

CALIFORNIA COASTAL COMMISSION

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

**W10****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

JUNE 12, 2013 MEETING OF THE CALIFORNIA COASTAL COMMISSION**TO: Commissioners and Interested Parties**

FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

NO EFFECT DETERMINATION

APPLICANT	PROJECT	LOCATION
NE-0201-13 North County Transit District	Install positive train control radio towers Action: No Effects, 5/10/2013	Camp Pendleton Marine Corps Base San Diego County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0205-13 Yurok Tribe and U.S. Dept. of Justice	Fund and construct Tribal Justice Center Action: Concur, 5/23/2013	Klamath, Del Norte County
ND-0206-13 Yurok Tribe, Federal Highway Administration, & U.S. Dept. of Housing and Urban Development	Fund and construct scenic Byways Visitor Center and Tribal Cultural and Knowledge Park Action: Concur, 5/24/2013	Klamath, Del Norte County
ND-0208-13 U.S. Fish and Wildlife Service	Invasive species removal Action: Concur, 5/31/2013	Humboldt Bay National Wildlife Refuge Humboldt County



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W10

DATE: June 7, 2013

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
 Alison Dettmer, Deputy Director
 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 #:	NE-0201-13
APPLICANT:	North County Transit District
LOCATION:	Camp Pendleton Marine Corps Base, San Diego County
PROJECT:	Install positive train control radio towers
ACTION:	No effects
ACTION DATE:	5/10/13

PROJECT #:	ND-0205-13
APPLICANT:	Yurok Tribe and U.S. Dept. of Justice
LOCATION:	Klamath, Del Norte Co.
PROJECT:	Fund and Construct Tribal Justice Center
ACTION:	Concur
ACTION DATE:	5/23/2013

PROJECT #:	ND-0206-13
APPLICANT:	Yurok Tribe, Federal Highway Administration, and U.S. Dept. of Housing and Urban Development
LOCATION:	Klamath, Del Norte Co.
PROJECT:	Fund and Construct Scenic Byways Visitor Center and Tribal Cultural and Knowledge Park
ACTION:	Concur
ACTION DATE:	5/24/2013

PROJECT #:	ND-0208-13
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	Humboldt Bay National Wildlife Refuge, Humboldt Co.
PROJECT:	Invasive species removal
ACTION:	Concur
ACTION DATE:	5/31/2013

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May 10, 2013

Jay Walser
Chief Rail Systems Officer
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

Subject: No-Effects Determination NE-0201-13 (Positive Train Control Radio Tower Project,
Camp Pendleton, San Diego County)

Dear Mr. Walser:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. The North County Transit District (NCTD) proposes to install five positive train control radio towers at five sites within the NCTD right-of-way (ROW) between Mile Post (MP) 209.2 and MP 221.9 on Camp Pendleton and its vicinity. The towers are 40 feet tall and will be placed between 15 and 25 feet from existing railroad signal houses, locations which are devoid of environmentally sensitive habitat. The proposed towers will be used to support and improve radio communications for train operations along this section of the rail corridor.

The Commission staff **agrees** with NCTD's no-effects determination that the proposed radio tower project will not adversely affect coastal resources. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Larry Simon".

FL

CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Erich Lathers, BRG Consulting, Inc.

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May 23, 2013

Amanda Mager
Assistant Planning Director
Yurok Tribe
190 Klamath Blvd.
P.O. Box 1027
Klamath CA 95548

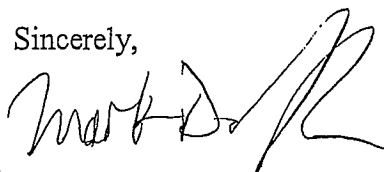
Re: **ND-0205-13**, Yurok Tribe and Department of Justice, Negative Determination,
Tribal Justice Center, Klamath, Del Norte Co.

Dear Ms. Mager:

The Coastal Commission staff has reviewed the above-referenced negative determination you have submitted on behalf of the U.S. Department of Justice for the construction of an approximately 3,500 sq. ft. Tribal Justice Center in the town of Klamath, on land held in trust by the U.S. Government. The project would be located adjacent to existing development in the town of Klamath. The project would concentrate development within an existing developed area and would be visually compatible with the surrounding development. Adequate public services and infrastructure are available to serve the development, and the project would not result in adverse effects to wetlands, environmentally sensitive habitat, water quality, or other coastal zone resources.

We **agree** with your determination that the proposed project would not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to 15 CFR 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) CHARLES LESTER
Executive Director

cc: Arcata District Office

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May 24, 2013

Isaac Kinney
John Safford
Yurok Tribe
190 Klamath Blvd.
P.O. Box 1027
Klamath CA 95548

Re: **ND-0206-13**, Yurok Tribe, Negative Determination, Federally Funded Scenic Byways Visitor Center and Tribal Cultural and Knowledge Park, Klamath, Del Norte Co.

Dear Messrs. Kinney and Safford:

The Coastal Commission staff has reviewed the above-referenced negative determinations you have submitted, on behalf of the Federal Highway Administration and U.S. Dept. of Housing and Urban Development, for the construction of a 2,500 sq. ft. Scenic Byways Visitor Center and a Tribal Cultural and Knowledge Park, in the town of Klamath, on land held in trust by the U.S. Government. The two projects are more fully described in the April 2013 Environmental Assessment prepared by the Tribe and submitted in conjunction with these two activities, as well as the Tribal Justice Center in the same area (and for which we concurred with a negative determination yesterday (ND-0205-13/Yurok Tribal Justice Center)). As was the case for the Justice Center, these two additional projects would be located adjacent to existing development in the town of Klamath. The projects would concentrate development within an existing developed area and would be visually compatible with the surrounding development. Adequate public services and infrastructure are available to serve the development, and the projects would not result in adverse effects to wetlands, environmentally sensitive habitat, water quality, or other coastal zone resources.

We **agree** with your determination that the proposed projects would not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to 15 CFR 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,

A handwritten signature in black ink, appearing to read "Mark D. Lester".

(fws) CHARLES LESTER
Executive Director

cc: Arcata District Office

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May 31, 2013

Kenneth Griggs, Deputy Project Leader
U.S. Fish and Wildlife Service
Humboldt Bay National Wildlife Refuge
Lanphere Dunes Unit
6800 Lanphere Dunes Rd.
Arcata, CA 95521

Re: **ND-0208-13**, Negative Determination, U.S. Fish and Wildlife Service, *Spartina densiflora* removal using mechanized equipment, Humboldt Bay National Wildlife Refuge

Dear Mr. Griggs:

On July 3, 2006, June 3, 2010, and August 18, 2010, the Commission staff concurred with previous U.S. Fish and Wildlife Service's negative determinations for removal of the invasive species *Spartina densiflora* at the Humboldt Bay National Wildlife Refuge (ND-049-06, ND-025-10 and ND-41-10). One of these authorizations included a trial/experimental use of mechanized removal in a small area. This "pilot" project was successful, and the Fish and Wildlife Service has submitted a supplemental negative determination for more expansive use of mechanized equipment to remove invasive species within areas previously authorized for non-mechanized equipment removal. The expanded area would be a 40 acre area of the Eureka Slough Unit of the Refuge. The mechanized equipment used would be a Marshmaster and rototiller, which the Service has established in the pilot study can remove spartina roots but will leave native species root systems intact. The removal would occur between June and August 2013.

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 Commission staff has concurred with the above-noted negative determinations for similar activities at the Refuge, and we **agree** that the proposed activity will not adversely affect coastal zone resources and is similar to consistency and negative determinations with which we have previously concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

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

(for)

CHARLES LESTER
Executive Director

cc: Arcata District Office