

CALIFORNIA COASTAL COMMISSION

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



F 9

DATE: June 21, 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-022-07
APPLICANT:	U.S. Coast Guard
LOCATION:	Humboldt Bay
PROJECT:	Aid to Navigation Maintenance and Pile Installation
ACTION:	Concur
ACTION DATE:	6/19/2007

PROJECT #:	NE-024-07
APPLICANT:	ConocoPhillips
LOCATION:	Offshore Ocean Beach, San Francisco
PROJECT:	Disposal of dredge material at SF-8
ACTION:	Concur
ACTION DATE:	6/18/07

PROJECT #:	ND-025-07
APPLICANT:	National Park Service
LOCATION:	Santa Monica Mountains National Recreation Area, Los Angeles Co.
PROJECT:	Demolition of two abandoned residential structures
ACTION:	Concur
ACTION DATE:	6/4/2007

PROJECT #:	ND-030-07
APPLICANT:	Department of the Navy
LOCATION:	Naval Weapons Station Seal Beach, Orange Co.
PROJECT:	Repairs to eroded roadway channel banks
ACTION:	Concur
ACTION DATE:	6/1/2007

PROJECT #:	ND-031-07
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Central California coast shoreline, primarily Santa Barbara Co.
PROJECT:	Seabird and marine species restoration projects (SWEF)
ACTION:	Concur
ACTION DATE:	6/1/2007

PROJECT #:	ND-032-07
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Offshore Ocean Beach, San Francisco
PROJECT:	Disposal of dredge material at SF-8 and or off Sloat Blvd.
ACTION:	Concur
ACTION DATE:	6/1/2007

PROJECT #:	ND-034-07
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Moss Landing, Monterey Co.
PROJECT:	Maintenance dredging and disposal of dredge material at SF-14 and South Spit Beach
ACTION:	Concur
ACTION DATE:	6/14/2007

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June 19, 2007

Joseph Laughlin
U.S. Coast Guard
Civil Engineering Unit Oakland
2000 Embarcadero, Suite 200
Oakland, CA 94606

Subject: Negative Determination ND-022-07 (Aid-To-Navigation Maintenance and Piling Installation at Station Humboldt Bay, Eureka, Humboldt Co.)

Dear Mr. Laughlin:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Coast Guard proposes to replace at the same locations six deteriorating Aid-To-Navigation (ATON) structures in Humboldt Bay, and install four 16-inch-diameter steel pilings at USCG Station Humboldt Bay. The six ATONs are in various states of disrepair: steel pilings are rusted out, timber pilings rotted through, and two of the structures have collapsed. The six existing structures will be removed using barge-mounted equipment and replaced with steel pile structures in the same location. The four proposed pilings at the USCG Station are required for operational safety due to strong currents that pull vessels toward the rock breakwater immediately to the south of the Station boathouse. The replacement and new pilings will be installed using the vibratory driving method and no impact driving will be used in order to minimize noise impacts. Existing pilings will be removed using vibratory extraction. Work hours will be planned around the tides to avoid having the project barge come into contact with the channel bottom. The barge will be pulled to deeper water by a tugboat and operations will cease during low tides depending on specific site conditions. Work will occur between August 1-31 in the lower bay and August 1-September 15 in the upper bay and is expected to take approximately twenty days.

Eelgrass is present northeast of ATON #4, and replacement work at this site could generate minor and temporary turbidity impacts to this habitat. However, the project tugboat will work in deeper water to the east and any potential turbidity effects will be quickly dissipated by tidal flushing. No eelgrass beds are present at the USCG Station piling installation site. The project work window conforms to the standard in-water work schedule agreed upon by the U.S. Fish and Wildlife Service and National Marine Fisheries Service to avoid out-migrating salmonids.

In conclusion, we agree with the U.S. Coast Guard that the proposed project is necessary to maintain safe navigation and would not adversely affect coastal resources within Humboldt Bay. 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,



(for) PETER M. DOUGLAS
Executive Director

cc: CCC – North Coast District Office
California Department of Water Resources
Governor’s Washington, D.C., Office
U.S. Fish and Wildlife Service – Arcata
National Marine Fisheries Service – Arcata
Humboldt Bay Harbor, Recreation, and Conservation District

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June 18, 2007

Dennis Quillici
ConocoPhillips Co.
San Francisco Refinery
1380 San Pablo Ave.
Rodeo, CA 94572-1354

Re: **NE-024-07**, No Effects Determination, ConocoPhillips Co., disposal at SF-8 of material dredged from Rodeo Refinery

Dear Mr. Quillici:

The Coastal Commission staff has received the above-referenced "no effects" determination for SF-8 disposal of 5,000 cubic yards of material to be dredged at ConocoPhillips' Refinery in the San Francisco Bay area in Rodeo (San Pablo Bay). SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco.

As you are aware, the dredging aspect of the activity is within San Francisco Bay and does not involve Coastal Commission jurisdiction, but rather the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). In addition to our review, the suitability of the material for aquatic and littoral disposal was reviewed by BCDC and the other agencies comprising the interagency Dredge Materials Management Office (DMMO), which was set up to review San Francisco Bay dredging activities. The DMMO recommended beneficial reuse, and disposal at SF-8 has historically been considered beneficial reuse by the DMMO, and by the Commission as consistent with the Coastal Act, because sand disposed at SF-8 nourishes the littoral system at Ocean Beach in San Francisco. The Commission staff has concurred with numerous disposals of sandy material at SF-8 in its review of previous Corps of Engineers proposals for maintenance dredging of the San Francisco Main Ship Channel (ND-020-06, ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-009-01, ND-018-00, and ND-010-98), as well as several Corps of Engineers and various San Francisco Bay Ports dredging/SF-8 disposal at various San Francisco Bay Ports (NE-070-05, NE-075-05, ND-43-01, ND-105-00, NE-97-96, ND-99-95, and ND-82-94).

Accordingly, and consistent with these past reviews, we **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

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

(For) PETER M. DOUGLAS
Executive Director

cc: North Central Coast Area Office
EPA
U.S. Army Corps of Engineers
BCDC
RWQCB, S.F. Bay Region

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June 4, 2007

Woody Smeck
National Park Service
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, CA 91360-4207

Attn: Glen Douglas, Jim Richardson

RE: **ND-025-07**, National Park Service, Building demolitions, Santa Monica
Mountains National Recreation Area, Los Angeles Co.

Dear Mr. Smeck:

The Coastal Commission staff has reviewed the above-referenced negative determination for the demolition of two abandoned and damaged single family homes and appurtenant development (e.g., septic systems) in the Santa Monica Mountains. The first building is adjacent to Malibu Creek State Park, is known as the former Randa property, and is on NPS Tract 125-10. The second is located further west, at 33290 Mulholland Highway, along the proposed Backbone Trail, and is on NPS Tract 113-65. Both demolitions would improve public views, as well as public access and recreation.

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,

A handwritten signature in black ink, appearing to read "Mark Delaplaine", written over a white background.

(fat)

PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

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June 1, 2007

Stanley Landaas
Acting Environmental Director
Naval Weapons Station Seal Beach
ATTN: Margaret Wallerstein
800 Seal Beach Boulevard
Seal Beach, CA 90740-5000

Subject: Negative Determination ND-030-07 (Channel bank erosion repairs at Naval Weapons Station Seal Beach, Orange Co.)

Dear Mr. Landaas:

The Coastal Commission staff has reviewed the above-referenced negative determination, which was submitted subsequent to the Executive Director's December 20, 2006, objection to your ND-083-06 for the proposed erosion repairs. The Navy has provided additional information regarding the proposed erosion repairs and potential impacts to coastal resources. The Navy proposes to repair two sections of eroded channel bank immediately adjacent to roads used by the Navy to transport munitions and ordnance within the Naval Weapons Station (NWS). In 1981 and 1990 the Navy, in coordination with the U.S. Fish and Wildlife Service, restored tidal flows to two separate areas of the Seal Beach National Wildlife Refuge (Refuge) that were long-isolated from tidal influence. Over the years, these new tidal flows have restored and enhanced salt marsh habitat within the Refuge; at the same time these flows have eroded two sections of channel bank that support roadway berms within the NWS that pre-date by decades the restoration of tidal flows.

Unchecked erosion at the two sites would render the roadways impassible (an action that the Navy is required to prevent) and would compromise tidal flows to the restored portions of the Refuge, either by redirecting tidal flows out of the restored areas should a roadway berm fail or by eliminating tidal flows to restored areas when eroded channel bank materials block tidal culverts. Interruption of tidal flows into the restored wetlands at Case Street Pond, Bolsa Cell, and alongside Kitts Highway would significantly degrade salt marsh habitat, endangered species habitat, and water quality. Continued channel bank erosion at these two sites would deposit soil into the tidal channels, raise turbidity levels, and adversely affect water quality in those channels. The Navy states that the proposed channel bank repairs were designed "as part of the overall management strategy to protect and enhance habitat values in the Refuge in accordance with the Naval Weapons Station Seal Beach Integrated Natural Resources Management Plan."

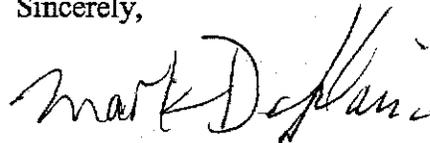
The proposed repairs generally involve placement of crushed aggregate and soil on the eroded sections of channel banks, regrading channel banks to 2:1 slope, placement of geotextile across

the repaired sections, and placement of a 12-inch-deep layer of maximum size 12-inch diameter stone to protect the repaired slope against further erosion. No dredging of existing substrate will occur at either work location and all work will occur on the man-made channel banks. One project site is located at Forrestal Avenue and 6th Street and encompasses approximately 900 sq.ft. of channel bank. The proposed work includes filling an eight-foot-wide eroded cut on the bank slope that is migrating towards Forrestal Avenue and repairing a 100-foot-long section of channel bank. The second project site is located at the intersection of Kitts Highway and Bolsa Avenue and encompasses approximately 500 sq.ft. of channel bank. The proposed work includes repairing a 50-foot-long section of channel bank that is eroding towards Bolsa Avenue.

Repair work is expected to take eight days at the Forrestal Avenue location and three days at the Bolsa Avenue site, and will occur between September 15 and March 15 to avoid the California least tern nesting season. There are no eelgrass beds at either project site and while California clapper rails and Belding's savannah sparrow are present in the Refuge, these species do not use habitat in the immediate vicinity of the project sites. To prevent soil and aggregate from entering tidal waters all construction work will be subject to the Best Management Practices specified in the NWS Storm Water Management Plan, and to further protect water quality all construction work will occur at low tide and during daylight hours.

In conclusion, the Commission staff **agrees** that the proposed channel bank erosion repair projects at the Naval Weapons Station Seal Beach would not adversely affect coastal resources. The proposed repair work will ensure that tidal flows continue to reach restored salt marsh habitat within the Seal Beach National Wildlife Refuge and that wetland berms which support critical NWS roadways remain structurally sound. 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,



(for) PETER M. DOUGLAS
Executive Director

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

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June 1, 2007

Steve Henry
Assistant Field Supervisor
U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Rd., Suite B
Ventura, CA 93003

Attn: Jeff Phillips

Re: **ND-031-07**, U.S. Fish and Wildlife Service Negative Determination for
Torch/Platform Irene Oil Spill Restoration Plan, Santa Barbara County

Dear Mr. Henry:

The Commission staff has reviewed the above-referenced negative determination for a series of restoration projects that would provide public recreational opportunities and help restore seabird and marine species injured by releases of oil from a pipeline spill emanating from Platform Irene off the coast of Santa Barbara County, near Vandenberg Air Force Base (VAFB). The selected projects are proposed to be funded using oil spill restoration funds. This negative determination request was submitted on behalf of the federal trustees participating in the restoration planning process for the Torch/Platform Irene spill, with assistance from the Santa Barbara County Planning and Development Department. The trustees include the U.S. Fish and Wildlife Service (Service), VAFB, the California State Lands Commission (CSLC), and the California Department of Fish and Game (Fish and Game), collectively known as the Torch/Platform Irene Trustee Council.

The Trustees have selected five restoration projects as part of the Oil Spill Restoration Plan, all of which would occur entirely or in part within the California coastal zone (although most would be on federal land). These consist of: (1) Seabird Colony Enhancement; (2) Mussel Bed Restoration; (3) Rocky Intertidal Habitat Protection Program with a Focus on Abalone and Other Rocky Intertidal Species; (4) Boardwalk at Ocean Beach Park (Phase 1); and (5) Sandy Beach and Dune Habitat Restoration. Four of the proposed projects are recommended by the federal Trustees for inclusion in this negative determination, the remaining one of which (Sandy Beach and Dune Habitat Restoration) requires further planning and development by VAFB before it will be ready for analysis under the Coastal Zone Management Act (CZMA). Another of the proposed restoration projects (Boardwalk at Ocean Beach Park) would be split into two phases, the first phase of which is proposed as part of this negative determination while the second may

require a federal consistency determination¹. Both phases would require a Coastal Development Permit from the Coastal Commission (with Santa Barbara County the applicant). The first phase qualifies for a negative determination because it is located within an existing development footprint; the second phase may require additional permits from state and federal agencies as it would intrude into a previously undeveloped area of the coastal zone, and is to be funded by alternative sources. The Service, on behalf of the federal Trustees, has requested that the Coastal Commission staff concur with these proposed restoration projects through the negative determination process. The five projects, including those not requested for negative determination consideration, are summarized below.

(1) Seabird Colony Enhancement Project

The primary goal of this project is to restore injured seabird resources to pre-spill or baseline conditions, and to compensate for interim ecological losses pending full recovery. More specifically, the primary goal of the Seabird Colony Protection Program is to improve the survival of California's seabird species such as common murre (Uria aalge), California brown pelicans (Pelecanus occidentalis californicus), and cormorants (Phalacrocorax spp.) by reducing human disturbances at their breeding and roosting colony sites.

This Seabird Colony Enhancement Project will reduce disturbance to seabirds by implementing an educational program involving signs, buoys and outreach materials designed to educate users of the coast about the presence of nesting and roosting seabirds and ways to avoid disturbing these sensitive seabirds. No new public access or recreational activity restrictions are planned as part of this project, rather improved signage around seabird colonies and public education and outreach will improve the public's understanding and compliance with restrictions already in place and/ or will demarcate advisory exclusion zones.

The federal trustees are seeking concurrence with a negative determination for this project as outlined in the Final Restoration Plan/ Environmental Assessment (Final RP/EA). Additionally, when additional project details are available, a subsequent submittal to the CCC will include identification of the location of kiosks and signs to be installed, and further discussion of the types/ locations of advisory exclusion zones around the colonies.

The Trustees will coordinate with implementing entities to ensure that any kiosks or signs, if installed, are carefully designed and placed so as not to detract from the natural aesthetics of the area. Additionally, structures will be placed in open well-traveled areas to maximize sign efficacy and to reduce the risk of vandalism.

While the discouragement of recreational activities around sensitive areas may be perceived by some to limit the enjoyment and scope of the public's recreational experience, this restriction is expected to be minimal and will not significantly

¹ The CZMA implementing regulations provide for phased review, where appropriate (15 CFR § 930.36(d)).

affect recreational opportunities. Moreover, the Trustee Council will carefully coordinate with implementing agencies to balance the goal of minimizing the impacts to seabird colony resources with preserving quality opportunities for recreation. Similarly, any restrictions that may impact fishermen are expected to be minimal given the small number of seabird colonies in the region and the limited nesting season.

This project would have a beneficial impact on the environment through education and limitation on certain activities. This restoration alternative does not affect public health and safety. Although part of the project will occur in ecologically sensitive areas, this project consists of educating the public and decision makers, which has no adverse effect on these areas, and restricting use in order to protect the seabird colonies, has a beneficial effect on the environment. Because this project consists of educating the public about protecting seabirds the action will not adversely affect endangered or threatened species, or its critical habitat, but instead, will have only beneficial effects on listed species. Consequently, this project will benefit and enhance the natural resources of the coastal zone.

(2) Mussel Bed Restoration

Mussel beds in northern Santa Barbara County and elsewhere in Southern California have been declining for the past several years. The value of mussel beds in the coastal region is well documented. Mussel beds are relied upon by many marine animals as an important food source. When damaged, they may take as long as 15 - 20 years to recover fully. Many organisms depend on this stable habitat for their livelihood, including the diverse assemblage found within the mussel bed itself. As the Spill impacted rocky intertidal habitats, including mussel beds, this project will seek to speed up the natural restoration process of these impacted mussel beds by seeding barren areas with adult mussels. The mussel beds will be "seeded" by laying small patches of adult mussels on the substrate. Burlap cloth, made of degradable organic materials, will be fixed to the substrate to facilitate mussel adherence.

Restoring mussel beds will provide wide-ranging benefits to a variety of individual species including barnacles, limpets, worms, snails, and varieties of algae. More importantly, the project will directly benefit a very important ecosystem. And, since mussels are the primary food of seastars, maintaining a stable source of mussels provides direct benefits to seastars. Restoring mussel beds to a healthy condition also provides collateral benefits to marine mammals such as sea otters. Additionally, valuable data will be collected with the study design, using two different techniques, to determine if the presence of some plants and animals are beneficial to mussel recruitment or if their presence increases competition for space. This information will be helpful for other restoration efforts.

Implementation of the mussel bed restoration project is not expected to result in any significant adverse effects to the human environment. Collecting the mussels

from the source locations could impact those source mussel beds. However, to ensure that the source locations are not significantly impacted, a minimum of 30 percent cover of mussels will be left at each source location. Additionally, instead of taking mussels from other healthy mussel beds along the coast, mussels will be collected from an offshore platform (a potential offshore platform source is Torch's Platform Irene).

The Trustees determined that this type and scale of project would provide appropriate compensation for the impacts to the intertidal areas and specifically, to the mussel beds injured as a result of the Spill. This project will benefit and enhance the natural resources of the coastal zone.

(3) Rocky Intertidal Habitat Protection Program - Focus on Abalone and Other Rocky Intertidal Species

The goal of this project is to provide local community outreach and education regarding the sensitivities of rocky intertidal habitats and to reduce the impacts from human disturbance on tidepools. No new access or recreation restrictions are envisioned as part of this project; rather, education will focus on information about existing restrictions and how to avoid disturbing or harming wildlife and habitat.

*The rocky intertidal habitat along the VAFB coast is characterized by a rich diversity of invertebrate species, including black abalone (*Haliotis cracherodii*), sea stars, turf alga (*Endocladia*), rockweeds (*Pelvetia*), barnacles, and mussels. The VAFB coastline contains some extensive tracts of relatively undisturbed rocky intertidal habitat, as well as some of the largest black abalone concentrations in Santa Barbara County. The nexus between the spill and this project is that approximately 85 acres of rocky intertidal habitat was exposed to oil as a result of the Spill. Considering the observations of black abalone covered with oil at Point Arguello, the pathway of oil on surface waters, the mixing of oil in the surf zone, as well as the projected slow recovery time for abalone, the Trustees estimate that black abalone resources suffered a 10 – 15 percent loss in the Spill area. Other rocky intertidal organisms likely suffered similar injuries due to exposure to oil from the Torch Spill.*

The black abalone is a candidate for listing under the federal Endangered Species Act. Once the largest and arguably most important herbivore in intertidal systems along much of the west coast of the United States, the intertidal black abalone has experienced mass mortalities along the coast of California since the mid-1980s. During the Spill, black abalone were observed to be coated with oil in several areas of the rocky intertidal habitat. As a declining species, the additional stress associated with the Spill is expected to exacerbate the decline and reduce chances for recovery.

Tidepools and other components of rocky intertidal shores represent a species-rich habitat which attracts a wide array of visitors and collectors. Human

disturbance of tidepool areas is of concern and includes trampling of the resources, turnover of rocks, displacement of both living and nonliving resources, and collecting of intertidal species or shells that can provide habitat. In addition to direct losses from trampling and collecting, secondary changes may result from changes in distribution, prey availability and competition. Under heavy use, patches of habitat become more frequently disturbed, allowing less time for recovery.

The goal of this project is to enhance public awareness of the sensitivities of tidepools and the species that inhabit the intertidal community including black abalone, to reduce the human impacts on this sensitive habitat type. The target audience will be the Santa Barbara County community and visitors to the area's beaches. This project will also include a monitoring component to evaluate visitor use patterns and resource impacts at select high use rocky intertidal locations in Santa Barbara County such as at Jalama Beach. The monitoring may also include field monitoring of intertidal organisms to evaluate species abundance, distribution patterns, and other factors at sites in an attempt to distinguish visitor impacts from other factors that may influence tidepools. This project will likely be implemented by an organization that focuses on educating the community on environmental issues. The project will include collaborating with other organizations and agencies, and researching similar efforts that are taking place in other areas, such as the MBNMS, to use as a guide.

The actions implemented by this project will increase public awareness of the issues associated with a declining black abalone population, and the importance of ecosystem integrity of intertidal species. Seaside postings, educational materials, and kiosk information will likely impact and raise the awareness level of not only the beach visitors, but is likely to extend to local residents and community organizations and agencies. Implementation of this public educational program is not expected to result in any significant adverse effects to the human environment. The Trustees will coordinate with implementing entities to ensure that any kiosks or signs will be carefully designed and placed so as not to detract from the natural aesthetics of the area.

The Trustees have determined that this type and scale of project would provide appropriate compensation for injuries to black abalone in the area. The federal trustees are seeking concurrence with a negative determination for this project as outlined in the Final Restoration Plan/ Environmental Assessment (Final RP/EA). However, as additional project details are available, a subsequent submittal to the CCC will include identification of the location of kiosks and signs to be installed.

(4) Boardwalk at Ocean Beach Park (Phase 1)

This restoration alternative focuses on improvements to Ocean Beach, which was one of the primary recreational beach areas that was most heavily impacted by

the Torch Spill. Ocean Beach Park is a 40-acre park owned and operated by Santa Barbara County. The park provides coastal access to the public, particularly the 65,000 residents of the Lompoc Valley. Ocean Beach Park was closed for four days due to the Spill. The beach was oiled and heavy equipment and cleanup activities disrupted public recreational activities at the park. In addition, negative publicity about the spill and beach conditions, and uncertainty about whether the beach had re-opened reduced usage of the beach for several weeks beyond the time period of the actual beach closure.

This boardwalk project will be implemented and managed by Santa Barbara County's Parks Department, and consists of two phases. The Phase 1 boardwalk project (to be partially funded by the Torch Trustees) will involve constructing a boardwalk along the northern and eastern perimeter of the existing parking lot. Phase 1 also includes the construction of an interpretive/educational kiosk to provide information regarding wetland habitat and seabird identification of sensitive species, such as listed plants, savannah sparrows, tidewater gobies, seabirds, and steelhead trout.

Phase 2, which will be funded from other sources, includes construction of a boardwalk into the Santa Ynez River estuary along with a platform for wildlife/habitat viewing. This boardwalk will connect with the Phase 1 boardwalk. The construction period would be restricted to a low flow, low tide period to minimize impacts to the water column. The timing of Phase 2 implementation is uncertain at this time, and depends in large part on the availability of funding.

The Torch Trustees decided to provide funding for Phase 1 of the boardwalk project. However, the environmental effects of both phases are presented because Phase 2 may be considered a foreseeable result of Phase 1. The federal Trustees therefore include Phase 1 of the County's boardwalk project in this negative determination and seek the Commission's concurrence. However, the County, in a future submittal, will provide detailed project construction information and will seek to obtain a coastal development permit pursuant to the CZMA (for both Phase 1 and Phase 2 construction).

*Both the Phase 1 and Phase 2 projects are located within Santa Barbara County Ocean Beach Park, at the mouth of the Santa Ynez River. The site is highly scenic and of high biological value. Several species of concern are known to occur, or may occur in the project area. Sensitive animal species include tidewater gobies, savannah sparrows, and steelhead trout. Tidewater gobies (*Eucylogobius newberryi*) could occur in the tidal channel over which the boardwalk would be placed. Four special status plant species occur in the general project area.*

All of the Phase 1 boardwalk, including construction access, would be located within the existing parking lot at Ocean Beach Park and would not permanently affect wildlife or habitat. Some wildlife may avoid the area during construction,

but would be expected to return upon completion of Phase 1 construction activities.

The benefits of both Phase 1 and Phase 2 will be to provide access and opportunity for viewing estuarine wildlife and habitat, to allow the public to learn first hand about the importance of maintaining this invaluable natural resource and important habitat in a pristine condition. The boardwalks would be available to approximately 45,000 park visitors per year. The projects should increase visitor appreciation and awareness of their natural resources and stress the importance of environmental stewardship. While access to the beach continues to be seasonally restricted, the boardwalks would provide an alternative, ADA-accessible high quality recreational experience to park visitors. The Phase 2 boardwalk in particular may also help prevent uncontrolled pedestrian traffic into the estuary that can disturb sensitive habitats and wildlife.

This project should result in positive benefits by enhancing the quality and amount of public use at Ocean Beach, which was heavily impacted by the Spill. The Trustees evaluated this project against all threshold and initial screening criteria developed to select restoration projects, and concluded that this project meets these criteria. The Trustees determined that this type and scale of project would provide appropriate compensation for lost or diminished beach user days as result of the spill. With the [proposed project mitigation] measures, adverse impacts to listed species and their habitat would be minimized and temporary, and would be outweighed by the beneficial impact from educating the public about this sensitive area.

(5) Sandy Beach and Dune Habitat Restoration

This project funds an area of dune restoration addressed in a broader VAFB dune restoration plan titled Final Plan for the Removal of Selected Invasive Plants from Western Snowy Plover Habitat at Vandenberg Air Force Base (SRS Technologies 2005) (2005 VAFB Plan). VAFB has not yet obtained concurrence from the California Coastal Commission for the larger dune restoration project, but will do so before beginning implementation. Thus, the federal trustees are seeking preliminary concurrence with the dune restoration project as outlined in the draft Final Restoration Plan/ Environmental Assessment (Final RP/EA), but final consistency determination or negative determination for the dune restoration as a whole will be deferred to VAFB as they plan and implement their larger, overarching project. The project goals are:

1. Eradication of non-native European beach grass (*Ammophila arenaria*) and iceplant (*Carpobrotus* spp.) through the selective use of herbicides and hand-treatment; and
2. Re-establishment of native vegetation (e.g., sand verbena, *Abronia* spp.), focusing on areas currently in non-native vegetation monoculture where native vegetation is not likely to re-establish naturally.

The objective of this project is to compensate for injuries to sandy shoreline habitat and to the federally-threatened western snowy plover through removal of non-native vegetation in dune habitats, and replacement of native vegetation adjacent to affected beaches.

*This project will benefit the beach/dune ecosystem by eradicating non-native vegetation that presently degrades habitat quality, and will increase the capacity of the habitat to support the nesting of the federally-threatened western snowy plover. Iceplant and European beach grass invasion and expansion have rendered large areas of dune habitat in the area unsuitable for nesting by snowy plovers. This non-native vegetation also reduces available habitat for sensitive plant species such as surf thistle (*Cirsium rosthophilum*) and the federally-endangered beach layia (*Layia carnosa*). Although this vegetation is not present on the lower beach areas that were oiled, non-native vegetation eradication and re-establishment of native vegetation have the potential to benefit the overall beach/dune ecosystem as well as the western snowy plover.*

Implementation of the Sandy Beach and Dune Habitat Restoration Project is not expected to result in any significant adverse effects to the environment. The project will be implemented in compliance with the 2005 VAFB Plan, which was approved by the Service. Non-native vegetation eradication projects use varying types and concentrations of herbicides, burning, and physical removal to eradicate invasive species. This proposed project would involve use of a glyphosate herbicide and physical removal, when practicable, to remove invasive species and restore dune contours to a condition more closely resembling natural conditions. Burning is not planned for this project.

Although invasive species eradication will be conducted outside the plover nesting season, minor short-term impacts to snowy plovers are likely to occur. Plovers may be displaced and physically disturbed in response to equipment and work crew activities. However, no long-term adverse impacts would occur because of the large area of roosting and foraging habitat available to wintering snowy plovers on Surf and Wall Beach. Additionally, short-term disturbance would be minimized by monitoring conducted by a qualified snowy plover biologist.

Glyphosate is not expected to adversely affect wildlife. The herbicide can be toxic to aquatic species; however, no adverse environmental effects are expected as chemical application near aquatic areas and areas with flowing water will be avoided. The human health risk is expected to be minimal.

Public access to Surf Beach would continue during restoration activities. Active work areas, including chemical application sites, would be fenced and signed, and only small areas of exclusion at any one time would be necessary. Revegetation sites will also be fenced and signed to minimize disturbance and enhance the probability of success.

Because of the difficulty in predicting subsequent use of the area by birds, no targets are identified for numbers of snowy plovers or other shorebirds using this habitat. However, based upon the large percentage of otherwise suitable habitat covered in beach grass, and the fact that snowy plovers presently nest on these beaches in significant numbers, use of restored habitat by western snowy plovers is anticipated. Ongoing project evaluation would be conducted in conjunction with an existing snowy plover monitoring program already underway at VAFB. This project will benefit and enhance the natural resources of the coastal zone.

Conclusion

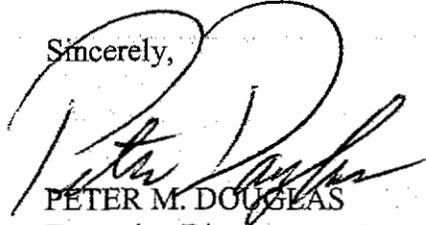
The Commission staff **agrees** with the Trustees that the four restoration projects proposed for negative determination- the Seabird Colony Enhancement Project, the Mussel Bed Restoration Project, the Rocky Intertidal Habitat Protection Project, and Phase 1 of the Boardwalk at Ocean Beach Park- will not adversely affect coastal resources and in fact are intended to benefit coastal zone resources. The Commission staff acknowledges that certain elements of the RP/EA require further planning and environmental review, which will be carried out by the implementing agencies. Because these decisions have been deferred and/or delegated, they are not covered by this Negative Determination. The implementing agencies will notify the Commission staff prior to the start of project construction and submit necessary information regarding any development within the coastal zone, such as location and design of any physical structures (e.g., signs, kiosks, buoys, etc.) for staff review, to determine whether any additional permits or consistency review may be necessary.

The Commission staff has no comments at this time regarding the fifth project, Sandy Beach and Dune Habitat Restoration, which is not included in this negative determination. Further project information should be submitted in the future by the Air Force in its consistency or negative determination. As the Commission has historically expressed concerns over the use of chemical applications in coastal areas, such as herbicides to eradicate non-native plant species, this issue will need to be carefully considered. Details of such treatments (i.e. location and size of area(s) to be covered, makeup and concentration of herbicide, etc.), as well as alternatives to use of herbicides, would need to be included in any such future submittal.

In addition, Phase II of the Boardwalk at Ocean Beach Park project is not covered by this negative determination due to additional permits that may be required by state and federal agencies following the submittal of detailed project construction information by the County of Santa Barbara. Should any future coordination with the Commission staff be required, it will be conducted by the implementing agencies.

Consequently, we **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 if you have any questions regarding this matter.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: South Central Coast District Office
U.S. Air Force (VAFB, Bea Kephart)

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



June 1, 2007

Laurie H. Suda
Chief, Environmental Section B
U.S. Army Corps of Engineers
ATTN: Roger Fernwood
1455 Market Street
San Francisco, CA 94103-1399

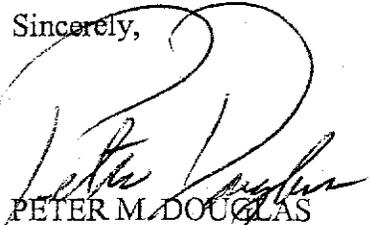
Subject: Negative Determination ND-032-07 (Disposal of maintenance dredged material at Ocean Beach nearshore beneficial re-use site and at SF-8, San Francisco)

Dear Ms. Suda:

The Coastal Commission staff has reviewed the above-referenced negative determination for the disposal of approximately 575,000 cu.yds. of material from the maintenance dredging of the San Francisco Main Ship Channel. Disposal of the sandy material is proposed, as a continuing demonstration project, at the nearshore beneficial re-use site in waters off Ocean Beach, San Francisco (just south of Sloat Blvd.), and alternatively at SF-8, an authorized dredged material disposal site. Sediment testing indicates the material is over 98% sand and is free of chemical contaminants. The proposed disposal at either the nearshore beneficial re-use site or at SF-8 would benefit local sand supply as sand placed at either site would serve to replenish downcoast beaches. In addition, the nearshore beneficial re-use site has been selected to address particularly persistent erosion west of Sloat Blvd. The Commission has previously reviewed and authorized maintenance dredging of the Main Ship Channel with disposal at the nearshore site off Ocean Beach (ND-020-06) and at SF-8 (e.g. ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-009-01, ND-018-00, and ND-010-98).

In conclusion, the Commission staff agrees with the Corps' determination that the proposed project will not significantly affect coastal resources and that it is the same as or similar to previously reviewed projects. We therefore **concur** with your negative determination for the project 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,


PETER M. DOUGLAS
Executive Director

cc: North Central District Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



June 14, 2007

Dr. Fari Tabatabai
Chief, Environmental Section A
San Francisco District
U.S. Army Corps of Engineers
ATTN: Dr. William Brostoff
1455 Market Street
San Francisco, CA 94103-1398

Subject: Negative Determination ND-034-07 (Maintenance dredging and disposal at Moss Landing Harbor, Monterey County)

Dear Dr. Tabatabai:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Coastal Commission's Executive Director concurred with a negative determination (ND-078-06) on December 13, 2006, for this maintenance dredging and disposal project at Moss Landing Harbor (Monterey County) scheduled for January and February 2007. However, the Corps of Engineers postponed the project start date and now proposes to conduct maintenance dredging within the federal channels at Moss Landing Harbor over a 45-day period starting on June 15, 2007; work will occur 24 hours/day, seven days/week. 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 work 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, a 500-foot-long section of beach located immediately north of the old Sandholdt Pier site; and (2) 31,500 cu.yds. of clean silty material from the Entrance and Lagoon Channels will be disposed at the EPA-approved SF-14 offshore disposal site, located 1.3 nautical miles offshore from Moss Landing in water depths of 600 feet over 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-14 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; the Corps has established buffer zones between those sediments and the areas to be dredged to ensure that dredging operations will not disturb unsuitable sediments.

Safety fencing, disposal pipes conveying dredged material, and equipment used to contour the beach after dredged material placement may temporarily disrupt recreational use of a segment of South Spit Beach. Beach disposal planned for the summer time period would typically generate adverse effects on public access and recreation at a beach disposal site. However, the segment of South Spit Beach to be nourished by the disposal project is presently narrow, cobbly, and inundated at high tide, and much of what little sand is present at the site is washed away by the daily high tides. As a result, the proposed disposal site does not provide much usable sandy beach for recreational activity. The Corps will provide appropriate signage to delineate the disposal site, maintain public safety, and temporarily redirect beach users to adjacent beach areas during disposal operations. While the project will create temporary adverse impacts to beach access and recreation during late June and July, the Commission staff agrees with the Corps that these impacts are not significant and that the placement of clean sand on this section of South Spit Beach will significantly improve this area for public recreation during the remainder of the summer season.

While the federally threatened Western snowy plover does not nest on South Spit Beach, the proposed project is now scheduled to occur during the plover’s March through September breeding season. As a result, the Corps informally consulted with the U.S. Fish and Wildlife Service in order to develop project mitigation measures to ensure that beach disposal activities do not adversely affect any plovers that may be present at South Spit Beach. The Corps will monitor the disposal site and immediately adjacent areas prior to the start of operations, during sand placement, and during demobilization of the site. The Corps will immediately halt disposal activities should snowy plovers be discovered at the site and will contact the USFWS Ventura Field Office to coordinate resumption of disposal. All activities at the placement site will occur below the wrack line to the extent practicable to avoid disturbance to potential habitat, and all dredged material will be placed on wet sand as seaward as practicable. Seals and sea lions occasionally haul out on the South Spit Beach shoreline, and the Corps has likewise committed to halting disposal activities when marine mammals are encountered.

Except for the delayed timing, 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,



(for)

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