor Quarters housing) and construction of a new, two-story Minelab training building for classrooms and laboratories on the site of the three demolished buildings south of Building 82; alternatively, Building 12 will be demolished and the new Minelab building would be constructed on this site west of Building 82.
- Project 791V: Interior renovation of Buildings 1 and 11 for administrative offices.

The proposed construction activities will not affect public access to the shoreline of San Diego Bay as all five projects are located in areas closed to the general public for military security reasons. All proposed construction will occur in existing developed areas and will not affect any environmentally sensitive habitat. The Navy will prepare and implement a storm water pollution prevention plan to control runoff from project sites and provide spill prevention and containment measures. The construction of the new Minelab building and the addition of one parking level to the top of Parking Structures 608 and 636 will not adversely affect public views to and along the shoreline of San Diego Bay. The proposed two-story Minelab building will be sited next to three- and four-story buildings. If the Minelab is constructed south of Building 82, views of the Minelab will be blocked from Harbor Drive by existing buildings and perimeter vegetation. If the Minelab is constructed west of Building 82, views of the Minelab will be only partially blocked by perimeter vegetation; the building itself will not block any existing views towards San Diego Bay from Harbor Drive. The two parking structures are located adjacent to one seven-story and two eight-story buildings, and the parking structures are not distinguishable when the area is viewed from Cabrillo National Monument due to the extensive development of the Submarine Base.

In conclusion, the Coastal Commission staff **agrees** that the proposed military construction projects at Submarine Base San Diego and Fleet AntiSubmarine Warfare Center, located within 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,



(fm)

PETER M. DOUGLAS
Executive Director

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

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May 3, 2007

Beatrice L. Kephart
Chief, Environmental Flight
30th Space Wing
Department of the Air Force
ATTN: Dina Ryan
30 CES/CEV
1515 Iceland Avenue, Room 181C
Vandenberg AFB, CA 93437-5319

Subject: Negative Determination ND-021-07 (Remove radar and support structures at Pillar Point Air Force Station, San Mateo County)

Dear Ms. Kephart:

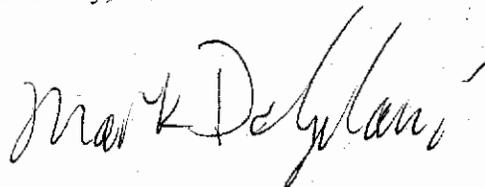
The Coastal Commission staff has reviewed the above-referenced negative determination for the decommissioning and removal of outdated MPS-36 radar and associated support structures at the Pillar Point Air Force Station (PPAFS) near El Granada, San Mateo County, located adjacent to the Pacific shoreline. The Air Force has used the radar at PPAFS since the 1970s as a launch vehicle tracking system and situated the device and its trailer at its current site in 1986. The Air Force subsequently placed several support structures atop an asphalt pad next to the radar, including a computer trailer, a bathroom trailer, and a utilities cabinet, and installed an asphalt road leading to the site.

The radar system and associated structures are located immediately east of PPAFS on top of a flat peninsula several dozen feet above sea level, which provides the required line-of-sight visibility to track launched vehicles. The decommissioned radar and all its related structures are to be removed and their parts reused at other Air Force facilities; however, the existing asphalt-covered surface and roadway connecting the site to the existing PPAFS facilities will remain. No environmentally sensitive habitat or cultural resources would be disturbed by the proposed removal project at the existing developed site. In addition, the removal of the structures would improve the scenic nature and visual quality of the area by partially restoring an unobstructed view of the ocean for residents of the neighboring city of El Granada and communities to the east, as well as travelers along Highway 1 and at sea.

In conclusion, the Coastal Commission staff **agrees** that the proposed removal of a radar system and associated support structures at Pillar Point Air Force Station 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 Christina Cairns at (415) 396-9708 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Douglas". The signature is written in a cursive style with a large, sweeping "M" and "D".A small handwritten mark consisting of the letters "P" and "M" enclosed in a circle, positioned to the left of the typed name.

PETER M. DOUGLAS
Executive Director

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

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May 15, 2007

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-023-07**, Navy, Negative Determination, Installation and Test of Air Search Radar, Naval Base Ventura County.

Dear Mr. Dow:

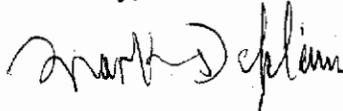
The Navy has submitted a negative determination for the temporary installation, for testing purposes, of an Air Search Radar system and telescoping tower and air horn at the Surface Warfare Engineering Facility (SWEF) in Port Hueneme. The purpose of the radar is to test the performance of the radar system, including measuring its ability to track live targets, and verify, calibrate, and determine the capability of the system.

The installation and testing will occur in between May 2007 through January 2008. The radar will be placed (attached to the building) at the 4th and 5th floors of the SWEF, 50 ft. above ground and 60 ft. above sea level, and below the highest roofline of the building. The azimuths and safe separation distance for this radar are such that no public areas would be affected. Radar testing will involve a Calibrated Sphere Test, including launching an aerostat balloon from a boat 1.5 mi. offshore at 3 locations. The balloon will be tethered and recovered upon completion.

To track the capability of the radar, the Navy proposes an initial, temporary, installation of a 60 ft. high telescoping tower, which would be replaced after four months with a 150 ft. tall tower. The second tower would be in place for four months, and in January 2008 it would be removed. Due to the temporary nature of the tower construction, the industrialized nature of the views from the beach and the ocean, and with the Navy's explanation as to why the tower could not feasibly be relocated outside the public viewshed, the visual impacts will be temporary and not incompatible with the character of the surrounding area.

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 temporary installation and testing of this system in Port Hueneme would not adversely affect coastal zone resources and can be considered the same as or similar to previous consistency and negative determinations with which we previously concurred for new and replacement radars at the SWEF. 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) PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

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April 27, 2007

David L. Harlow
Acting Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Attn: Janet Whitlock

Re: **ND-027-07**, U.S. Fish and Wildlife Service Negative Determination for Habitat Restoration Activities funded through the Luckenbach Restoration Plan, northern California

Dear Mr. Harlow:

On October 11, 2006, the Commission staff concurred with your negative determination for a series of restoration projects to restore seabirds and marine mammal species injured by releases of oil from the *S.S. Jacob Luckenbach* off the central coast of California, using oil spill restoration funds (**ND-074-06**). The negative determination was submitted on behalf of the federal trustees participating in the restoration planning process for the Luckenbach spill. The Luckenbach trustees include the U.S. Fish and Wildlife Service (Service), the National Park Service (NPS), the National Oceanic and Atmospheric Administration (NOAA) and the California Department of Fish and Game (Fish and Game).

The negative determination covered six restoration projects: (1) Dune Habitat Restoration at Point Reyes; (2) Common Murre Colony Protection Project in Marin, San Mateo, and Monterey Counties; (3) Corvid Management at Point Reyes; (4) Reading Rock Murre Colony Restoration in Humboldt County; (5) Nesting Habitat Restoration at Año Nuevo Island in San Mateo County; and (6) Sea Otter Pathogens Education and Outreach.

Again on behalf of the Trustees, the Fish and Wildlife Service has submitted a supplemental negative determination discussing eight additional activities, several of which would have no effect on the coastal zone, several of which are being reviewed separately as coastal development permit items, and one that is an expansion of one of the previous restoration projects and which would have similar effects. The remaining projects would consist of brown pelican roost site protection in Humboldt and Del Norte Counties, Dune Restoration and Snowy Plover Nest Protection in Humboldt and Mendocino Counties, and Corvid Management in Marbled Murrelet Habitat.

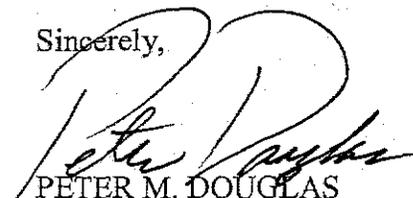
The pelican roosting projects would be adaptive and respond to disturbance issues as they arise, and would include surveys, education and outreach, placement of buoys at strategic locations, fencing and/or signs, and annual monitoring. The Fish and Wildlife Service has committed that any activities that would involve any public access restrictions would be further coordinated with the Commission staff and could result in further consistency review (or permit review of the entity implementing the project is not a federal agency).

The dune restoration and snowy plover projects would include removal of non-native beachgrass and revegetation with native dune plants (and with recurring removal activities needed to keep the non-natives from returning). The locations would be at Little River, Mendocino County, and possibly at Eel River, Clam Beach and Mad River County Park in Humboldt County. Work will occur outside the plover nesting season. Dunes will be recontoured after the non-native are buried on the east side of dunes, and initial work will involve mechanized equipment, with recurring work limited to hand removal. The activities include surveying for and protecting (avoiding affecting) native and sensitive plants. Plover protection will include education, symbolic fencing, and nest exclosures (with ongoing monitoring and adaptive management to determine success of the measures). Fencing will be adaptive, as fences can increase predation; the Fish and Wildlife Service states it will incorporate lessons learned from other plover fencing projects to avoid directly or indirectly harming plovers. No exclosures or signs will be placed until after mid-April when merlins have left the area. Areas where access will be restricted to protect plovers are not the areas heavily used by recreationists, because they are in the higher dunes further from shore. Access from parking areas to the shore will be maintained, although it may be concentrated to defined paths. In any event, as with the pelican roosting projects, any activities that would involve any public access restrictions would be further coordinated with the Commission staff and could result in further consistency review (or permit review of the entity implementing the project is not a federal agency).

The corvid management is needed to protect threatened marbled murrelets and would involve limiting anthropogenic food sources, public education and outreach. The activity could include raven removal; however the Fish and Wildlife Service has committed to coordinating further with the Commission staff and, if requested, further consistency review (or permit review of the entity implementing the project is not a federal agency).

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 past restoration activities reviewed in the above-mentioned negative determinations with which we concurred, including ND-74-06 (Luckenbach Restoration), ND-94-03 (BLM Snowy plover restoration), and ND-13-04 (FWS snowy plover protection). In addition, as discussed above, where needed further coordination and possible Commission review will occur before project implementation. 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: North Coast District Office