

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
(415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



F11

Prepared December 06, 2019 (for the December 13, 2019 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for December 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on December 13, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on December 13, 2019 (see attached)

Negative Determinations and No Effect Letters

Administrative Items for Federal Consistency Matters

- **ND-0029-19, U.S. Fish and Wildlife Service, Action: Concur, 12/6/2019**
Remove and replace four Light-footed Ridgway's Rail proving pens on the Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge in Chula Vista, San Diego County.
- **ND-0030-19, National Oceanic and Atmospheric Administration, Action: Concur, 12/6/2019**
Boundary change to the Elkhorn Slough National Estuarine Research Reserve through the addition of nine parcels and removal of a non-conforming use parcel, in Monterey County.

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885
WWW.COASTAL.CA.GOV



December 6, 2019

Andrew Yuen
Project Leader
U.S. Fish and Wildlife Service
San Diego National Wildlife Refuge Complex
ATT: Victoria Touchstone
1080 Gunpowder Point Drive
Chula Vista, CA 91910

Subject: Negative Determination ND-0029-19 (Light-footed Ridgway's Rail Proving Pens Replacement Project, Sweetwater Marsh Unit, San Diego Bay NWR, San Diego Co.)

Dear Mr. Yuen:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Fish and Wildlife Service proposes to remove and replace in the same general footprint four proving pens used in the captive breeding program for the federally endangered light-footed Ridgway's rail. The pens are located on the Gunpowder Point portion of the Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge. Rail chicks are raised at the nearby Living Coast Discovery Center, Sea World, and San Diego Zoo Safari Park until they reach the age of 60 days, after which they are transferred to the proving pens. In the pens young rails assimilate to more natural conditions and learn to hunt for food and hide from predators in a safe environment before their release into the wild. The ten-year-old proving pens have deteriorated and require replacement to ensure the safety of the young rails.

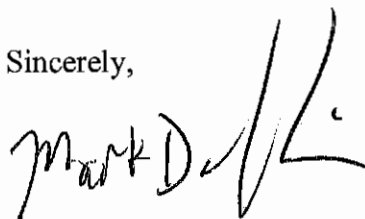
The project includes removing the four existing pens and constructing four new pens in the same alignment, with each pen measuring 50 feet long by 25 feet wide by 8 feet high, with 12 feet of open area separating each pen. The sides and tops of the pens will consist of 1-inch by 1-inch welded wire mesh coated fencing; side fencing will be installed 18 inches below ground to deter animals from gaining access to the pens by digging under the fence. Gates will be installed at both ends of each pen. Construction will occur between October 15 and May 1, which is outside of bird nesting season and after the last cohort of rails is released to the wild.

The Service does not anticipate any adverse effects to cultural resources due to the limited amount of ground disturbance required to replace the proving pens and the previously disturbed nature of the 0.14-acre project site, which was graded prior to the establishment of the National Wildlife Refuge for construction of the Chula Vista Nature Center (now the Living Coast Discovery Center). However, in the event that cultural resources are discovered during project construction, the Service states that ground disturbing activity in the vicinity of the discovery

will be halted and the Service's Regional Archaeologist will be notified immediately in order to determine the next steps to protect cultural resources in the project area.

The Commission staff **agrees** with your conclusion that the proposed light-footed Ridgway's rail proving pen replacement 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,

(for) 
JOHN AINSWORTH
Executive Director

cc: CCC – San Diego Coast District

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885
WWW.COASTAL.CA.GOV



December 6, 2019

Elaine Vaudreuil
Program Specialist
NOAA
NOS, Office for Coastal Management
1305 East West Highway, SSMC4/10th Floor
Silver Spring, MD 20910

Subject: Negative Determination ND-0030-19 (Elkhorn Slough NERR 2019 Boundary Change,
Monterey County, CA)

Dear Ms. Vaudreuil:

The Coastal Commission staff has reviewed the above-referenced negative determination. NOAA's Office for Coastal Management proposes to adjust the boundary of the Elkhorn Slough National Estuarine Research Reserve (NERR) by adding nine parcels to the existing management boundary of the Reserve and removing from the boundary a 13.98-acre portion of land that contains a non-conforming use (feedlot). The nine new parcels are owned by the State of California and all but one are adjacent to the Reserve's current boundary, and the land to be removed from the Reserve is no longer owned by the State. NOAA states that the proposed boundary change would provide a wider range of resource protection for wetland, aquatic, and upland habitats within the Reserve, improve integrated ecosystem management and habitat restoration, and enhance opportunities for research, monitoring, and education.

The Commission staff **agrees** with your conclusion that the proposed boundary change will benefit, and 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".

(507) JOHN AINSWORTH
Executive Director

cc: CCC – Central Coast District