

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION  
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**ENERGY, OCEAN RESOURCES AND FEDERAL  
CONSISTENCY DIVISION  
DEPUTY DIRECTOR'S REPORT**

*For the  
August Meeting of the California Coastal Commission*

August 05, 2016

TO: Commissioners and Interested Parties  
FROM: Alison Dettmer, Energy, Ocean Resources and Federal Consistency Division  
Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments, extensions and Negative Determinations issued by the Energy, Ocean Resources and Federal Consistency Division for the August 2016 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Energy, Ocean Resources and Federal Consistency Division.



**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY  
DIRECTOR'S REPORT CONTINUED**

***NEGATIVE DETERMINATIONS AND NO EFFECT LETTERS***

Administrative Items for Federal Consistency Matters

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>ND-0014-16</b> National Park Service	Demolition and removal of 16 single-family residential buildings, two detached garages, utility infrastructure, several outbuildings, and a small seawall, and restore the project area to make it available for public use.  Action: <b>Concur, 7/8/2016</b>	Duck Cove, Point Reyes National Seashore, Marin County (APN(s): 109-290-34)
<b>ND-0018-16</b> National Park Service	Replace and re-route almost the entire stretch of Tule elk fence that runs between Pierce Point Road and the cliffs above Pacific Ocean on Tomales Point in Point Reyes National Seashore  Action: <b>Concur, 7/29/2016</b>	Tomales Point In Point Reyes National Seashore, Marin County (APN(s): 109-030-08)
<b>ND-0019-16</b> U.S. Coast Guard	Homeporting of two Offshore Patrol Cutters at USCG Base Los Angeles/Long Beach, with pier extension, construction of maintenance building, and other upland improvements, on Terminal Island, Los Angeles County.  Action: <b>Concur, 7/26/2016</b>	Uscg Base Los Angeles/Long Beach, Terminal Island, Los Angeles County (APN(s): 7440038903)
<b>ND-0020-16</b> U.S. Fish and Wildlife Service	Comprehensive Conservation Plan for the Guadalupe-Nipomo Dunes National Wildlife Refuge, San Luis Obispo County  Action: <b>Concur, 7/26/2016</b>	Guadalupe-Nipomo Dunes National Wildlife Refuge, San Luis Obispo County (APN(s): 092-011-011)
<b>ND-0023-16</b> Department of the Navy	Navy General Negative Determination for San Clemente Island Maintenance, Repair, and Upgrades to Infrastructure at the Naval Auxiliary Landing Field  Action: <b>Concur, 7/26/2016</b>	Naval Auxiliary Landing Field, San Clemente Island
<b>ND-0025-16</b> National Park Service	Implement erosion control repairs, including placement of riprap and aggregate base in a scour hole, along the face of the earthen Tennessee Valley Dam, Golden Gate National Recreation Area, Marin County.	Tennessee Valley, Golden Gate National Recreation Area, Marin County (APN(s): 200-140-14)

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY  
DIRECTOR'S REPORT CONTINUED**

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Action: <b>Concur, 8/3/2016</b>	
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July 8, 2016

Cicely A. Muldoon  
Superintendent  
Point Reyes National Seashore  
ATTN: David Demko  
Point Reyes, CA 94956

Subject: Negative Determination ND-0014-16 (Duck Cove Subdivision Removal Project, Point Reyes National Seashore, Marin County)

Dear Superintendent Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to demolish and remove 16 residential single family homes, two detached garages, several outbuildings, and utility infrastructure at the 18-acre Duck Cove subdivision, located within Point Reyes National Seashore, four miles north of Inverness on the western shore of Tomales Bay. The subdivision was constructed between the late 1950s and the early 1970s and subsequently acquired by the NPS in 1972. The original owners retained use of their homes through a 40-year (and in one case 50-year) reservation of use permit. In 2012, 15 of the homes and associated outbuildings and infrastructure reverted back to the NPS; these buildings are now vacant. One home (House #4 and its associated outbuildings) retains a reservation of use until 2022 and remains occupied. The goal of the project is to remove the subdivision (buildings and infrastructure), reduce safety hazards, eliminate maintenance requirements for the residential structures, and to restore the area to make it available for public use and enjoyment after the last residential structure is removed in 2022.

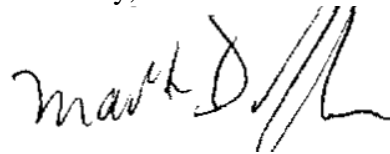
The project would occur in two phases. Phase I (2016-2017) commences with repairing and improving the existing unpaved Duck Cove Road (which provides access to the subdivision from L Ranch Road) so that trucks and equipment are able to safely access the project site. This road work will also include replacing a failed pipe culvert at the crossing of Duck Cove Creek. After access is established, a private contractor will conduct hazardous material abatement within the subdivision structures (except for the occupied House #4 and its associated outbuildings), and will transport those materials (e.g., lead paint, asbestos insulation, and wallboard fibers) to an appropriate off-site disposal facility. The wood-frame structures will then be demolished and removed, as will timber decks, concrete patios, stairs, chimneys, and surface utilities (where visible). Buried utilities will be disconnected and capped. Septic systems will be pumped empty, and tanks removed or abandoned and filled with sand (in accordance with Marin County regulations). A failed timber retaining wall and associated debris (concrete blocks, plastic, and geotextile fabric) on the Tomales Bay shoreline will be removed.

Phase II (2018-2023) includes the removal of three wells, associated waterlines, a dilapidated footbridge, and a small outhouse within the wetland area in the center of the subdivision. At the termination of the reservation of use permit in 2022, the remaining residence (House #4, associated outbuildings, and septic tank and lines) will be removed after hazardous material abatement is completed. Any remaining utilities will also be removed or, if buried, disconnected and capped.

The NPS states that removal of the subdivision buildings and associated infrastructure will improve aesthetics, reduce safety hazards, eliminate maintenance of abandoned residential structures, lead to the restoration of the area, and ultimately make the land available for public recreational use. Best management practices will be implemented throughout the project time period in order to protect environmentally sensitive habitat, listed species, soils and vegetative cover, and water quality, and the NPS will prepare and implement a Storm Water Pollution Prevention Plan. Project activities will occur in the August through September dry season when salmonids are typically not migrating into or out of creeks in the project area. A biological monitor will be on-site during culvert replacement and during any project-related work in the central wetland area. Minor short-term effects to biological and physical resources in the project area during demolition activities would be outweighed by the beneficial effects of removal of the subdivision and the restoration of this area along the western shoreline of Tomales Bay.

In conclusion, the Commission staff **agrees** that the proposed demolition of the Duck Cove Subdivision in Point Reyes National Seashore 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,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – North Central Coast District

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July 29, 2016

Cicely Muldoon  
Superintendent  
Point Reyes National Seashore  
ATTN: David Press  
Point Reyes, CA 94956

Subject: Negative Determination ND-0018-16 (Tule Elk Fence Re-Route, Tomales Point, Point Reyes National Seashore, Marin County)

Dear Superintendent Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service ("NPS") proposes to replace and re-route a stretch of tule elk fence that runs from Pierce Point Road westward to the cliff edge above the Pacific Ocean on Tomales Point in Point Reyes National Seashore. Tule elk inhabited the grasslands of the Point Reyes peninsula until their local extirpation in the 1850s. In 1978 a small herd of ten tule elk was transferred from the San Luis National Wildlife Refuge to a 2,600-acre tule elk preserve established that same year on Tomales Point. The existing 2.2-mile-long fence that spans Tomales Point from the ocean cliffs to Tomales Bay was constructed in 1978 in order to separate the tule elk preserve from adjacent beef and dairy ranches south of the preserve. While sections of the fence were repaired or rebuilt in 1991, 1992, 2005, and 2012, the NPS states that the fence remains badly deteriorated in certain areas, and that breaching of the fence has led to numerous escapes of tule elk from the preserve.

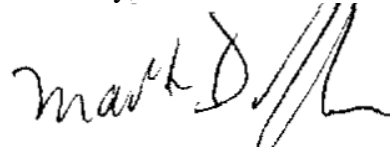
The NPS states that the existing fence is poorly situated, runs along the edge of a seasonal stream through dense coastal chaparral, has slumped into the drainage in several areas, and is difficult to access when repairs are required. The NPS proposes to relocate the fence to the south and uphill of the drainage to the edge of the Kehoe Ranch pasture. This route is designed to better contain the tule elk compared to the location of the existing degraded fence, is located on more stable terrain thereby resulting in a more stable fence with reduced maintenance requirements, and is more easily accessible for repairs when such work is needed. The design of the new fence replicates the existing fence, and is comprised of pressure-treated wooden posts supporting an eight-foot-high field fence with 4x6 inch spacings. The NPS states that while the fence is well-designed to contain tule elk, movements of other wildlife species (e.g., deer, mountain lion, coyote, badger) are not restricted by the fence.

The NPS has worked with the Kehoe family during the design of the project and the family supports the proposed new fence route. Upon installation of the new tule elk fence, the NPS will

remove those portions of the old fence in areas frequented by elk in order to avoid future entanglement. The balance of the abandoned fence will be removed at a later date when funding is secured by the NPS. The proposed route of the fence is through an area currently used for cattle grazing and silage harvesting and does not support sensitive habitats or listed species. The existing fence is visible on its immediate approach to and crossing of Pierce Point Road. The relocated section of fence closest to this road is located 500-600 feet to the west and downslope of the road, which is also partially cut into the hillside. As a result, the new fence section closest to the road will not be visible, and as the fence route turns to the west the combination of distance from the road and the fence materials themselves will allow the fence to blend into the landscape and not create an adverse effect to scenic views from Pierce Point Road.

In conclusion, the Commission staff **agrees** that the proposed relocation of the tule elk fence on Tomales Point west of Pierce Point Road 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,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – North Central District



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July 27, 2016

Dean Amundson  
Environmental Planning Program Manager  
USCG - SILC  
1301 Clay Street, Suite 700N  
Oakland, CA 94612-5203

Subject: Negative Determination ND-0019-16 (Homeport Offshore Patrol Cutters at USCG Base Los Angeles/Long Beach, Los Angeles County)

Dear Mr. Amundson:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Coast Guard proposes to homeport two Offshore Patrol Cutters (OPC) at USCG Base Los Angeles/Long Beach on Terminal Island. The two OPCs are scheduled to arrive at Base LA/LB in 2018. The Commission staff has concurred with projects to maintain and improve the Coast Guard pier and surrounding infrastructure at Base LA/LB, including dock replacements, pile installation, and bulkhead repairs and improvements (ND-072-02, ND-076-04, ND-022-06, ND-070-07, and ND-010-11), and most recently in 2015 the homeporting of four Fast Response Cutters and associated shoreside improvements (ND-0036-15).

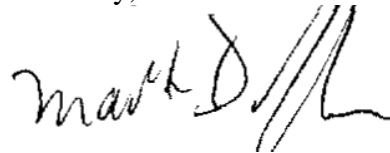
The proposed project consists of extending the existing 30-foot-wide High Endurance Cutter pier approximately 257 feet to the south and upgrading a 655-foot-long section of the existing pier. Approximately 55 24-inch square concrete piles will be installed into the existing rock riprap to support the pier extension. The Coast Guard will also construct a Maintenance and Weapons Division building, upgrade electrical, water, sewage, and communications utilities, and redevelop underused areas on the base to provide additional parking spaces for the increased personnel associated with the homeported OPCs.

Sensitive biological resources in and adjacent to the project area include California least terns, green sea turtles, and marine mammals. However, the project area is located adjacent to the main ship channel in the Port of Los Angeles and the Coast Guard pier and berthing areas are not heavily used by these species. To protect against the unlikely event of their presence during the construction period, the Coast Guard has incorporated avoidance and monitoring measures into the project, including ongoing monitoring for green sea turtles and marine mammals and the development of exclusion areas triggering cessation of pile driving work when these species are present. In addition, pile driving will be scheduled outside the least tern nesting season, will use "soft start" pile driving techniques to allow marine mammals and fish to vacate the work area before the pile driver reaches full power, and will employ bubble curtains to attenuate sound levels. The Coast Guard will prepare hydroacoustic monitoring reports during and after

construction, and submit those reports to the Commission staff and the National Marine Fisheries Service. The Coast Guard will implement upland and in-water best management practices (e.g., pollution and erosion control measures, use of silt curtains, provision of spill containment and cleanup materials) throughout the construction period to protect water quality.

Under the federal consistency regulations (15 CFR 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 proposed improvements to support homeporting of two Offshore Patrol Cutters are similar to the previous above-referenced negative determinations concurred with by the Executive Director for improvements to in-water and upland facilities at Base LA/LB. In conclusion, the Commission staff **agrees** that the proposed project 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,

A handwritten signature in black ink, appearing to read "John Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – South Coast District  
National Marine Fisheries Service – Long Beach  
Port of Los Angeles

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July 27, 2016

Michael Brady  
U.S. Fish and Wildlife Service  
Hopper Mountain NWR Complex  
ATTN: Winnie Chan  
P.O. Box 5839  
Ventura, CA 93005

Subject: Negative Determination ND-0020-16 (Comprehensive Conservation Plan, Guadalupe-Nipomo Dunes National Wildlife Refuge, San Luis Obispo County)

Dear Mr. Brady:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service ("Service") proposes to implement the *Comprehensive Conservation Plan* ("CCP") for the Guadalupe-Nipomo Dunes National Wildlife Refuge ("Refuge"). The Refuge is located in southwestern San Luis Obispo County, occupies 2,553 acres of federal land along 1.8 miles of Pacific Ocean shoreline, and extends approximately three miles inland. The Refuge landscape consists primarily of sandy beaches, unvegetated and vegetated sand dunes, and wetlands. The Refuge was established in 2000 to conserve central California coastal dune and associated wetland habitats and to support the recovery of native plants and animals that are federally listed as threatened or endangered. A *Conceptual Management Plan* was prepared in 2000 and continues to provide the primary management guidance for the Refuge.

The CCP provides the goals, objectives, and strategies that are proposed to guide Refuge management for a 15-year period. Implementation of the CCP will allow the Service to restore habitat, protect cultural resources, recover threatened and endangered species, and provide opportunities for visitor recreation in the Refuge. The CCP outlines three goals that will define the management direction of the Refuge for the next 15 years:

*Goal 1: Protect, restore, and enhance native habitats to aid in the recovery of endangered, threatened, and other special status species.*

*Goal 2: Protect, manage, and restore coastal dune and other natural communities to support the diverse species of the central California coast.*

*Goal 3: Provide safe and high-quality opportunities for compatible wildlife-dependent educational and recreational activities to foster public appreciation of the natural heritage of the central California coast region.*

The Service states that these goals are broad statements of the desired future conditions for Refuge resources and may or may not be feasible within the 15-year timeframe of the *CCP*. The *CCP* also includes objectives and strategies that together will help achieve the goals. Objectives are quantified statements of a standard to be achieved or work to be accomplished and which should be feasible within the 15-year *CCP* timeframe. Strategies are specific actions, tools, or techniques that contribute to accomplishing the objectives.

Concurrent with the development of the *Draft CCP*, the Service prepared an *Environmental Assessment* (“*EA*”) that examined three management alternatives. Under Alternative A, Refuge management would continue unchanged, including habitat and wildlife management and public use opportunities. Under Alternative B, there would be a moderate increase in wildlife and habitat management (including feral swine control and predator management) and an incremental increase in visitor services and environmental education. Under Alternative C, the Refuge would be closed to the public and there would be minimal wildlife and habitat management, due to the forecasted decline in budgets for the National Wildlife Refuge system. The Service states in the *CCP* that:

*As of 2015, the Refuge had one dedicated permanent staff position, a Refuge Manager; that position is currently vacant. Under any of the alternatives, the Refuge Manager position will not be refilled. The Refuge will continue to receive administrative, biological, and maintenance staff support from the [Hopper Mountain National Wildlife] Refuge Complex. The level of staff support required is dependent upon the alternative that is selected for implementation.*

After public review of the *Draft CCP* and *EA*, and given the current and anticipated budgetary constraints, the Service selected a modified Alternative A to be implemented under the final *CCP*. This alternative would expand current management activities on the Refuge to include implementation of a feral swine control plan and an avian and mammalian predator management plan to protect listed species found on the Refuge. The Service also states that under the modified Alternative A management activities will continue to support the overall conservation and protection of the western snowy plover, California least tern, California red-legged frog, and other listed species.

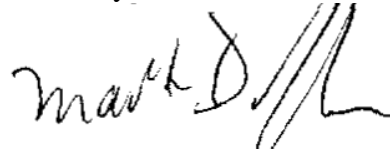
The *CCP* includes programmatic-level descriptions of projects proposed for implementation on the Refuge over the next 15 years. The subject negative determination for the *CCP* includes a commitment by the Service to coordinate with the Commission to determine which future *CCP* management plans and projects may require individual consistency or negative determinations. While proposed *CCP* plans and projects may affect coastal resources, the extent of these effects, if any, cannot be fully determined until subsequent, more detailed planning is completed. As individual management plan and project planning is completed, the Service will contact the Commission staff to determine the need for federal consistency review.

The Commission staff **agrees** that with the commitment for additional federal consistency review of future management plans and development projects, implementation of the *Comprehensive Conservation Plan* for the Guadalupe-Nipomo Dunes National Wildlife refuge will not adversely

ND-0020-16 (USFWS)  
Hopper Mountain NWR Complex

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,

A handwritten signature in black ink, appearing to read "John Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: CCC – Central Coast District

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July 26, 2016

S.D. Barnett, Captain  
Commanding Officer  
Naval Base Coronado  
Department of the Navy  
Box 357033  
San Diego, CA 92135-7033

Attn: Deb McKay

Re: **ND-0023-16** Navy General Negative Determination, Repair and Maintenance  
Activities, San Clemente Island

Dear Captain Barnett:

The Navy has submitted the above-referenced negative determination for maintenance, repairs and upgrades to infrastructure at the Naval Auxiliary Landing Field (NALF) on San Clemente Island (SCI). NALF SCI is a Navy tactical training range and testing area, as well as the only live fire ship-to-shore bombardment training range in the U.S. The activities authorized under this negative determination would be maintenance, repairs, and upgrades to various infrastructure on the island, including fences, gates, roads and crossovers, parking areas, drainage structures, utilities (electrical and water/wastewater systems), buildings, airfield, landfill and borrow pits.

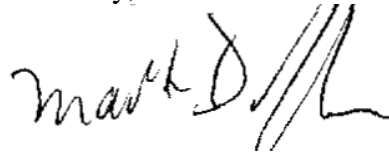
The activities would be limited to the areas immediately surrounding the existing infrastructure and other facilities. In areas near sensitive habitats on the island, the Navy has incorporated a number of measures to avoid, monitor, and protect such habitats, as outlined in the Navy's Integrated Natural Resources Management Plan (INRMP) for the island. Plant habitats identified as sensitive in this plan include San Clement Island bush-mallow, San Clemente Island Indian paintbrush, San Clemente Island larkspur, San Clemente Island lotus, San Clemente Island woodland star, and San Clemente Island rockcress. Sensitive avian habitats identified in this plan include three federally-listed species: San Clemente Island loggerhead shrike, San Clemente Bell's sparrow, and western snowy plover.

The measures to protect these habitats and species include seasonal limitations during breeding seasons, biological monitoring, provision of buffers, vegetation controls, fire management planning, controls on invasives, erosion controls, and restoration activities. In addition, specific INRMP Conservation Measures (listed in Attachment 1) would be implemented. The Navy will also consult with the U.S. Fish and Wildlife Service under the Endangered Species Act.

The island is off limits to the public, due to military security needs, and the activities would not affect public access or public recreational boating. The Navy will implement Best Management Practices to minimize erosion and sedimentation, and to protect onshore and offshore water quality. Where required under the NPDES Stormwater Construction General Permit, any disturbance of one acre or more will trigger preparation and implementation of a State Water Board-approved Stormwater Pollution Prevention Plan (SWPPP).

In conclusion, the Commission staff **agrees** that, with the above commitments, the activities proposed in the general negative determination would not adversely affect coastal zone 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,

A handwritten signature in black ink, appearing to read "Mark D. L.", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

Attachment – INRMP Conservation Measures

cc: San Diego District  
U.S. Army Corps of Engineers, Los Angeles District

## Figure 2: Conservation Measures

The Navy is committed to avoiding or minimizing project-related environmental effects to the greatest extent possible. As part of this commitment, conservation measures have been developed in the INRMP to ensure that potential adverse impacts are avoided (if possible) or minimized to acceptable levels. Conservation measures applicable to the Proposed Action are described in the following paragraphs.

General Conservation Measures (GCM-M) are as follows:

- **GCM-M-1.** Before project initiation, the project footprint, including temporary features such as staging areas and lay-down areas, will be clearly marked with flagging, fencing, or signposts. Federally listed plant species known occurrences and listed bird species breeding habitat within the project footprint will also be marked and avoided when practicable.
- **GCM-M-2.** All project-related activities will occur within the marked project footprint. All construction equipment will remain on existing roads within the project footprint. Project staging and lay-down areas will be designated within the project footprint, or on existing roads and parking lots.
- **GCM-M-3.** The Navy will develop and implement an employee environmental awareness program to ensure that the contractor(s) and all maintenance personnel are fully informed of the biological resources associated with the project. The program will be approved by the NBC NRO and will be a requirement for all maintenance personnel. The program will focus on: (a) the purpose for resource protection and a description of the federally listed species, and their habitats; (b) contractor identification of sensitive resource areas in the field (i.e., federally listed species areas delineated on maps and by flags or fencing); (c) project conservation measures, including speed limits, measures to prevent the introduction and spread of invasive weeds, erosion control measures, and trash control measures; (d) protocol to resolve issues that may arise at any time during the construction process; and (e) ramifications of noncompliance.
- **GCM-M-4.** An erosion control plan will be prepared and implemented prior to project initiation to minimize potential effects of project-related pollution and erosion/sedimentation. The plan will include BMPs such as silt fences, silt basins, gravel bags, restrictions on grading during the rainy season, and other measures to control erosion and prevent the release of contaminants into the soil that could be harmful to federally listed species.
- **GCM-M-5.** Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- **GCM-M-6.** Vegetation clearing, grading, and blasting activities in or adjacent to federally listed avian species breeding habitat will occur between August 1 to December 1 to avoid the nesting season.
- **GCM-M-7.** Maintenance vehicles will not exceed 15 miles per hour on the construction site.
- **GCM-M-8.** To control the spread of non-native plants, all equipment and/or vehicles will be cleaned and power-washed before entering SCI, and the project area and will be cleaned at a vehicle and boot washing station in the staging area. All project personnel will dry or pressure wash their boots before leaving the project area. Vehicle cabs will also be swept out during the cleaning process to remove plants or seeds. Any vehicle or construction equipment that has come into contact with vegetation or disturbed soil will be pressure washed before leaving the project area at any time. Pressure washing will focus on removal of plant materials and seeds, or mud containing seeds from the



undercarriage of the vehicle or construction equipment. Best management practices will be established to capture wash runoff.

- **GCM-M-9.** All food-related trash will be placed in sealed bins or removed from the site daily.
- **GCM-M-10.** All equipment fueling will occur in designated areas with appropriate containment/ BMPs.
- **GCM-M-11.** Maintenance and demolition debris will be properly disposed of and will not be discarded on site.
- **GCM-M-12.** Holes or trenches created during maintenance will be backfilled or covered at the end of each workday when practicable.

San Clemente Loggerhead Shrike conservation measures are as follows:

- Maintenance and repair will occur between August 1 and December 1, if practicable. If activities need to occur during the shrike breeding season (January 1 through July 31) the NALF SCI Wildlife Biologist will be contacted prior to initiation of any activities. These activities will not occur within 300 feet (91.4 meters) of an active shrike nest site.
- Vegetation control in suitable habitat of San Clemente loggerhead shrike will be limited to the minimum necessary to maintain drivable access roads and to maintain the functionality of other infrastructure. This limited vegetation control will be conducted outside of the nesting season (August 1 through January 1).
- The Navy will continue the currently successful program of habitat restoration, predator management, monitoring, captive breeding, and re-introduction to benefit the San Clemente loggerhead shrike until such time that recovery objectives are identified and achieved.

San Clemente Bell's Sparrow conservation measures are as follows:

- Maintenance and repair within occupied Bell's sparrow habitat will occur after July 15 and before December 15.
- Vegetation control in suitable habitat of Bell's sparrow will be limited to the minimum necessary to maintain drivable access roads and to maintain the functionality of other infrastructure. This limited vegetation control will be conducted after July 15 and before December 15.
- The Navy will continue surveys and population analysis for the Bell's sparrow and develop additional surveys to assess Bell's sparrow juvenile survivorship and habitat use. Surveys will be developed and scheduled such that access to training areas is not restricted during training.
- The Navy will manage the Bell's sparrow population for long-term persistence in accordance with recommendations in the Bell's sparrow management plan to the extent feasible and in a manner that is compatible with military training requirements.

Western Snowy Plover conservation measures are as follows:

- All maintenance and repair within suitable plover nesting habitat (i.e., beach habitat) would be avoided during nesting season (March 1 through September 30). If these activities cannot be avoided during the nesting season, the NALF SCI Wildlife Biologist will be contacted prior to initiation of any activities.
- The Navy will continue annual breeding and non-breeding season surveys for the plover at West Cove and Northwest Harbor.
- The Navy will explore the feasibility of using remote sensing technology to monitor western snowy plover use of Pyramid Beach and China Beach.

Federally Listed Plant Avoidance and Minimization Measures (FLP-M) are as follows:

- **FLP-M-1.** Continue to protect the SCI Indian paintbrush through fire management planning, non-native plant management/control, restoration activities, and erosion control.
- **FLP-M-2.** Foster robust, geographically diverse, 1 and redundant populations to maintain and increase the population and protect genetic diversity.
- **FLP-M-5.** Monitor known populations of the Santa Cruz Island rockcress.

**CALIFORNIA COASTAL COMMISSION**

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August 3, 2016

Carolyn Shoulders  
Natural Resources Specialist  
Golden Gate National Recreation Area  
Fort Mason #201  
San Francisco, CA 94123

Subject: Negative Determination ND-0025-16 (Erosion Repair at Tennessee Valley Dam,  
Golden Gate National Recreation Area, Marin County)

Dear Ms. Shoulders:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service ("NPS") proposes to repair erosion damage on the downstream face of an earthen dam in Tennessee Valley in the Golden Gate National Recreation Area. The U.S. Bureau of Reclamation recently inspected the dam and noted that a seven-foot-deep scour hole extending over 230 square-feet is a potential cause of dam failure. In 2014 the NPS Dam Safety Office in Denver, CO, categorized the dam as a high risk structure because a sudden failure could release flows at a depth and velocity sufficient to cause injuries or fatalities to visitors at Tennessee Valley Beach, located 900 feet downstream of the dam.

The earthen dam, 230 feet long and 10-12 feet high, was constructed in 1960 by a previous landowner to impound water for duck hunting. An approximate 1.9-acre surface area pond was created by the dam. A culvert runs through the center of the dam and water flowing out the culvert in winter and spring has eroded a scour hole at the base and on the face of the dam. While the NPS intends to remove the dam, but likely no sooner than 2020, public safety during the interim time period requires that the scour hole be repaired this fall prior to the onset of winter rains and further erosion at the toe of the dam. The NPS proposes to place ten cubic yards of aggregate base against the face of the dam and 55 cubic yards of riprap in the scour hole. Willows around the scour hole will be cut to facilitate fill placement but their trunks will remain in place to allow resprouting. Vegetation on the top, downstream side, and toe of the dam will be trimmed (but not removed) to allow for ongoing safety inspections of the dam face and controlled re-growth of vegetation.

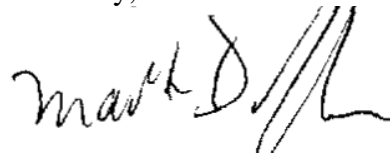
The NPS states that visitor access on the main Tennessee Valley trail and access to the beach will remain open throughout the September-October 2016 construction period. Construction vehicles, staging areas, and material storage will not interfere with visitor access or occupy environmentally sensitive habitat. The proposed repairs will halt the ongoing erosion of the earthen dam and the resulting increase in turbidity in the perennial creek downstream of the dam.

In addition, the NPS states that the repairs will prevent a potential breach of the dam and the resulting “catastrophic discharge of sediment and high-velocity flows” through wetlands and riparian habitat below the dam and onto the beach. A dam failure would create significant adverse impacts to natural resources and public access and recreation, both upstream and downstream of the dam. However, while placement of riprap in the scour hole will ensure the structural safety of the dam, it will eliminate riparian habitat that has developed within the 230 sq.ft. hole. None of the riparian or wetland habitat adjacent to or downstream of the hole will be temporarily or permanently affected by the project. Construction equipment will operate from the top of the dam and no impacts to the stream channel downstream of the scour hole will occur.

The NPS submitted a Biological Assessment to the U.S. Fish and Wildlife Service (“Service”) regarding potential project impacts on the California red-legged frog, and will complete consultation with the Service as a part of its application for a Nationwide Permit (No. 3, Maintenance Activities) from the U.S. Army Corps of Engineers. The NPS will implement red-legged frog conservation measures based on the USFWS Programmatic Biological Opinion, including frog surveys in advance of project construction, dewatering of the scour hole to facilitate removal of any aquatic species prior to filling, biological monitoring during vegetation cutting and filling, and requirements for the project contractor to maintain equipment and follow procedures to reduce the potential for causing erosion or turbidity. The NPS states that the project also includes the enhancement of a similarly-sized area of riparian habitat upstream of the earthen dam and pond through the removal of assorted debris that have accumulated over time at this upstream location. This enhancement work will serve as adequate compensation for the unavoidable loss of riparian vegetation from fill placed in the scour hole at the base of the dam.

The Commission staff **agrees** that the proposed repair of an eroded scour hole on the downstream face of the Tennessee Valley Dam in the Golden Gate National Recreation Area will not adversely affect coastal resources. The repair is necessary to maintain the structural stability of the dam, protect downstream biological and recreational resources, and protect public safety. 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,

A handwritten signature in black ink, appearing to read "Mark D. Ainsworth", with a stylized flourish at the end.

(for) JOHN AINSWORTH  
Acting Executive Director

cc: North Central District  
U.S. Fish and Wildlife Service – Sacramento  
U.S. Army Corps of Engineers – San Francisco