

CALIFORNIA COASTAL COMMISSION

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



F 3

DATE: August 16, 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-036-07
APPLICANT:	Department of the Navy
LOCATION:	Naval Air Station North Island, Coronado, San Diego Co.
PROJECT:	Quaywall repair
ACTION:	Concur
ACTION DATE:	7/31/2007

PROJECT #:	ND-038-07
APPLICANT:	Bureau of Land Management
LOCATION:	Piedras Blancas, San Luis Obispo Co.
PROJECT:	Test well
ACTION:	Concur
ACTION DATE:	8/14/2007

PROJECT #:	ND-039-07
APPLICANT:	Bureau of Land Management
LOCATION:	Stornetta Public Lands, Point Arena, Mendocino Co.
PROJECT:	Non-native pine tree removal
ACTION:	Concur
ACTION DATE:	8/14/2007

PROJECT #:	ND-042-07
APPLICANT:	Department of the Navy
LOCATION:	Naval Weapons Station Seal Beach, Orange Co.
PROJECT:	Demolish and reconstruct 180 units of military family housing
ACTION:	Concur
ACTION DATE:	7/25/2007

PROJECT #:	ND-045-07
APPLICANT:	National Park Service
LOCATION:	Pt. Reyes National Seashore, Marin Co.
PROJECT:	Upland restoration projects related to Giacomini Wetlands restoration project
ACTION:	Concur
ACTION DATE:	8/3/2007

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July 31, 2007

Commander G.A. Shephard
Department of the Navy
Naval Air Station North Island
Public Works Office
Box 357040
San Diego, CA 92135-7040

Subject: Negative Determination **ND-036-07**, Quaywall Repair at Naval Air Station North Island (NASNI) - San Diego Bay, San Diego County

Dear Commander Shephard:

The Commission staff has reviewed the above-referenced negative determination for the permanent repair of the quaywall along Berths L through P at Naval Air Station North Island (NASNI) in San Diego Bay. The Navy is seeking authorization through the negative determination process for the following activities:

- Dredging, dewatering and disposal of 49,000 cubic yards of San Diego Bay sediment and previously-placed fill materials;
- Placement of rock armoring materials at the base of the existing sheet piling along the entire 3,200 foot length of the quaywall (covering 2.02 hectares);
- Demolition and replacement of a 150 foot damaged section of the existing quaywall cap;
- Replacement of 200 linear feet of damaged steam line;
- Filling voids behind the quaywall with a total of 155 cubic yards of slurry;
- Installation of a 12x24 foot fender on the upper face of the quaywall;
- Disposal of demolition and construction debris.

The Navy states that these repairs are necessary to prevent further damage and future structural failure of the NASNI quaywall structure. In 2005-06, the Navy implemented emergency repair measures to the quaywall (refer to ND-056-06) after discovering cracks in the quaywall. These emergency repairs included placement of 12,000 cubic yards of fill materials at the foot of the wall and installation of tie-backs to the pile caps and tie rods to the quaywall to reduce structural deterioration. The Navy is now asking for concurrence with a negative determination to implement a more permanent solution to the compromised quaywall that will stop progressive damage due to movement of the sheet wall bulkhead from its original position. This movement has resulted in severe cracking to the quaywall cap and damage to the steamline on top of the cap, as well as numerous voids beneath the cap. The Navy has determined that this movement coincides with loss of the Bay floor and scouring of the foot of the quaywall due to propeller wash associated with arrivals and departures of boats that berth at the quay. This wash has over

time led to a loss of the passive soil resistance that helped support the quaywall, which the armored rock is intended to restore.

Bottom armoring will consist of layering one-ton rock over layers of 300-pound rocks in two formations, one for previously-scoured areas and another for the remaining area along the quaywall. The armoring will be placed along the entire length of the quaywall, approximately 3200 feet long, at 50 feet below mean low water line (MLLW) and extending outward 68 feet from the face of the wall, covering an area of 217,000 square feet. Placement of rock armoring on the bay floor is expected to last approximately 20 weeks.

Approximately 5 feet of bay sediment consisting of fine silt and sand will be dredged prior to placement of rock armor. This will result in approximately 49,000 cubic yards of dredged material – 47,200 cubic yards of soft bay sediment and 1,800 cubic yards of previously-placed fill material (ND-056-06). Dredging operations are expected to last approximately 15 weeks. The dredged soft bay sediment will be transported to LA-5, an ocean-dredged material disposal site. The Navy has determined that this dredged material is not suitable for reuse, such as beach nourishment purposes or creation of shallow water habitat elsewhere in the Bay, due to the presence of unexploded ordinance remaining in the sediment, as well as the financial expense and environmental impact of separating the silt and sand materials. The Navy maintains that direct placement of dredged sediments on the beach or elsewhere in the Bay would pose a safety and public health risk too large to accept. This submittal included the results of the comprehensive sediment testing that was conducted on the bottom material to be dredged, as well as an analysis of the disposal and beneficial reuse options that are available to the Navy based on these sediment testing results. Results showed that while the deeper sediments were free of contamination, surficial sediments contained low levels of contaminants, such as copper, mercury, zinc, and PCBs, that did not exceed respective effects range-median (ERM) values. Toxicity testing also indicated that metal contaminants were well below hazardous waste criteria and bioaccumulation potential for marine species was low. The Environmental Protection Agency has agreed this material is suitable for open ocean disposal. Results from the sediment testing also indicated that the sediments to be dredged are split into two horizontal layers –the top layer is composed of sand and fine silt with an overall sand fraction of less than 80%, and the bottom layer consists of mostly sandy material (86% sand fraction). The sand lens between the upper and lower layers varies across the dredge site, making separation for sand re-use difficult.

Due to the coarse nature of the dredged cobble and pulverized concrete placed during the previous repair, the previously placed fill materials are not acceptable in the LA-5 ocean disposal site and thus will be dewatered and re-used. The two options for dewatering dredged fill materials are from a barge adjacent to the dredge site or in a temporary drying facility at NASNI. Barge dewatering would require placing dredged material on a barge and discharging runoff water into the Bay under a waste discharge permit issued by the Regional Water Quality Control Board. A silt curtain will be placed around the barge to control turbidity plumes during the discharge activity. In addition to this option, the Navy also has an existing bio-facility located on the northern portion of NASNI which has adequate capacity to handle dewatering of the dredged fill material (1,800 cubic yards). Water decanted from the dredged fill material would be discharged to the sewer and regulated under existing NPDES permits.

As part of the proposed quaywall repair, a 150-foot section of the quaywall cap will be demolished and reconstructed. This activity is anticipated to last a total of 25 weeks, occurring in phases on separate wall sections in order to maintain the structural stability of the quaywall. Other repairs to the quaywall will consist of replacing a 200-foot section of existing steamline and injection of 155 cubic yards of concrete grout into 16 holes to fill voids occurring behind the quaywall. Construction and demolition debris from the quaywall repair will either be recycled (when possible) or disposed of in a nearby landfill, which is estimated to require 50 truck loads carrying 10 tons per load.

The Navy states the proposed project would not adversely affect coastal resources, citing similar emergency repairs completed in 2005-06 as evidence to support this claim, as those repairs did not have a significant impact on coastal uses or resources. The proposed project is located in an area controlled by the Navy where public access is currently prohibited due to military security requirements; the proposed project will not change that restriction. The project will not change the visual quality or character of the area, as the Navy proposes to temporarily add a minor amount of construction equipment to the site, both in the water and onshore; as such, there will be no long-term visual impacts. Additionally, construction emissions from the project will be less than 10% of the applicable conformity-related emissions estimated for the San Diego air basin and thus would not significantly adversely affect air quality in the area.

In addition, the Navy states the project would not significantly affect marine habitat or water quality. The Navy maintains that the placement of fill materials (including the rock armor, quaywall sheet pile, and concrete slurry) associated with this project will not result in contamination or degradation of the water column and will cause only minimal increases in turbidity during construction, which will be further minimized by the use of silt curtains. The placement of rock armor along the bottom will also serve to reduce turbidity generated by vessels berthing along the quaywall. The Navy will also implement other Best Management Practices (BMPs) to minimize impacts to water quality under a Stormwater Pollution Prevention Plan (SWPPP), including:

1. Proper disposal of project sediment and construction debris;
2. Covering/berming of debris stockpiles during rain events to prevent wash-off;
3. Use of drip pans under equipment to catch accidental oil leaks;
4. Use of other catch devices and sheeting for project-related debris, particularly onboard the barge;
5. Application of asphalt-based sealant rather than coal tar sealant to minimize PAH release.

The project is located within a previously-disturbed developed area that contains no environmentally sensitive habitat. No known eelgrass communities exist within the immediate project site as the area to be dredged is too deep to support eelgrass; however, eelgrass beds are present near the shoreline east of the project area within one kilometer of the quaywall. While project activities are not likely to directly impact these eelgrass beds, sediment suspension from dredging and armoring could potentially affect their livelihood. As a precaution, the Navy will conduct pre- and post-construction eelgrass surveys in this area. Any impacts will be offset by

offsite Eelgrass Mitigation Bank sites elsewhere in San Diego Bay. The Navy will also perform surveys for the invasive algal species *Caulerpa taxifolia*, and eradicate individuals according to approved *Caulerpa* Control Protocols.

Once installed, the placement of rock armoring at the bottom of the quaywall is expected to improve bottom habitat by changing it from soft sediment to hard substrate over an area of 2 hectares. The Navy notes that hard substrate is considered important to marine resources in the Southern California Bight because it is less common than soft substrate and supports a large percentage of fish species in the Bight. Hard bottom also provides ecosystem benefits by increasing the diversity of fish species and the production of fish, according to studies cited in the Negative Determination.

Furthermore, the Navy states:

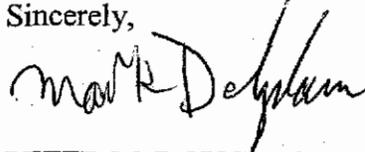
This change in substrate type... is not expected to affect marine resources or biological productivity within or migrating into the coastal zone. Because the area is used to birth vessels, it experiences increased turbidity (from vessel thrusters) and shading, making it less than ideal or desirable for marine species. The existing sediment in the project area is not known to support any unique or critical infaunal species. Substrate changes would alter the existing benthic communities within the immediate project area (i.e. the footprint of the bottom armoring). Some infaunal and epifaunal species inhabiting these areas would be lost as a result of these activities. However, these species are expected to be replaced by reef-dwelling species within a relatively short period of time (few months to a year). Bottom armoring is not anticipated to affect the habitat of essential fish habitat (EFH) species or listed or sensitive bird species.

The project is not located within a designated California least tern (CLT) foraging or nesting area; the nearest nesting area is over a kilometer away and the nearest designated foraging area is over two kilometers away. The project will also take place underwater and will not include the construction of any new structures over the water that may cause shading or interfere with foraging opportunities for seabirds. Therefore, the Navy maintains that in-water removal and installation activities within the project area will not affect least terns and are allowable under the current CLT Memorandum of Understanding between the Navy and the United States Fish and Wildlife Service. Blue heron tree nest sites are located at the base, however none are located adjacent to the project site. In addition, the Navy cites evidence that past construction activities do not seem to have deterred herons from continuing to use the area. Therefore, the Navy expects no impacts to herons or their habitat over the long-term, despite ongoing military use of the area.

The Navy contends that marine mammals in the vicinity of the construction area would not be adversely affected by the project as they are capable of avoiding equipment and areas affected by increased turbidity or noise, and are frequently exposed to such conditions due to existing vessel traffic within the Bay. As a precaution, the Navy will employ monitors during the project to visually scan for marine mammals and sea turtles each day prior to commencement of work.

In conclusion, the Commission staff **agrees** that the repair activities would 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 feel free to contact Christina Cairns at (415) 396-9708 should you have any questions regarding this matter.

Sincerely,



(PMD)

PETER M. DOUGLAS
Executive Director

cc: San Diego District Office
California Department of Water Resources
U.S. Army Corps of Engineers, Los Angeles District

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August 14, 2007

Jim Boucher
Park Manager
U.S. Department of the Interior
Bureau of Land Management
Piedras Blancas Light Station
15950 Cabrillo Highway
San Simeon, CA 93452

RE: ND-038-07 Negative Determination, Bureau of Land Management, Piedras Blancas Test Well, San Simeon, Monterey County

Dear Mr. Boucher:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to drill a test well, up to 100 feet deep, on California Department of Parks and Recreation (CDPR) property immediately adjacent (10 - 15 feet) to the unpaved road that services the Piedras Blancas Light Station west of State Highway 1. The BLM operates the Light Station and currently obtains the water used there from a small surface wetland approximately 4,000 feet due north of the Light Station. The purpose of the test well is to find an alternative to the current water source for public visitation. This wetland is suitable habitat for the threatened red-legged frog (*Rana aurora draytonii*). Both the BLM and the CDPR concur that the current water delivery system should be removed from the wetland. Locating an alternative source of water would be beneficial for the wetland habitat.

The US Geological Survey would carry out the drilling, anticipating one day of drilling. The site's topography is level, and is dominated by non-native plants. The site contains no wetlands within 100 feet. The drill rig would remain on the unsurfaced Piedras Blancas road when operating, and the BLM would place temporary containment barriers to control drill spoils. If the drilling were to prove successful, the BLM would cap the wellhead and make plans to use the well in the future as a water source for public visitation at the Light Station. Any future activities would require a federal consistency review. The BLM would haul all drill spoils offsite to an appropriate landfill. If the drilling were to prove unsuccessful, the BLM would refill the drill hole with the material taken from it, and restore the site to pre-drilling conditions. The drilling would affect no more than 100 sq. feet of surface area. The BLM would conduct all work outside the rainy season.

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August 15, 2007

Rich Burns
Field Manager
Bureau of Land Management
ATTN: Jonna Hildenbrand
2550 N. State Street
Ukiah, CA 95482

Subject: Negative Determination ND-039-07 (Bureau of Land Management, beach pine and non-native pine removal at Stornetta Public Lands, Point Arena, Mendocino Co.)

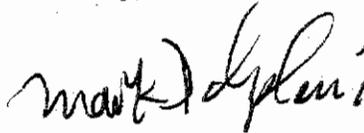
Dear Mr. Burns:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes a multi-year program to remove beach pine and non-native pine trees to maintain the early successional coastal prairie across approximately 210 acres on the southern third of the BLM's Stornetta Public Lands. This action will help to maintain the western dog violet which is the larval food for the endangered Behrens silverspot butterfly. Pine trees less than 20 feet in height which are encroaching into the coastal prairie will be cut at ground level and stacked to provide wind shelter for the butterflies. In addition, selected groups of pine trees less than 20 feet in height will be retained in clumps or rows throughout the project area to maintain wind-protected areas for the butterfly. The existing tall stands of pine trees (those greater than 20 feet in height) found within the project area will remain undisturbed. The proposed action is a continuation of small pine tree removal at this location, undertaken in past decades to maintain the coastal prairie for livestock grazing operations on the Stornetta Ranch. The project area will continue to be grazed by the Stornetta Ranch under terms of the 2004 transfer of lands from Stornetta Ranch to the BLM (ND-008-04). The proposed activity will occur after October 1 of each year and will be coordinated with the U.S. Fish and Wildlife Service to minimize disturbance to the butterfly and its habitat. The project area is not visible from State Highway 1 but can be observed from one stretch of Lighthouse County Road. However, the proposed action will not adversely affect scenic views to or from the coastal zone, is similar to previous small pine tree removal on this property, and is consistent with the Stornetta Public Lands Resource Management Plan (CD-066-06).

The Commission staff agrees with the BLM that the proposed action will not adversely affect coastal resources. 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,

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

(for) PETER M. DOUGLAS
Executive Director

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

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July 24, 2007

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

Attn: Dr. Margaret Wallerstein

RE: **ND-042-07** Negative Determination, Navy, Demolition and Reconstruction of 180
Units of Military Family Housing at Naval Weapons Station Seal Beach, Orange County

Dear Mr. Baillie:

The Coastal Commission staff has received the above-referenced negative determination for the demolition and reconstruction of up to 180 units of military family housing within the Sea Breeze Village at the Seal Beach Naval Weapons Station. The new housing units would consist of a mix of 3- and 4-bedroom units to replace 160 units of 2-bedroom and 20 units of 4-bedroom style housing. The Navy has identified a current and projected deficit of 3- and 4-bedroom units and a surplus of 2-bedroom units. Navy families requiring larger units must currently live in smaller housing available or seek market rate housing in expensive Southern California communities to meet their needs. The costs of off-station housing in this area are very high and typically exceed the basic housing allowance for many Navy personnel, particularly in the lower enlisted grades. For the proposed project, the Navy would lease the land and transfer ownership of the existing 180 enlisted and 8 officer housing units plus ancillary facilities (i.e. parks, recreational areas, parking lots, etc.) to a Limited Liability Corporation (LLC) for a period of up to 50 years.

The project would be located entirely within a previously developed and landscaped residential area and thus existing land use would not change. The new units would not pose any public view or access impacts (including minimal construction traffic), and construction activities would include Best Management Practices in accordance with the Navy Seal Beach Stormwater Management Plan (SWMP) to protect water quality and nearby wetlands. Tree maintenance and landscaping in the housing area will be conducted in accordance with the Migratory Bird Treaty Act and the Integrated Natural Resources Management Plan, and will ensure the use of native, drought-tolerant vegetation. New housing units would be designed so as to be consistent with Navy architectural guidelines and would not pose significant noise or additional lighting impacts.

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August 3, 2007

Don L. Neubacher
Superintendent
Point Reyes National Seashore
ATTN: Lorraine Parsons
Point Reyes, CA 94956

Subject: Negative Determination ND-045-47 (Upland restoration activities at the Giacomini Wetland Restoration Project, Golden Gate National Recreation Area and Point Reyes National Seashore, Marin Co.)

Dear Mr. Neubacher:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to undertake in 2007 a series of demolition, scraping, excavation, and grading actions in upland areas within the 613-acre Giacomini Wetland Restoration Project site. The project area is located south of Tomales Bay and west of Point Reyes Station, within the northern district of the Golden Gate National Recreation Area (GGNRA) and managed by the Point Reyes National Seashore. The proposed actions would facilitate and support proposed wetland restoration activities on the former Giacomini Ranch dairy lands, purchased by the NPS in 2000 after 100 years of dairy operations. A consistency determination by the NPS for the larger wetland restoration project on these lands is tentatively scheduled for the Commission's September 2007 meeting.

The actions that the NPS proposes to undertake this year are described in the negative determination as follows:

- Demolition of ranch buildings and structures within the main dairy complex on the mesa section of the property immediately adjacent to Point Reyes Station.
- Removal of pipelines, fences, and other ranch improvements from pastures.
- Filling of the dairy's two manure storage ponds, which encompass five acres at a site adjacent to the ranch buildings, using materials from excavation of the manure spreading pasture and areas within the east pasture to be scraped and excavated.
- Mechanized scraping and excavation of the 13-acre manure spreading pasture in order to remove soils with very high nutrient loads and to prepare the site for native grassland and

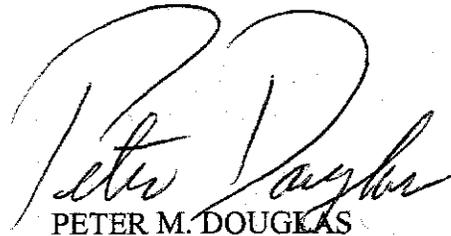
wetland restoration. Elevations would be lowered between one and 2.5 feet, and approximately 38,000 cu.yds. of material would be excavated and disposed at the manure storage ponds.

- Regrading and compacting of the main dairy complex to create a staging pad for future restoration project activities.
- Mechanized scraping of approximately 16 acres of upland area in the southeast corner of the east pasture in order to remove weedy plant material and roots and to prepare the site for native grassland restoration. Elevations would be lowered between six to twelve inches, and approximately 16,000 cu.yds. of material would be excavated and disposed at the manure storage ponds or a permitted inland disposal site.
- Mechanized scraping and excavation of the 32-acre upland area in the southwest corner of the east pasture. The excavation would lower this area between six and twelve inches down to an elevation consistent with mid- to high-tidal marsh. Approximately 27,000 cu.yds. of material would be excavated and disposed at the manure storage ponds or a permitted inland disposal site.
- Removal or sectional breaching of the south levee located parallel to and 15-20 feet north of the Lagunitas Creek channel in order to reduce flooding hazard in the immediate area. Approximately 8,300 cu.yds. of material would be excavated and disposed at the manure storage ponds or a permitted inland disposal site.

The NPS states that implementation of the proposed actions on upland portions of the project area would result in short-term negligible impacts to biological, physical and social resources but that in the long-term the proposed actions would benefit these resources. The NPS also notes that the proposed actions are designed to support proposed wetland restoration activities that will enhance and/or restore natural hydrological and ecological processes to these former dairy lands at the southern end of Tomales Bay within the GGNRA. All of the proposed actions would be conducted consistent with mitigation monitoring plans included in the June 2007 *Final Environmental Impact Statement/Report for the Giacomini Wetland Restoration Project*, including notification of neighbors regarding construction scheduling and actions to minimize construction noise impacts.

The Commission staff agrees with the NPS that the proposed actions on upland portions of the Giacomini Wetland Restoration Project area will not adversely affect existing wetlands or other environmentally sensitive habitat areas. The areas that would be affected by the proposed demolition, excavation, and grading are lands that for a century supported dairy operations, including diking, plowing, mowing, irrigation, manure spreading, and livestock management. The proposed actions will assist in preparing the project area for its planned restoration by the NPS to native grassland and wetland habitats. 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,

A handwritten signature in black ink, appearing to read "Peter Douglas". The signature is written in a cursive style with large, sweeping letters.

PETER M. DOUGLAS
Executive Director

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