

CALIFORNIA COASTAL COMMISSION

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

Tu 9



DATE: December 18, 1997

TO: COASTAL COMMISSIONERS
AND INTERESTED PARTIES

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

RE: NEGATIVE DETERMINATIONS ISSUED BY THE EXECUTIVE
DIRECTOR [Note: Executive Director decision letters are attached]

PROJECT #:	NE-121-97
APPLICANT:	Union Pacific Railroad
LOCATION:	Union Pacific right-of-way, at Meadow Creek, City of Pismo Beach, San Luis Obispo Co.
PROJECT:	Removal of vegetation
ACTION:	No effect
ACTION DATE:	11/19/97

PROJECT #:	ND-124-97
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Construction of a single story marina clubhouse
ACTION:	Object
ACTION DATE:	11/24/97

PROJECT #:	CC-130-97
APPLICANT:	City of Daly City
LOCATION:	Mussel Rock Landfill, Daly City, San Mateo Co.
PROJECT:	Storm damage repair
ACTION:	Object
ACTION DATE:	11/14/97
SUBSEQUENT ACTION:	No effect
SUBSEQUENT ACTION DATE:	12/16/97

PROJECT #: ND-143-97
APPLICANT: Immigration and Naturalization Service
LOCATION: Interstate 5, 12 miles north of the City of Oceanside, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT: Modification to previously approved pre-inspected automated lane to improve mitigation measures
ACTION: Concur
ACTION DATE: 11/17/97

PROJECT #: NE-146-97
APPLICANT: Ventura Co. Parks Dept.
LOCATION: Camarillo Regional Park, Camarillo, Ventura Co.
PROJECT: Construct golf course and amphitheater
ACTION: No effect
ACTION DATE: 12/8/97

PROJECT #: ND-152-97
APPLICANT: National Park Service
LOCATION: Point Reyes National Seashore, Marin Co.
PROJECT: Tule Elk Management Plan
ACTION: Concur
ACTION DATE: 11/26/97

PROJECT #: ND-154-97
APPLICANT: Navy
LOCATION: Naval Air Station, North Island, San Diego
PROJECT: Construct a beach walkway behind the Navy Lodge
ACTION: Concur
ACTION DATE: 12/1/97

PROJECT #: ND-155-97
APPLICANT: Federal Aviation Administration
LOCATION: Naval Air Weapons Station, Point Mugu, Ventura Co.
PROJECT: construction of a replacement localizer system
ACTION: Concur
ACTION DATE: 11/17/97

PROJECT #:	ND-156-97
APPLICANT:	Navy
LOCATION:	Naval Air Station, North Island, San Diego
PROJECT:	Construct deck
ACTION:	Concur
ACTION DATE:	12/9/97

PROJECT #:	ND-157-97
APPLICANT:	Fish and Wildlife Service
LOCATION:	Sweetwater Marsh National Wildlife Refuge, San Diego Co.
PROJECT:	Install Mobile Construction Trailer
ACTION:	Concur
ACTION DATE:	11/20/97

PROJECT #:	ND-158-97
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Dredging and eelgrass creation to support homeporting of cyclone class coastal patrol ships
ACTION:	Concur
ACTION DATE:	11/20/97

PROJECT #:	ND-159-97
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, San Diego Co.
PROJECT:	Construction of storage building
ACTION:	Concur
ACTION DATE:	11/20/97

PROJECT #:	ND-163-97
APPLICANT:	Coast Guard
LOCATION:	Pigeon Pt., San Mateo Co. and Point Loma, San Diego Co.
PROJECT:	Replace Differential Global Positioning Systems
ACTION:	Concur
ACTION DATE:	12/12/97

PROJECT #:	ND-165-97
APPLICANT:	Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Install soil borings, groundwater monitor wells, and temporary percolation evaluation basins
ACTION:	Concur
ACTION DATE:	12/3/97

PROJECT #:	ND-167-97
APPLICANT:	Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Tactical vehicle maintenance facility
ACTION:	Concur
ACTION DATE:	12/8/97

CALIFORNIA COASTAL COMMISSION

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TELEPHONE AND TDD (415) 904-5200



November 14, 1997

Paul Minault
Law Offices of Paul Minault
120 Montgomery Street
San Francisco, CA 94104

RE: NE-121-97, No-Effects Determination for the removal of vegetation, Union Pacific right-of-way at Meadow Creek, City of Pismo Beach.

Dear Mr. Minault:

The Coastal Commission has received and reviewed the above-referenced consistency certification. The proposed project includes removal of vegetation from the portion of Meadow Creek within the Union Pacific right-of-way, City of Pismo Beach. Pursuant to the requirements of the Department of Fish and Game stream alteration agreement, the applicant has incorporated the following mitigation measures into the project:

1. Remove only vegetation in the bottom center of Meadow Creek.
2. Leave vegetation on the banks intact to prevent erosion.
3. Disturbance of vegetation will not exceed the minimum necessary to complete operations.
4. Restore disturbed portions of the stream channel within the high-water mark to as near original condition as possible.
5. No operating equipment in the stream channel.
6. Return the low-flow channel, as nearly as possible, to its natural state without creating future bank erosion problems.
7. Install erosion control fabric (Dekowe 900, a natural, biodegradable coconut fiber) on the bottom of the stream channel and firmly anchored to withstand high seasonal flows.
8. No placement of debris, soil, silt, sand, bark, slash, or other materials in areas where rainfall or runoff may wash it into the stream channel.
9. Haul all material to a landfill off site.

The proposed project involves removal of sediment and vegetation from a stream channel, and thus it could potentially affect water quality and habitat resources of the coastal zone. However, with the above-described mitigation measures, the applicant will minimize any potential water quality impacts. The applicant has agreed to remove only

November 14, 1997

NE-121-97

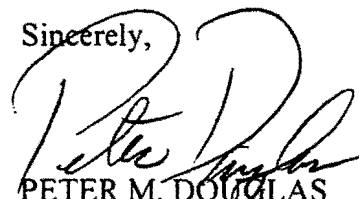
Page 2

vegetation from the stream bottom and not damage bank vegetation. The applicant has also agreed to several erosion control measures that include installing erosion control fabric, avoiding the use of equipment in the stream, and preventing removed sediment and debris from eroding into the stream. These measures will minimize, if not avoid, water quality impacts from erosion.

The project will also minimize habitat impacts. The applicant limits the proposed project to a one-time removal of vegetation and sediment from the stream. The applicant proposes only to remove the minimum amount of vegetation necessary. Additionally, the Department of Fish and Game believes that the stream does not contain any endangered or threatened species. However, to ensure against unexpected impacts, the applicant has agreed to use a biologist to monitor onsite impacts during construction. With these mitigation measures, the Commission staff believes that the habitat impacts will be insignificant.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the conclusion that the proposed activity does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Central Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Tiffany Welch, Corps of Engineers, Ventura Field Office

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CALIFORNIA COASTAL COMMISSION

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November 14, 1997

Patrick McCay
Long Range Planning and
Real Estate Team Leader
Department of the Navy, Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

RE: ND-124-97 Negative Determination, U.S. Navy, Clubhouse, Naval Amphibious
Base, Coronado

Dear Mr. McCay:

On September 11 and October 22, 1997, we requested additional information concerning the above referenced project. As of today's date, we have not received the information we requested. Under the federal consistency provisions, we must act within 90 days of receiving a negative determination. Since the end of the 90 day period is rapidly approaching, it is necessary for us to object to this negative determination, based on lack of sufficient information with which to determine the project's effects on public views. You may resubmit a new negative determination with the information we requested at any time.

We therefore object to your negative determination for this negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Douglas".

PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
City of Coronado

CALIFORNIA COASTAL COMMISSION

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November 14, 1997

Al Savay
City of Daly City
333 90TH Street
Daly City, CA 94015-1895

RE: CC-130-97, Consistency Certification waiver for the repair of storm damage to the Mussel Rock Park Landfill, Daly City

Dear Mr. Savay:

The Coastal Commission has received and reviewed the above-referenced consistency certification. The proposed project includes repair of storm damage to the Mussel Rock Park Landfill, Daly City, a closed and covered sanitary land fill located next to the shoreline. The project includes repair of sloughed-slopes, installation of rock gabion walls to stabilize the toe of the slopes near the seawall access road, repair and replacement of existing drainage pipes, and installation of under drains and new drainage inlets to collect groundwater percolating from adjoining slopes.

Your submittal requests the Commission staff to consider a waiver of the requirement for a consistency certification. To waive the consistency requirements, the applicant must demonstrate and the Commission staff must agree that the project will not affect coastal zone resources. However, in this case, the Commission staff believes that the project will affect marine water quality, a coastal zone resource of great significance. Specifically, the project includes the construction of new drain inlets that collect and drain groundwater percolating from the adjoining slopes. The outfalls for these drains are in the ocean. At the Commission staff's request, the City submitted water quality data for the discharges. These data indicate that the discharges may have elevated levels of heavy metals including copper, nickel, zinc, chromium, and lead. It appears that the levels of these heavy metals are higher than ocean plan standards. Since the Coastal Zone Management Act (CZMA) incorporates the Clean Water Act and any state or federal standard developed pursuant to that Act into the states' coastal management programs, the ocean plan standards are also California Coastal Management Program (CCMP) standards (16 U.S.C. § 1456(f)). Therefore, the Commission staff concludes that the project affects coastal zone resources and we cannot waive the requirement for a consistency certification.

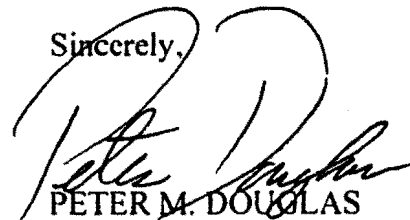
The City's letter to the Commission states that the submittal is both a request for a waiver and a consistency certification. However, as a consistency certification, the submittal does not contain enough information for the Commission to evaluate the project for consistency with the CCMP. Mainly, the project does not include an analysis of the project's water quality impacts and consistency with the appropriate policies of the CCMP, Sections 30230, 30231, and 30412 of the Coastal Act. In order for the Commission to act on your submittal, you should submit a water quality analysis as soon

as possible. In analyzing the water quality impacts from the project, the City should coordinate with the Regional Water Quality Control Board (RWQCB). Section 30412 of the Coastal Act identifies the State Water Resources Control Board and the RWQCB as the state agencies with the "primary responsibility for the coordination and control of water quality." The Commission staff relies on assistance from the RWQCBs in evaluating water quality impacts. We recommend that you coordinate with the SF-RWQCB and apply for any necessary permits or certifications or request that the RWQCB evaluate the discharges for consistency with its landfill closure order.

At the completion of this process, the City should submit the permit, certification, or evaluation to the Commission for its consideration as part of this consistency certification review. The Commission must act on this consistency certification before March 5, 1998, which means that the Commission must schedule the project no later than the February Commission meeting. If we do not receive the requested information by January 9, 1998, the staff will recommend that the Commission object, for lack of information, to this consistency certification.

In conclusion, the Coastal Commission staff believes that the proposed project will adversely affect water quality resources of the coastal zone. The Commission staff, therefore, objects to your request for a federal consistency waiver and concludes that the proposed activity requires a consistency certification pursuant to 15 C.F.R. Section 930.50. Finally, the consistency certification submitted for this project does not fully evaluate the water quality impacts on the coastal zone. Without such an evaluation, the Commission staff will recommend objection to this consistency certification. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: Rich McGough, City of Daly City
North Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Cy Oggins

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December 16, 1997

Al Savay
City of Daly City
333 90th Street
Daly City, CA 94015-1895

RE: CC-130-97, Consistency Certification waiver for the repair of storm damage to the Mussel Rock Park Landfill, Daly City

Dear Mr. Savay:

As you know, on November 14, 1997, the Commission staff objected to your request for a waiver of the consistency certification requirement for the above-referenced project. The Commission staff based that objection on potential effects to water quality resources of the coastal zone. The proposed project includes repair of storm damage to the Mussel Rock Park Landfill, Daly City, a closed and covered sanitary land fill located next to the shoreline. The project includes repair of sloughed-slopes, installation of rock gabion walls to stabilize the toe of the slopes near the seawall access road, repair and replacement of existing drainage pipes, and installation of under drains and new drainage inlets to collect groundwater percolating from adjoining slopes.

On November 19, 1997, Richard McGough, also with the City of Daly City, requested that we reconsider the waiver and provided additional information to support that reconsideration. Alan Friedman of the San Francisco Bay Regional Water Quality Control Board also provided additional information in a letter dated December 1, 1997.

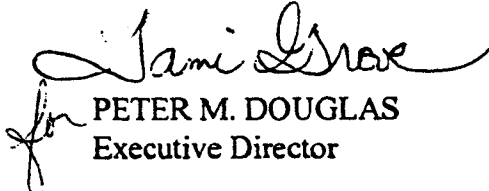
As stated in our previous letter, to waive the consistency requirements, the applicant must demonstrate, and the Commission staff must agree, that the project will not affect coastal zone resources. The Commission staff previously stated that the project failed to meet this standard because it includes the construction of new drain inlets that collect and drain groundwater percolating from the adjoining slopes. The outfalls for these drains are in the ocean and the discharge water has elevated levels of heavy metals including copper, nickel, zinc, chromium, and lead, which appear to be higher than ocean plan standards.

Although the additional information submitted by the City and the Regional Board does not change the staff's analysis of the water quality data, it does provide for extenuating circumstances that allow for Commission staff to reconsider the waiver. According to the City's November 19 letter, the City closed the landfill as required by Regional Board Order No. 82-43. The order also requires the City to prevent slope failure at the site, prevent entry of storm water into the landfill, and maintain a minimum of three feet of cover over the landfill. Additionally, the City's November 19 letter states that last winter's storms caused site settlement and slope erosion. The settlement separated storm water pipes and allowed water to enter the landfill. Additionally, the settlement caused low points to develop on the seawall access road where ponding occurs. This ponding

provides a health risk to recreational users of the site. The San Mateo Environmental Health Services Division required the City to install inlets to drain these low points. The letter from the Regional Board and its enclosures supports the conclusions provided by the City. Additionally, the Regional Board identifies the importance of repairing and maintaining the site pursuant to the proposed project. Regional Board staff also recognizes that, although the contaminants in the discharge are not "extreme values," the Board needs to revise its closure order to address this water quality concern. Finally, the Regional Board staff has concerns about the delay in the City's repair of damage from last year's winter storms.

In conclusion, the Coastal Commission staff believes that the proposed project is necessary to prevent slope failure and groundwater intrusion into the landfill. Both of these events would have significant effects on water quality resources of the coastal zone. These impacts would have a more significant effect on water quality than the slightly elevated contaminants in the proposed discharges. Finally, the proposed project does not create a new discharge, rather it diverts existing discharges through new culverts. The Commission staff, therefore, concurs with your request for a federal consistency waiver and concludes that the proposed activity does not have significant effects on coastal resources and does not require a consistency certification pursuant to 15 C.F.R. Section 930.50. If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


for PETER M. DOUGLAS
Executive Director

cc: Rich McGough, City of Daly City
North Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office
Cy Oggins
Alan Friedman, San Francisco Bay RWQCB

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November 17, 1997

Robert Joe, Chief
Planning Division
Attn: Joy Jaiswal
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

RE: **ND-143-97** Negative Determination, Army Corps, Modifications to San Clemente Border Patrol Checkpoint Improvements, I-5, Camp Pendleton Marine Corps Base, San Diego County

Dear Mr. Joe:

The Coastal Commission staff has received the above-referenced negative determination for modifications to a previously-concurred-with consistency determination for the construction of a Pre-Inspected Automated Lane at the Border Patrol Checkpoint on Camp Pendleton Marine Corps Base. The original project, submitted by the Corps on behalf of the U.S. Immigration and Nationalization Service (INS), consisted of construction of a one mile long, special lane to allow vehicles equipped with an electronic device to bypass the inspection lanes at the checkpoint. The project included shifting the existing northbound lanes of I-5 approximately 25 to 35 feet eastward, necessitating a small degree of fill and loss of California gnatcatcher habitat. The Commission concurred with this project on July 8, 1997 (CD-65-97).

The proposed modifications consist of:

(a) technical modifications and clarifications to the transponder devices and other systems that will enable approved vehicles to use the PAL and identify and deter non-authorized vehicles;

(b) decreasing the width of the PAL by 6 ft., and, where I-5 was proposed to be widened into the adjacent canyon to the east, constructing an earthen embankment with a 1:1.5 slope, rather than a vertical retaining wall. These two changes which will reduce the extent of fill in the canyon; and

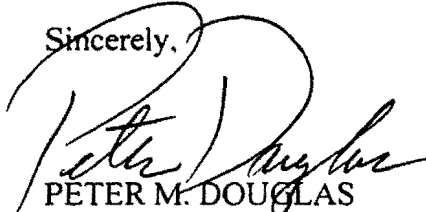
(c) clarification that measures relating to the scheduling of construction would include the following commitment:

Work related to a retaining wall or embankment construction within the canyon supporting gnatcatcher habitat would not occur between February 15th and August 15th. In addition, construction activities would be accomplished in a manner that will avoid or minimize impacts to this year-round resident bird and the coastal sage scrub that provides habitat for the species.

Original project commitments remain in force, including: (a) through consultation with the U.S. Fish and Wildlife Service, measures to offset the project's removal of approximately 1/4 to 1/2 acre of coastal sage scrub habitat; and (b) revegetation of the disturbed area and embankment upon completion of construction.

Under the federal consistency regulations 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 modifications do not raise any coastal issues that were not previously addressed in CD-65-97. We therefore **concur** with your negative determination for the revised project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

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December 8, 1997

Robert Amore
Project Manager
Ventura County Parks Department
800 S. Victoria Ave.
Ventura, CA 93009

RE: **NE-146-97** No Effects Determination, Ventura County, Camarillo Regional Park Golf Course and Amphitheater

Dear Mr. Amore:

The Coastal Commission staff has received the above-referenced "No Effects" letter for the construction of an 18-hole golf course and ancillary facilities, and a 16,000 sq. ft. amphitheater at the Camarillo Regional Park in Ventura County. While the project is located over five miles upstream of the coastal zone, it has the potential to cause sedimentation and water quality impacts downstream at Mugu Lagoon in the coastal zone.

The County has responded to our request for an analysis of downstream impacts by providing a copy of relevant portions of the project EIR, which discuss these issues. The EIR states that runoff in the golf course area will be reduced and filtered through interception by ponds on the golf course, and amphitheater runoff will be intercepted by inlets and conduits to the golf course. The EIR further states that the golf course ponds have been designed for storm water pollution prevention and irrigation storage, and that peak runoff increases would be minimal (less than 0.01%). The County has committed to preparing both a Storm Water Pollution Prevention Plan and an Integrated Pest Management Plan, and the EIR further states that pollutants from fertilizers, pesticides and herbicides will be captured and removed through biologic filtering systems (vegetated berms and/or filter strips) before they enter any sensitive habitat areas or Calleguas Creek. In addition, the project has been modified to significantly reduce the extent of wetland fill. Finally, the project is subject to the permit requirements of the Army Corps of Engineers, the Los Angeles RWQCB, and the California Dept. of Fish and Game.

With the measures described above, and with the modifications to reduce wetland fill (outside the coastal zone), the project would not adversely affect downstream resources, and we therefore agree with your "No Effects" letter and your conclusion that no consistency certification needs to be submitted for this project. If you have questions, please contact Mark Delaplaine, federal consistency supervisor, at (415) 904-5289.

Sincerely,

(for) Mark Delaplaine
PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA Assistant Administrator
Assistant Counsel for Ocean Services
OCRM
Governor's Washington D.C. Office
Army Corps, Ventura Field Office
RWQCB, Los Angeles Region

CALIFORNIA COASTAL COMMISSION

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November 26, 1997

Don L. Neubacher
National Park Service
Point Reyes National Seashore
Point Reyes, CA 94956

Attn: Bill Shook

RE: ND-152-97, Negative Determination for the Tule Elk Management Plan, Point Reyes National Seashore

Dear Mr. Neubacher:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed Tule Elk Management Plan for Point Reyes National Seashore includes the following short and long term actions:

Interim or short-term actions:

1. Maintain elk fence on Tomales Point range.
2. Continue monitoring tule elk and their environment.
3. Continue immunocontraception tests on elk.
4. Continue research efforts into tule elk ecology, including methods to alter elk population size where necessary.
5. Establish thresholds for tule elk, vegetation, and other resource indicators.
6. Conduct a Risk Assessment Survey to address Johne's disease transmission.
7. Begin the establishment of free ranging herd in the Seashore's wilderness and natural zones encompassing 23,000 acres by relocating 35-70 animals to the Limantour area within temporary fence. Relocate only animals free of Johne's disease.
8. Work to ensure public safety; reduce consequences to neighbors of free ranging elk.
9. Work with other agencies to relocate 35-70 animals elsewhere in the State to establish a new herd in the historic tule elk range.
10. Set interim size limit for Point Reyes tule elk population at 600-800 animals, with Tomales Point set at 350-450 and Limantour set at 250-350.

Long-term actions:

1. Manage free ranging herds using minimal intrusion to achieve viable management limits as part of dynamic ecosystem processes.

2. Adaptively manage the herd, revising this plan as necessary to best fit new situations and information.

The Commission staff has concerns about potential effects on public access to the shoreline. The project includes the temporary installation of a fenced enclosure to house relocated elk while they adjust to their new territory. This fencing may interfere with recreational use of the coastal zone and may degrade visual resources of the coastal zone. In developing this management plan, the Park Service has not identified a location for the temporary fenced area nor has it provided designs for the fence. Without this information, the Commission staff can not fully evaluate the recreational effects from the proposed activity. However, the Park Service has agreed (Bill Shook, Pers. Comm., 11/26/97) to conduct the appropriate federal consistency analysis of the temporary fence after the Park Service has sited and designed it. With this provision, the Commission staff agrees that the concept of a temporary fence, which is necessary for relocation of the elk, does not affect coastal resources.

Additionally, the Commission staff believes that there is a potential conflict between the proposed free ranging elk and automobile use of public roads and highways. This conflict could interfere with public access to the shoreline and recreational use of the coastal zone. However, the Park Service will use warning signs and speed limits to minimize this potential impact. Additionally, the Park Service may have to temporarily close roads during rutting season. Although this action would reduce elk and automobile conflicts, it could also adversely affect coastal access and recreation resources. If such measures become necessary, the Park Service has agreed (Bill Shook, Pers. Comm., 11/26/97) to conduct the appropriate federal consistency analysis at that time. Finally, the project may benefit coastal recreation by improving wildlife viewing opportunities. In conclusion, the Commission staff has determined that the proposed activity will not adversely affect access and recreation resources.

In addition, the Commission staff has concerns about potential conflicts between a free ranging elk herd and coastal agriculture. The management plan includes provisions to minimize conflicts with agricultural resources of the coastal zone. These measures include maintaining the fence containing the Tomalas Point herd, testing for Johne's disease, and recapturing any elk that leaves federal land. The Park Service describes the mitigation measures as follows:

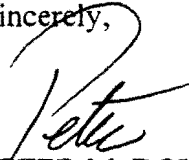
The Seashore will be ready to recapture or destroy problem animals should these situations arise, or establish partnerships with state and county agencies with the necessary skills and personnel to assist with the recapture. The Seashore should be prepared to provide funding for compensating property damage in necessary. It may be possible for the Seashore to modify parts of the habitat to help prevent such occurrences, or construction of barriers to dispersal.

With these mitigation measures, the activity will not significantly affect coastal agriculture.

The project will benefit habitat resources of the coastal zone because the tule elk is native to this area and the project will restore this resource. Additionally, the Park Service proposes to monitor elk populations and their environment, in part, to determine if there are conflicts with other wildlife or plant species, including threatened and endangered species. The Park Service will implement appropriate management measures to control any habitat conflicts. Therefore, the activity will not adversely affect habitat resources of the coastal zone.

In conclusion, the Coastal Commission staff agrees that the proposed activity will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact James R. Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: North Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office

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SAN FRANCISCO, CA 94105-2219
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December 1, 1997

R. Mello, Captain
U.S. Navy
Naval Air Station
North Island
P.O. Box 357033
San Diego, CA 92135-7033

RE: ND-154-97 (Negative Determination, Beach Walkway, Naval Air Station, North Island, San Diego County)

Dear Captain Mello:

We have received your negative determination for the placement of a concrete beach walkway on the sandy beach behind the Navy Lodge, Buildings 1400 and 1401 at the Naval Air Station, North Island. The walkways will be 783 linear feet and four feet wide. The project also includes a 12 ft. by 12 ft. concrete pad. The proposed walkway will lead from buildings 1400 and 1401 to the sandy beach. The walkway will end just behind several small picnic shelters. The walkway will be laid only on sand, and will not cover any vegetation.

Because the project is located entirely on federally owned land and will not be visible from public beaches, we agree that the project will not affect any coastal zone resources. The project will be approximately several hundred feet away from the surfzone. Therefore, we hereby concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,


Peter M. Douglas
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

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



November 17, 1997

Keith Lusk
FAA Contractor
Federal Aviation Administration
Operations East
10320 Camino Santa Fe, Suite C
San Diego, CA 92121


RE: **ND-155-97** Negative Determination, Replacement Localizer System, Point Mugu Naval Air Station, Ventura County

Dear Mr. Lusk:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a "replacement localizer system" to replace an existing deteriorated aircraft landing system at the base of the flight approach path, approximately 1200 ft. off of Runway 21 at the Naval Air Station in Point Mugu. The project constitutes the replacement-in-kind of an existing facility on federal land, and its installation has been designed to avoid adverse effects on environmentally sensitive habitat, such as wetlands, clapper rail, and salt marsh bird's beak habitat located in the greater project vicinity. The project will not affect any other coastal zone resources.

The Coastal Commission staff therefore agrees that the proposed project will not adversely affect coastal zone resources, and we concur with your negative determination made pursuant to 15 C.F.R. Section 930.35(d). If you have any questions, please contact Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

Sincerely,


(Kaw) PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
U.S. Army Corps of Engineers, Ventura Area Office
RWQCB, Los Angeles Region

CALIFORNIA COASTAL COMMISSION

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



December 9, 1997

R Mello, Captain
CEC, U.S. Navy
Naval Air Station North Island
Box 357033
San Diego, CA 92135-7033

RE: **ND-156-97** Negative Determination, Navy Patio Deck, Naval Air Station North Island (NASNI), Coronado, San Diego Co.

Dear Captain Mello:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a patio deck south of the Beach House (Building 764), at Breakers Beach on the south side of the Naval Air Station North Island (NASNI). The deck would be 150 ft. wide and, with awnings, would be 14 ft. high. The deck would be attached to an adjacent existing building, and as such, would not adversely affect any scenic public views of or across the site. The project will not affect any environmentally sensitive habitat or any other coastal zone resources. We therefore **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

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

(for)

PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
City of Coronado

CALIFORNIA COASTAL COMMISSION

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



November 20, 1997

Dean Rundle
Refuge Manager
U.S. Fish and Wildlife Service
San Diego National Wildlife
Refuge Complex
2736 Loker Ave. West, Suite A
Carlsbad, CA 92008

RE: ND-157-97 Negative Determination, U.S. Fish and Wildlife Service, Mobile
Construction Trailer, Sweetwater Marsh National Wildlife Refuge,
Chula Vista, San Diego Co.

Dear Mr. Rundle:

The Coastal Commission staff has received the above-referenced negative determination for the installation of a mobile construction trailer at the Sweetwater Marsh National Wildlife Refuge in Chula Vista. The trailer is needed to allow Refuge staff to maintain their presence and protect the refuge. The trailer would be 24 ft. by 40 ft., and 16 ft. high. It would be installed on an existing concrete pad, which is located across the existing access road from the visitor center and greenhouse on Gunpowder Point. Due to the previous site disturbance the project would not adversely affect any environmentally sensitive habitat. In addition, given the topography and surrounding visitor center and greenhouse, the visual impact on scenic public views would be minimal.

We agree with your conclusion that the project would not adversely affect any resources of the coastal zone. We therefore **concur** with your negative determination for these activities made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Douglas".

PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

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



November 20, 1997

Patrick McCay
Long Range Planning and
Real Estate Team Leader
Department of the Navy, Southwest Division
Naval Facilities Engineering Command
Planning and Real Estate Department
1220 Pacific Highway
San Diego, CA 92132-5190

RE: **ND-158-97** Negative Determination, U.S. Navy, Disposal Modifications, Cyclone Class
Patrol Ship Pier Dredging, Naval Amphibious Base, Coronado, San Diego County

Dear Mr. McCay:

The Coastal Commission staff has received the above-referenced negative determination for modifications to the previously-concurred-with consistency determination for a pier replacement project at the Naval Amphibious Base in Coronado (see CD-100-95 and ND-131-96, Navy Cyclone Class Patrol Ship Pier). As originally concurred with by the Commission, the project included dredging of 33,000 cu. yds. of material, with disposal at three sites: as eelgrass substrate (clean material), ocean disposal at LA-5 (clean material), and within the "Homeporting" project (see CD-95-95) fill area (contaminated material). The project was subsequently modified to a total volume of 40,525 cu. yds. of dredging with disposal modifications as follows: (a) an increase in the quantity for ocean disposal (of clean material); and (b) a change in the quantity and location for upland disposal (of contaminated material).

The project has now modified to increase the volume of clean material to be used for eelgrass mitigation. The previous volume was 10,500 cu. yds., which is being increased to 22,690 cu. yds. The area of eelgrass mitigation is also being increased, from 0.15 acres to 0.30 acres, which will improve the habitat benefits of the overall project.

We agree with your conclusion that the project, as modified, does not raise any coastal zone resource issues not already considered by the Commission in its concurrence with CD-100-96. We therefore concur with your negative determination for these project modifications made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
EPA (Steven John)
Army Corps of Engineers (David Zoutendyk)
RWQCB (San Diego Region)
City of Coronado (Ann McCaull)

CALIFORNIA COASTAL COMMISSION

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



November 20, 1997

LCDR H.A. Bouika
Environmental Officer
Department of the Navy
Naval Construction Battalion Center
1000 23rd Ave.
Port Hueneme, CA 93043-4301

RE: **ND-159-97** Negative Determination, Navy Storage Building, Naval Construction Battalion Center, Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a 370 sq. ft., 16 ft. high storage building in the northwestern portion of the Naval Construction Battalion Center (NCBC) in Port Hueneme. The project site is located within an existing developed area of the NCBC which is devoted to storage and similar uses. The project would not involve any discharges into marine waters. No scenic public views would be affected, and landscaping along Victoria Ave. and Channel Islands Blvd. would visually shield the buildings from public areas. The project site contains no environmentally sensitive habitat. Public access and recreation would not be affected by the project.

We **agree** with the Navy that the project will not affect coastal resources, and we therefore **concur** with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,

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

(f:1)

PETER M. DOUGLAS
Executive Director

cc: Ventura Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
Governors Washington D.C. Office
California Department of Water Resources

CALIFORNIA COASTAL COMMISSION

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



December 12, 1997

Dave Stalters
Chief, Environmental Division
Civil Engineering Unit Oakland
U.S. Coast Guard
2000 Embarcadero, Suite 200
Oakland, CA 94606-5337

Subject: Negative Determination ND-163-97 (Differential Global Positioning System towers at U.S. Coast Guard facilities at Pigeon Point (San Mateo County) and Point Loma (San Diego County)).

Dear Mr. Stalters:

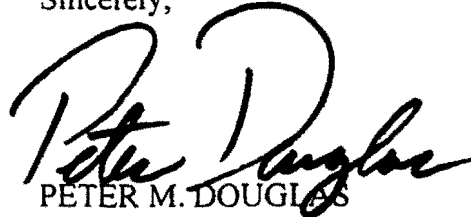
The Coastal Commission staff has reviewed the materials submitted by the U.S. Coast Guard for replacement of Differential Global Positioning System (DGPS) transmission towers at U.S. Coast Guard facilities at Pigeon Point (San Mateo County) and Point Loma (San Diego County). In 1994 the Commission's Executive Director concurred with a Coast Guard negative determination (ND-81-94) for installation of four DGPS transmission towers at Pigeon Point, Point Loma, Point Arguello in Santa Barbara County, and Cape Mendocino in Humboldt County. The Executive Director determined that the installation and operation of the towers would increase navigation safety along the California coast and would not adversely affect the coastal zone.

The Coast Guard reports that the towers at Point Loma and Pigeon Point have recurring transmission problems, requiring that the towers be lowered to repair the transmission equipment attached to the top of the tower. To remedy this problem, the Coast Guard proposes to replace the two towers with new towers of the same size and shape, except that the transmission equipment will now be located in the existing huts at the base of the tower. This will energize the tower, making it the broadcasting antenna and prohibiting the installation of other antennas. As on the existing towers, bird diverters will be installed on the guy wires attached to the towers. No additional construction is proposed at either of the two sites.

In conclusion, the Commission staff agrees with your determination that the proposed tower replacement at Point Loma and Pigeon Point will not affect the coastal zone and does not raise

any issues not previously addressed by the Commission staff in its review of ND-81-94. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35(d). Please contact Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


PETER M. DOUGLAS
Executive Director

cc: San Diego Coast Area Office
North Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
Governor's Washington, D.C. Office
Department of Water Resources

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
V. TEL. (415) 904-5200



December 3, 1997

K.W. Quigley
Lieutenant Colonel
U.S. Marine Corps
Marine Corps Base
Box 555010
Camp Pendleton, CA 92055-5010

RE: ND-165-97 (Negative Determination, Sewage Management, Camp Pendleton Boat Basin, San Diego County)

Dear Lieutenant Colonel Quigley:

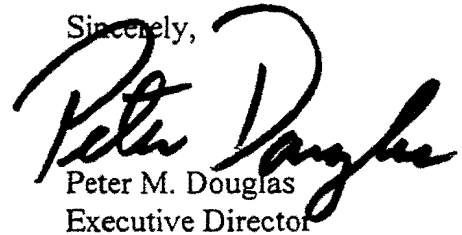
We have received the above referenced negative determination for soil borings, groundwater monitor wells and temporary percolation evaluation basins in the Lemon Grove area of Camp Pendleton. Camp Pendleton is under a cease and desist order issued by the San Diego Regional Water Quality Control Board for effluent discharge into the Santa Margarita River; this project is to evaluate whether the soils in the area are suitable for sewage effluent disposal system to comply with the Board's order. Based on the cease and desist order, Commission staff previously agreed to ND-24-97, which allowed for the construction of a pipeline to the City of Oceanside for effluent disposal. Due to the City's objection to the project, Camp Pendleton must now find an alternative method to address sewage disposal. This negative determination proposes the initial evaluation of an alternative process.

The proposed field evaluation work will be conducted in two phases, both of which are the subject of this negative determination. The first phase includes soil borings and groundwater monitor wells. To the extent possible, the soil boring and groundwater monitoring well sites will be located in existing dirt roads. If phase one of this project warrants additional evaluation of the site, five percolation ponds, each approximately 1/4 acre in size, will be constructed. The ponds will be located in non-native grassland. All work will avoid any coastal sage scrub habitat and possible vernal ponds. As a result, no habitat or endangered/threatened species, including the California gnatcatcher, will be impacted.

We therefore agree that this project will not affect any resources of the coastal zone, and hereby concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please note that concurrence with this negative determination does not indicate our support for, or concurrence with, any final project for

disposing the effluent, but rather is only for the above referenced testing. In addition, before you arrive at a final proposal to address the sewage effluent disposal, we encourage you to convene a meeting with staff from all relevant interested agencies to discuss alternatives and additional questions and concerns from any proposed project. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,



Peter M. Douglas
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office
Fish and Wildlife Service
Regional Water Quality Control Board, San Diego Region
EPA, Region 9

CALIFORNIA COASTAL COMMISSION

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



December 8, 1997

Richard Kramer
Head, Natural Resource Planning Division
U.S. Marine Corps
Marine Corps Base
Box 555010
Camp Pendleton, CA 92055-5010

RE: ND-167-97 (Negative Determination, Tactical Vehicle Maintenance Facility, warehouse, parking lot, Del Mar region of Camp Pendleton, San Diego County)

Dear Mr. Kramer:

We have received the above referenced negative determination for the construction of a Tactical Vehicle Maintenance Facility (TVMF), warehouse, and parking lot in the Del Mar region of Camp Pendleton. The project seeks to consolidate and modernize existing facilities distributed throughout the Del Mar region of the base.

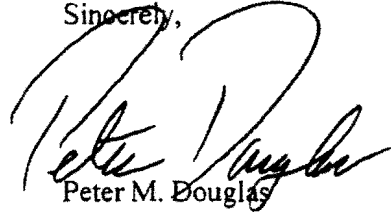
The project will not directly affect any threatened or endangered species. However, the warehouse is located near the Santa Margarita estuary, and runoff from the area drains into the estuary. To address water quality concerns, and indirect impacts to species which use the estuary, a sediment trap will be constructed with capacity designed to handle any sediment runoff from the project. Stormwater runoff will be directed to a biofiltration system and any accumulated sediment will settle into the sediment basin.

Similarly, the proposed TVMF and parking lot have the potential to discharge polluted runoff into the adjacent boat basin. To address water quality concerns, runoff from the parking lot will be directed through a biotechnology filtration system, which will remove contaminants prior to discharge into the boat basin. The TVMF will operate on a "closed-loop" system, where no water will leave the system and enter the boat basin. To address polluted runoff, the first one-tenth of an inch of stormwater will be collected and treated at the base sewage treatment plant. In addition, a settlement basin will be constructed to catch sediment. With these measures to address runoff into coastal waters and the fact that the proposed project will consolidate existing maintenance facilities and better address polluted runoff, we believe the project will not adversely affect water quality.

The project is located in an existing developed area. The new structures and parking lot will not significantly affect scenic resources of the coastal zone.

We therefore agree that this activity will not affect the coastal zone, and hereby concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Tania Pollak at (415) 904-5297 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas", written in a cursive style.

Peter M. Douglas
Executive Director

cc: San Diego Area Office
NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governors Washington D.C. Office

CALIFORNIA COASTAL COMMISSION

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

Tu 9a



DATE: DECEMBER 18, 1997

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR
MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

RE: U.S. NAVY, SURFACE WARFARE ENGINEERING FACILITY (SWEF)
PORT HUENEME, VENTURA COUNTY

I. Staff Note. At the November 1997 Commission meeting, the Commission agreed to hold a public hearing to discuss the status of historic and ongoing federal consistency review of the Surface Warfare Engineering Facility (SWEF) in Port Hueneme at the January 1998 Commission meeting.

II. SWEF History. In September 1995 the Commission staff expressed concerns over the Navy's 1985 construction of the original SWEF facility. That facility was built after implementation of the federal consistency requirements, and historic documentation available in September 1995 led the staff to conclude that the Navy had been aware prior to its construction that the SWEF facility would affect the coastal zone and would conflict with several policies of the Coastal Act. Because the Commission staff believed the SWEF facility should have undergone federal consistency review prior to its construction, the Commission staff has on several occasions requested that the Navy submit an after-the-fact consistency determination for the facility.

A related concern raised by the absence of consistency review of the original SWEF building is the procedural question of what degree of modification to the existing facility would trigger additional federal consistency review, given that a complete project description and accompanying environmental analysis was never provided to the Commission for that activity.

III. Issues. The primary issues which have been and continue to be raised regarding this matter include: (1) whether to conduct an after-the-fact consistency review of the SWEF; and (2) the adequacy and conclusions of several radar studies performed by the Navy to address Navy personnel and public health issues from SWEF radar emissions.

To the extent any public health risks would coincide with coastal resource health issues (e.g., effects on public access and recreation in the immediate project vicinity, such as on the La Janelle park and pier located southwest of the SWEF (Exhibit 2)), such issues would be considered coastal issues.

IV. Recent Correspondence. While the Commission staff has requested the Navy to submit an after-the-fact consistency determination for the SWEF, on May 13, 1997, the Navy requested that the "record be closed" on the staff's request (see Attachment 3). At the same time, on June 12, 1997, the Navy agreed to submit a "baseline document" for the SWEF. The Navy has also previously agreed that future modifications to the SWEF would be coordinated with the Commission for possible federal consistency review (see Attachment 1). This "baseline document" is intended to describe the historic and current facilities in operation at the SWEF, and the Commission staff had hoped it would be received in time to be reviewed prior to the mailing for the January 1998 Commission meeting. While it has not yet been received, the staff still anticipates receiving it shortly (and prior to the January meeting).

On December 12, 1997, the Commission staff also requested additional information based on the Navy's most recent radar study (and subsequent release of previously "classified" appendices) (see Attachment 8). The Navy states it will respond to this letter also, but again, the response has not yet been received as of this date.

For additional background material on the above-discussed matters, attached are three exhibits showing the location of the SWEF, followed by the following correspondence:

Attachment 1. April 5, 1996, Navy letter to the Commission, including a commitment that all future radar equipment installed will be tested and that future SWEF modifications will be coordinated with the Commission.

Attachment 2. April 21, 1997, letter from the Commission staff to the Navy, reiterating the staff's requests, an including a request that the Navy de-classify the most recent radar study's appendices (which the Navy subsequently agreed to do, for the most part).

Attachment 3. May 13, 1997, Navy letter to the Commission, including a request that the "record be closed" on the staff's request for an after-the-fact consistency determination.

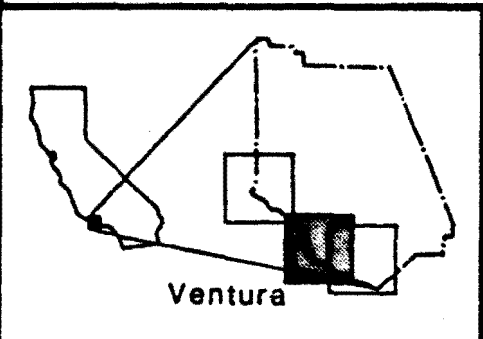
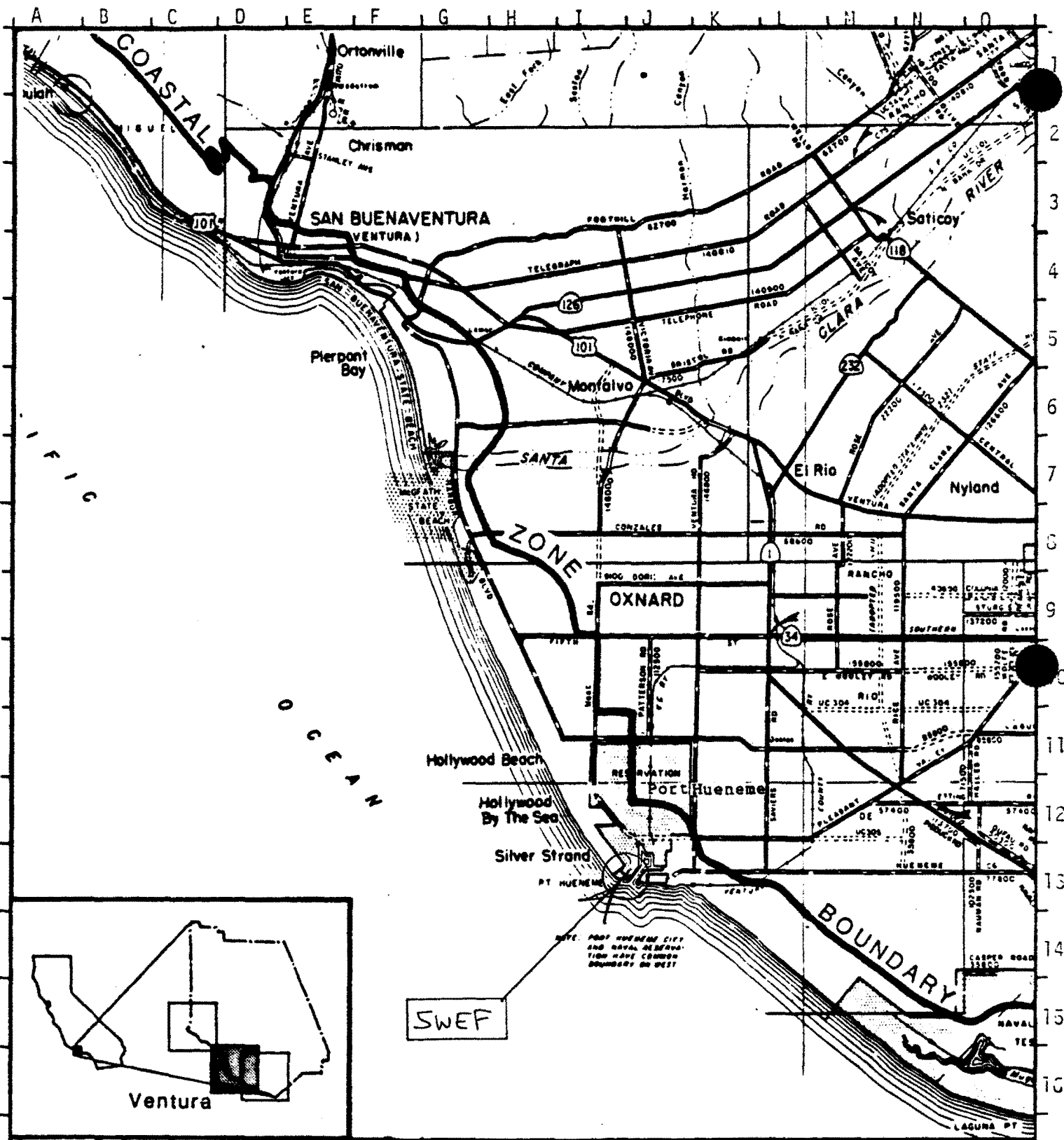
Attachment 4. May 22, 1997, The BEACON letter commenting on the Navy's May 13, 1997, letter and requesting a Commission status review hearing.

Attachment 5. June 12, 1997, letter from the Commission staff commenting on the Navy's May 13, 1997, letter and requesting at least a "baseline document" for the SWEF.

Attachment 6. November 18, 1997, The BEACON letter questioning some of the conclusions in the Navy's most recent radar study (the Navy letter it is responding to is attached (dated October 31, 1997)).

Attachment 7. November 5, 1997, The BEACON summary of the history of these matters, which was submitted at the November 1997 Commission meeting when The BEACON requested this status/briefing hearing.

Attachment 8. December 12, 1997, Commission staff letter to the Navy requesting radar information.

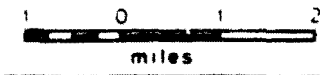


California Coastal Commission

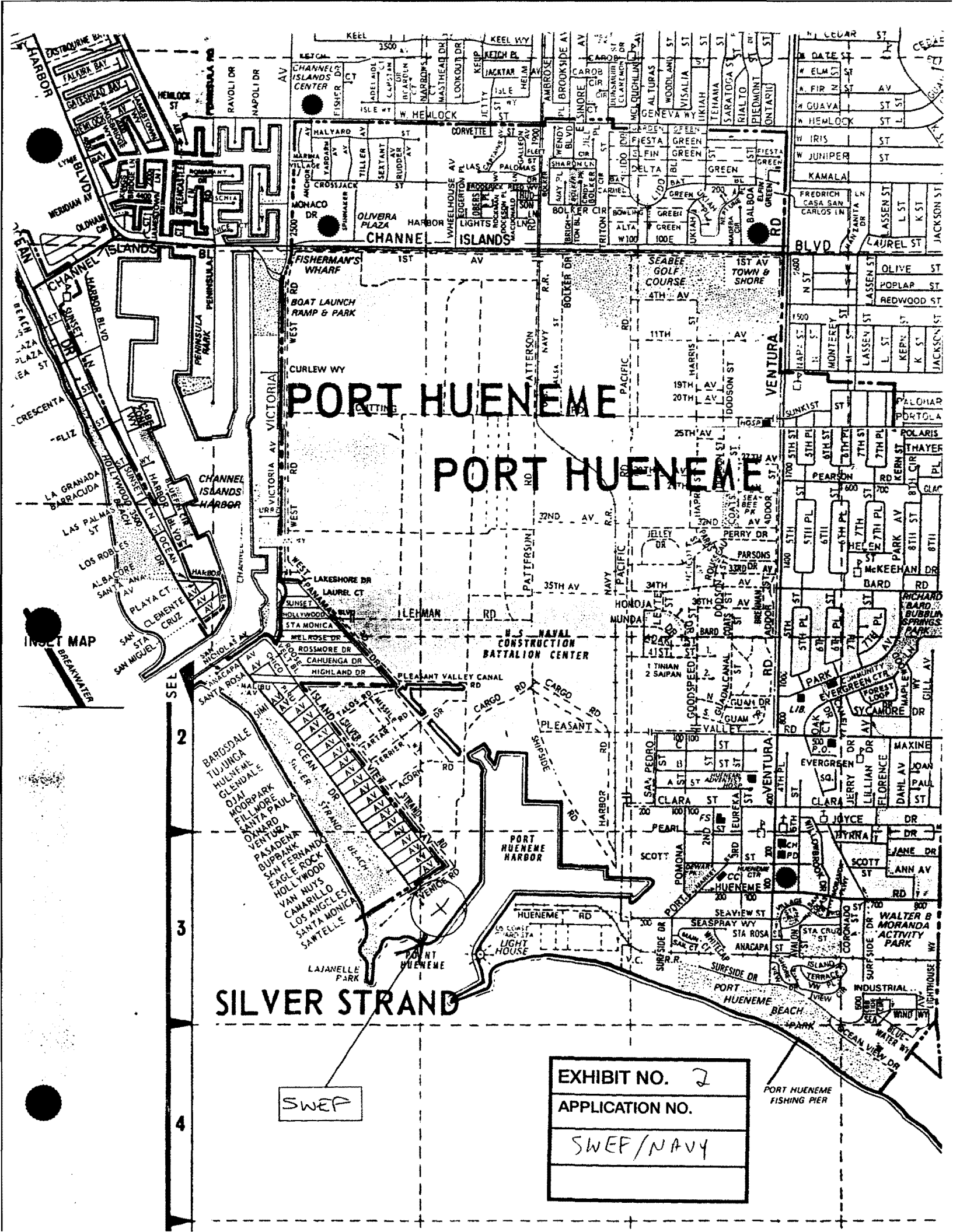
LOC.

County of Ventura

EXHIBIT NO.	1
APPLICATION NO.	
	SWEF/NAVY



Sheet 2 of 3



PORT HUENEME

PORT HUENEME

SILVER STRAND

SWEP

EXHIBIT NO. 2
APPLICATION NO.
SWEP/NAVY

PORT HUENEME FISHING PIER

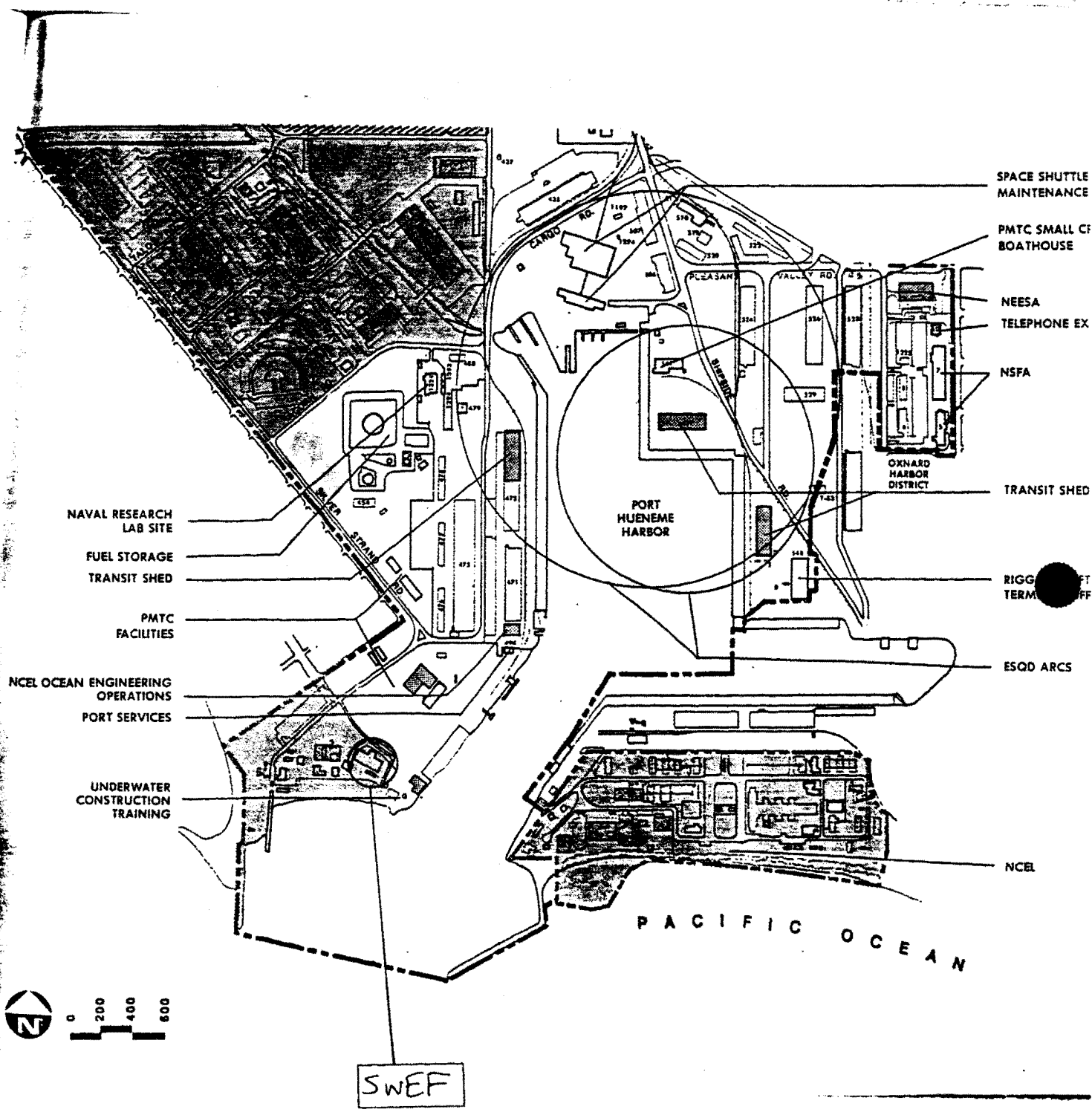


EXHIBIT NO.	3
APPLICATION NO.	
SWEF / NAVY	



DEPARTMENT OF THE NAVY
PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
4. 63 MISSILE WAY
PORT HUENEME, CALIFORNIA 93043 4307

IN REPLY REFER TO
9400
Ser 4A20-CLH/05
5 April 1996

From: Commander, Port Hueneme Division, Naval Surface Warfare Center
To: Mr. Mark Delaplaine, Federal Consistency Supervisor, California Coastal Commission, 45 Fremont, Suite 2000, San Francisco, CA 94105-2219

Subj: NAVY SPECIAL USE AIRSPACE

Ref: (a) California Coastal Commission ltr of 16 Feb 96

RECEIVED
APR 11 1996
CALIFORNIA
COASTAL COMMISS

1. The Port Hueneme Division, Naval Surface Warfare Center (NAVSURFWARCENDIV) has reviewed your correspondence (reference (a)) concerning two projects, the Navy Surface Warfare Engineering Facility (SWEF) and the Navy Special Use Airspace (SUA). It should be noted that the SUA and SWEF are different, though related projects.

2. Concerning the SWEF project, the Construction Battalion Center (CBC) Master Plan, 1981 along with all other new military construction projects then pending, was the subject of a consistency determination to satisfy CZMA requirements. This Master Plan, including its consistency determination, was provided to Navy headquarters in Washington, DC and also distributed to the state clearinghouse for distribution to agencies such as the Coastal Commission. It is my understanding that the Commission's records are at this time incomplete. NAVSURFWARCENDIV is willing to undertake a study that will provide information including the Commission's concerns on CZMA requirements, impact of potential Radio Frequency Radiation (RFR) hazards, and related issues.

3. Many of the Commission's concerns center around environmental impacts described in a copy of a Navy Master Plan (U.S. Navy Master Plan, Environmental Impact Analysis, Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, October 1, 1978). It should be pointed out that the 1978 document was an information study and an internal work in progress. This administrative draft has no official standing and was not approved or issued. However, a MILCON project (smaller and less obtrusive) (Guided Missile Laboratory, Project P-009, currently referred to as SWEF) was constructed starting in 1983. Additionally, based upon the Coastal Commission questions, the following is provided.

a. Mitigation measures suggested in the Navy Master Plan (U.S. Navy Master Plan, Environmental Impact Analysis, Naval Ship Weapon Systems Engineering Station, Port Hueneme, California, October 1, 1978) were based on a larger more ambitious complex of buildings that were never approved or constructed. However, these same measures were taken into consideration and applied to the GML (P-009) project currently referred to as SWEF. The mitigation measure included items such as building set-backs, arc limits for RFR, coordination of operational periods, water conservation controls, fixtures and landscaping.

ATTACHMENT 1

Subj: NAVY SPECIAL USE AIRSPACE

b. NAVSURFWARCENDIV historically and currently does not operationally restrict any commercial or recreational use of the existing harbor. NAVSURFWARCENDIV has never considered it reasonable to restrict use of the Port Hueneme harbor or shoreline. NAVSURFWARCENDIV accommodates harbor and adjacent land use by restricting radars that could pose an RFR hazard so that they cannot radiate into the water or land, and by coordinating radar operations so that boats or other vessels in the Port Hueneme harbor area are not radiated.

c. Navy regulations require that after installation, but before operations, that a RFR study be performed and safety issues addressed. Testing is done by the Naval In-Service Engineering (NISE) Eastern Division, Charleston, South Carolina (formerly the Navy Electronics Center (NAVELEXCEN)), who is the controlling activity that performs these studies. In 1989, all radars were tested and operational restrictions were placed on them. In 1994, a newly installed radar was scheduled for test. At this time, we took the opportunity to test all radars that were not in a repair status. The restrictions placed upon existing radars were validated and operational restrictions were placed on the new radar.

d. NAVSURFWARCENDIV will use a combination of existing and new systems for tests in the future. New equipment will be tested as previously discussed.

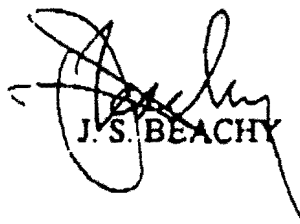
e. Radar surveys/tests are completed for new installations, relocations or modifications. The safety and operational restrictions applied to the previous radar studies and with the radars tested in 1994, remain in effect.

f. Radars that could present RFR hazards outside of the SWEF fenced area are restricted so that they cannot radiate into any adjacent land or ocean areas. The final analysis of the HERP Survey Report (previously provided) is that RFR at SWEF does not impact people recreating in off-shore waters (e.g., surfers).

g. We believe that the information previously provided by our NISE studies adequately addresses the building/radar configurations of today. We are required to do new RFR studies for new installations, relocations, and modifications. In view of the foregoing discussion, no monitoring by additional parties appears to be necessary.

4. With respect to future modifications to SWEF or the SUA, the Coastal Commission will be notified in accordance with existing regulations and policy.

5. Additionally, your request for the Bird Strike Analysis raw data was forwarded to you under separate cover.


J. S. BEACHY

CALIFORNIA COASTAL COMMISSION

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



April 21, 1997

Sam Dennis
Western Division
Naval Facilities Engineering Command
900 Commodore Dr.
San Bruno, CA 94066-2402

Re: Navy Surface Warfare Engineering Facility (SWEF), Port Hueneme

Dear Mr. Dennis:

Thank you for taking the time to meet with our federal consistency staff last month (March 5, 1997), updating us on the status of past, present and future environmental documentation regarding the above-referenced facility. To characterize the meeting, the discussions that took place focused on the four concerns identified in our July 24, 1996, letter to Capt. Richards (Attachment 3). In response to one of these concerns, you provided us at this meeting with a copy of the Navy's most recent radar study for the SWEF radar facilities. Reflecting on our discussions and upon reviewing the radar study, we have the following requests:

1. It is obvious at this point, as we had previously asserted to the Navy, that no consistency determination, or any Navy NEPA documentation after the 1979 Master Plan, was ever processed for the SWEF. Consequently, our historic request to the Navy that we have maintained over the last 2 years, which has been to request that the Navy submit an after-the-fact consistency determination for the facility, remains valid and we reiterate it here.

2. We ask the Navy to reiterate its previous commitment to inform us and submit a consistency determination when it is proposing any future addition to the SWEF, including (but not limited to) any new radar facilities.

3. At the meeting the Navy submitted a new radar study conducted partially in response to prior Navy commitments to the Commission to resolve discrepancies from earlier radar studies that had been incomplete (not all the equipment had been tested). The conclusion of this new radar study (Attachment 2), which was dated December 1996, included statements that can be briefly summarized as follows:

(1) while potential hazards existed for Navy employees at the building, those hazards have been corrected;

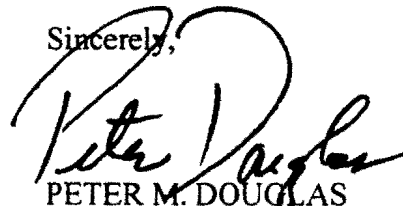
(2) no hazards to the public existed for the adjacent beach area, the adjacent jetties, "any perimeter areas adjacent to Navy property," or any sea test locations; and

(3) the only theoretical hazard to non-Navy personnel would be to someone on a ship, 70 ft. above the water, passing through the adjacent shipping channel, and this person would have to be exposed for a much greater length of time than would be likely for a hazard to exist. The likely scenario would be a 2 second exposure, whereas an exposure level would have to continue to be received for 11 minutes for a hazardous level to occur.

We greatly appreciate the Navy's willingness to conduct and release the conclusions of this radar study. However we are concerned over the Navy's assertion that the raw data (Technical Appendices D and E) were removed and considered "classified" information. While we absolutely respect the Navy's need to classify sensitive information, we are perplexed over this decision to classify these materials because similar appendices containing comparable information were not classified, but were released to the public, when the Navy performed a similar 1994 radar study at the SWEF. If it can be accomplished without threatening military security, we urge the Navy to reconsider its decision to classify this information. If this is not possible, we would appreciate an explanation as to what has changed over the past two years to warrant such classification. Have the classification criteria been modified? Has a new facility that is more "sensitive" than previous facilities been installed at the SWEF facility in the last two years? If the latter, then we would question whether the Navy has complied with its commitment to notify us of SWEF modifications (made in Capt. Beachy's April 5, 1996, letter to the Commission (Attachment 1)).

To conclude, we thank you for your cooperation in continuing to provide us with all available and releasable information in response to our past requests, and we hope for further communication from you regarding: (1) an after-the-fact consistency determination for the SWEF; (2) a renewed commitment concerning federal consistency submittals for future modifications to the SWEF; and (3) a response to the above questions about classified withheld information. If you have any questions about this letter, please feel free to call Mark Delaplaine of my staff (415) 904-5289.

Sincerely,



PETER M. DOUGLAS
Executive Director

Attachments: (1) Navy letter dated April 5, 1996, Capt. Beachy to CCC
(2) Executive Summary, Electromagnetic Radiation Hazard Survey, Final Report, SWEF Building 1384, Port Hueneme, December 1996
(3) Commission letter dated July 24, 1996, CCC to Capt. Richards

cc: Ventura Area Office
OCRM
Captain Nicholas L. Richards



DEPARTMENT OF THE NAVY

ENGINEERING FIELD ACTIVITY, WEST
NAVAL FACILITIES ENGINEERING COMMAND
900 COMMODORE DRIVE
SAN BRUNO, CALIFORNIA 94068 2402

IN REPLY REFER TO:

5090.1B
Ser 185513/EP7-1244
May 13, 1997

California Coastal Commission (CCC)
Attn: Mr. Peter Douglas, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas,

Thank you for your letter dated April 21, 1997. This letter will respond to both your requests, and the request for information about public involvement in reference to the Port Hueneme Division, Naval Surface Warfare Center's (PHD,NSWC) Surface Warfare Engineering Facility (SWEF). The latter was made during a meeting held March 5, 1997, between Navy Engineering Field Activity West (EFA West) and Port Hueneme representatives, and Mr. Delaplaine and Mr. Raives of your staff. In addition to the requests in your letter, they were interested in information the Navy has provided to the public and whether any responses or comments had been received. Also, the group discussed what, if anything, can be done to minimize the visual impacts of the facility.

I regret it has taken so long to respond since the March 5 meeting. I want to assure you that all of the parties involved, the three different Naval agencies on the Oxnard Plain, our local staff at EFA West, as well as Naval Sea Systems Command Headquarters, remain completely committed to resolution of Commission and community concerns and keeping the lines of communication open.

As noted in your letter and previous CCC correspondence with the Navy, dated July 24, 1996, there are three primary areas of interest:

- (1) the issue of availability of historical environmental documentation (pursuant to the National Environmental Policy Act and Coastal Zone Management Act), specifically the issue of a consistency determination
- (2) a mutual understanding of each other's requirements and procedures, especially as they relate to future facility additions or modifications

RECEIVED

ATTACHMENT 3

(3) the need for information and data about radio frequency (RF) radiation hazards at the SWEF. This request was made because the potential hazard was of concern to area residents, and because the Commission felt it could affect coastal resources.

With respect to item (1) above and as discussed during the March 5 meeting, it is unfortunate that in spite of a rigorous review of records in multiple locations, as well as interviews with many personnel, no environmental documentation was found. It is unknown whether the documentation was completed. Rather than do an after-the-fact consistency determination on this unique and mission essential facility, constructed over twelve years ago, the Navy respectfully requests that the record on the facility, as it currently exists and operates, be closed.

With respect to item (2), there was a good exchange of information at the March 5 meeting about requirements and procedures of both the Navy and the Commission. The Navy recognizes its responsibilities under the law as well as to the community, and remains committed to keeping the Commission and the public informed about future additions or modifications to the facility or its operations. If and when new projects are proposed, the Navy will provide the necessary level of documentation to the Commission and others as appropriate.

Regarding item (3), there was significant discussion at the March 5 meeting relative to the Electromagnetic Radiation Hazard Survey, completed in October 1996, and released in December 1996. A copy of the report was forwarded to the Commission at that time. (On December 20, 1996, the Environmental Defense Center (EDC), on behalf of its client BEACON, submitted a FOIA request for a copy of the report.) The report was completed to address community concerns about public safety, as well as Commission concerns about the impacts of radar emissions on coastal resources.

On January 13, 1997, copies of the report (without Appendices D and E which are classified as "Confidential") were distributed to Mr. Brian Miller of Congressman Elton Gallegly's office, Ventura County Supervisor, John Flynn, Mayor Manuel Lopez of the City of Oxnard, Mayor Anthony Volante of the City of Port Hueneme, Mr. Bill Higgins, Acting General Manager of the Channel Islands Beach Community Services District and member, Executive Steering Committee of BEACON, as well as the Los Angeles Times and the Ventura County Star newspapers. The report provides the CCC and the public with information and data which concludes that the Radio Frequency Radiation (RFR) from the SWEF does not pose a threat to public safety or impact coastal resources.

As a result of the distribution of the report, no written comments or responses have been received. However, Mr. Higgins requested a meeting with the Commanding Officer of NSWC, Captain Richards, to discuss the report. A meeting was held February 11; the meeting was attended by Mr. Higgins, members of the Board of Directors of the District, BEACON and other community members, and the Navy.

Captain Richards indicated there was no specific criticism or concern made at the meeting about the report, however a request was made for release of the classified Appendices D and E. (On February 14, 1997, the EDC, on behalf of it's client BEACON, formally requested copies of the classified appendices.)

Although the NSWC, under the command of Captain Richards, does not have the authority to declassify or release the classified appendices, he fully supports their release, and has forwarded the request to Naval Sea Systems Command headquarters in Arlington, Virginia, asking that it be expedited as much as possible. Expectations were that an answer would be received by 30 April; we regret that this date has slipped. The release involves a coordinated review and response from four (4) program offices, and is taking longer than we had hoped.

As noted in your recent letter, it is true that similar appendices from a 1994 Radiation Hazard Survey were released; they were not classified. The information in the 1996 appendices is different. In order to be as thorough as possible in the review and evaluation of radar systems for the report, additional information about specific radar frequencies and operating parameters was included, which resulted in the appendices being classified "Confidential". Please thank the Commission for it's patience with this issue, and it's continued respect for the Navy's need to classify sensitive information. As soon as we have an answer, we will inform the Commission.

To avoid any misperception that the Navy is seeking to delay or avoid the FOIA issue, once an answer about the request is received, NSWC will issue a public notice stating the availability of the report, and invite public comment for a period of 30 days. (A copy of the draft notice is at enclosure (1).) In an effort to keep the public apprised of this facility, the Navy will add to their mailing list the names of those making comments during this 30 day period. The Navy will use the updated mailing list for future communications about the SWEF.

With respect to the CCC's visual impact concerns, the Navy is willing to continue to consult with the Commission to try to resolve this issue. Discussions to date have included painting, planting, and murals as potential methods for reducing and blending visual characteristics of the structure with it's surroundings. The Navy is willing to continue these discussions to bring resolution or acceptance of the structure to the Commission and Staff.

Summarizing, (1) the Navy respectfully requests the issue of the after-the-fact consistency determination be closed; (2) the Navy renews it's commitment to provide the necessary level of documentation for future modifications to the facility; (3) the results of the survey show that the RFR does not pose a threat to public safety or impact coastal resources; (4) classified appendices may be releasable; once a decision is made, a public notice of availability and 30 day comment period will be extended; (5) the Navy will continue to work with the Commission to resolve visual impact concerns.

If you have any further questions, the Navy point of contact for this matter is Barry Franklin, EFA West, at (415) 244-3018.

Sincerely,



SAM L. DENNIS
Leader, Operational Bases Group

Enclosure (1) Public Notice of Availability of
Electromagnetic Radiation Hazard Survey

**BEACON**

Box 352
3844 Channel Islands Bl
OXNARD, CA 93035

An Ad Hoc Non-Profit Environmental Organization

RECEIVED
MAY 27 1997
CALIFORNIA
COASTAL COMMISSION

May 22, 1997

Mr. Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Consistency Determination
SWEF Facility, Port Hueneme

Dear Mr. Delaplaine:

The May 13, 1997 letter to Director Douglas from Mr. Sam Dennis of The Department of the Navy signals that the Navy has no intention to bring the Surface Warfare Engineering Facility into compliance with Coastal Zone Management Act consistency determination requirements. There are five main points in the letter on which we wish to comment:

1. The Navy Admits No Environmental Documentation Was Ever Submitted On the SWEF. The letter refers to a "rigorous review" that has turned up "no environmental documentation." Incredibly, it took two years to find this out and this conclusion flatly contradicts the Navy claim in its April 5, 1996 letter to the Commission that the SWEF had been subject to a consistency determination. While it is true that no environmental document was ever submitted for CCC or other outside review, it is not true that none was ever created. One environmental document was created and then hidden away. It is the Navy's 1978 Master Plan Environmental Impact Assessment identifying unmitigatable RF radiation, access, visual and other impacts that would violate the Coastal Act. BEACON obtained a copy and provided it to the Commission in August of 1995. That is how the CCC request for an after-the-fact consistency determination got started.

The Navy now admits it made no submission, ignores the existence of the 1978 Master Plan, and then baldly "requests that the record on the facility, as it currently exists and operates, be closed." So, after two years and eight CCC letters asking for a consistency determination, the Navy just says no.

2. The Navy Says the SWEF is "unique." In the same paragraph of the letter that asks the Commission to drop its consistency determination requirement, the Navy describes the SWEF facility as "unique." For this

reason alone, a consistency determination is necessary to establish a baseline for this unique facility in the coastal zone.

3. The Navy Acknowledges Responsibility to Obtain Review of Additions and Modifications to the Facility or its Operations. The May 13th letter gives little more than lip service to self enforcement of this obligation. Since the Navy has never once made a submission for any changes it apparently believes none were sufficient to trigger this responsibility. This despite the many substantive changes that have occurred (Please see our letter of May 18, 1996). Navy recognition of this responsibility is meaningless without a baseline environmental document for the facility. Without a baseline there is no objective way to determine whether an addition or modification is significant.

4. The 1996 NISE Study Was Created To Address Community and CCC Concerns Regarding Coastal Zone Impacts. The May 13th letter says the December 1996 NISE report "... was completed to address community concerns about public safety, as well as Commission concerns about the impacts of radar emissions on coastal resources." Although specifically designed for public information, the report conclusions are provided without the supporting data. That data is "classified" and withheld from public disclosure as "confidential." This is despite the practice, acknowledged in the May 13th letter, of releasing such data in prior reports. To create a report especially to satisfy public and CCC impact concerns and then format it in a way that causes the underlying data to be classified is unreasonable and unacceptable.

The May 13th letter asks for "patience" and says the Commanding Officer of the SWEF "supports the release" of the data. BEACON has sought the data under the Freedom of Information Act. As detailed in the enclosed letter of April 25, 1997 to the Navy from our counsel, the Navy has failed to respond within FOIA time requirements.

The CCC should not allow its process to be stalled further while the Navy goes through some internal process to decide whether to disclose the supporting data for its NISE study. In the absence of the data, the conclusion of the NISE study cannot be verified and the analysis of RF impact on coastal zone resources therefore lacks scientific validity. This is one more reason to insist that the after the fact consistency determination go forward now.

5. The Navy Wants To Discuss Visual Impacts of the SWEF With CCC Staff. The May 13th letter notes that "discussions to date have

included painting, planting, and murals as potential methods for reducing and blending visual characteristics...." Visual impact is an on going significant impact of the SWEF facility on the coastal zone. Private discussion and public relations happy talk is no substitute for a consistency determination review that includes this important issue.

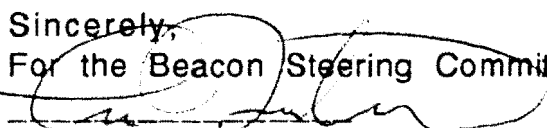
Just like RF hazards, interference with recreation, and interference with ocean use, the adverse visual impacts of the SWEF facility were identified in the 1978 Master Plan. The obstruction of public views was specifically noted as a violation of the Coastal Act (1978 Master Plan page iii). In addition, the 1978 Master Plan described the "visual and aesthetic character" of the Navy areas adjoining Silver Strand beach as "appalling" and commented (page III-49):

"The area is littered with small unsightly structures, rusting boat hulks, various pieces of unused and decaying equipment, and weeds and trash. The boundary fence is of chain link construction with no planting, buffering, or landscaping of any kind."

These conditions persist and have become worse. Added recently to the cumulative visual blight is new Navy dumping of solid waste on beach and ocean areas proximate to the SWEF and within view of beach and jetty areas of La Jennelle beach. La Jennelle is a public recreation area deeded to the State Lands Commission in 1979 and it is contiguous to Silver Strand Beach, a County Regional Park.

We ask the Coastal Commission to take the following action:

- 1. Set a time certain deadline for Navy submission of a consistency determination and reject the December 1996 NISE report as inadequate absent the "confidential" data that would permit third party verification of its conclusions.**
- 2. Agendize a staff status report and receive public comment at the July meeting in Ventura County.**
- 3. Make a Commission site visit to the Silver Strand Beach community during the July meetings in Ventura County.**

Sincerely,
For the Beacon Steering Committee

Lee Quaintance

CALIFORNIA COASTAL COMMISSION

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



June 12, 1997

Sam Dennis
Western Division
Naval Facilities Engineering Command
900 Commodore Dr.
San Bruno, CA 94066-2402

Re: U.S. Navy, Surface Warfare Engineering Facility (SWEF)
Port Hueneme, Ventura County

Dear Mr. Dennis:

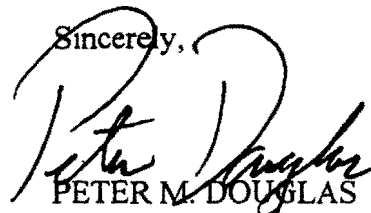
In your May 13, 1997, letter responding to our request for an after-the-fact consistency determination for the Surface Warfare Engineering Facility (SWEF), you have requested that the "record on this facility ... be closed." At the same time your letter states that you "...remain completely committed to resolution of Commission and community concerns and keeping the lines of communication open." We appreciate this commitment, as well as your continued commitment to "...provide the necessary level of documentation for future modifications to the facility...".

Such a commitment would be more meaningful if we could be apprised of the existing and historic activities occurring at the SWEF. One of the mutual advantages of undergoing an after-the-fact review would have been to establish a consensus between the Commission and the Navy as to what activities would have been authorized at the SWEF had a prior review taken place. Not having the benefit of such a review therefore makes it more difficult to determine what degree of impact from future modifications to the existing facility would trigger the need for additional federal consistency review. We note, parenthetically, that the attached newspaper account, which mentions large Navy contracts for future programs at the SWEF, would appear to imply that future modifications may be forthcoming in the foreseeable future (see May 28, 1997, *Ventura Star* article (copy attached)).

Navy, SWEF
Port Hueneme
Page 2

To conclude, while we greatly appreciate the Navy's continued commitment to coordinate with us for future SWEF modifications, we are disappointed that the Navy has not agreed to submit an after-the-fact consistency determination for the SWEF, and we would request that the Navy at least provide us with a complete project **description** of the past and existing facilities at the SWEF, to allow us to assess whether future modifications will cause impacts that are similar to or less than existing SWEF activities, or whether such modifications would cause new or intensified effects on coastal zone resources.

If you have any questions about this letter, please feel free to call Mark Delaplaine of my staff (415) 904-5289.

Sincerely,

PETER M. DOUGLAS
Executive Director

Attachment

cc: Ventura Area Office
OCRM
Captain Nicholas L. Richards

PORT HUENEME

Warfare center awards contract

The Port Hueneme Division of the Naval Surface Warfare Center has awarded the Integrated Ship Defense contract to Lockheed Martin Services and subcontractors Techmatics, CSC and Santa Barbara Applied Research.

Work under this contract will include a continuation of the engineering and programmatic support the center has been providing under the Lockheed Martin Level IV engineering contract in addition to support to the Ship Self Defense System Program as it transitions from acceptance testing to in-service use.

The contract is the largest services contract ever awarded by the center with a value of more than \$100 million for five years. Techmatics' portion of more than \$12 million will be the largest subcontract for this project.

Oxnard Techmatics employees Kevin Donahue, Ron Roy, Jim Keys, Rick Schuknecht and Robin Willie helped in the technical proposal effort; and Hugh Milligan and Stephanie Koch prepared the cost proposal.

**The Beacon**

Box 352
3844 Channel Islands Blvd
Oxnard, CA 93035

An Ad Hoc Non-Profit Environmental Organization

November 18, 1997

Mr. Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: SWEF Port Hueneme

Dear Mr. Delaplaine,

The Beacon received a Response (Attachment One) dated October 31, 1997 (1) to our September 18, 1997 Comment on a Navy Notice regarding its redacted December 1996 NICE Report on the SWEF. The Response does not resolve the issues.

1. The Notice Misstates the Conclusions of the Report. The Notice stated that "Based on information collected during the survey, the Report concludes that the SWEF does not pose a radiation hazard to the local community." The Beacon Comment pointed out that no such general conclusion is to be found in the Report. The Response cites none. Nonetheless, the Navy Response now embellishes further to claim that "... NISE East and PHD NSWC concluded that all areas in the uncontrolled environment are safe." This sweeping conclusion is not in the Report and cannot be supported by the few fixed point readings taken. The Navy Response also contradicts a Report finding that vessels using the harbor channel are exposed to RF radiation in excess of Personnel Exposure Limits (PEL) for the uncontrolled environment.

2. One of the Most Powerful Emitters At The Facility was not Tested. The Reponse advises this device was permanently removed in April 1997 and "... replaced by Fire Control System (FCS) MK 99 which has similar antenna characteristics...." Prior to use of the new emitter it says a Radhaz survey will be conducted. So, a new emitter has been installed with no consistency determination or even any notice to the Coastal Commission. You learn of it now only because The Beacon got an answer to its question about the device that it replaces.

In an April 21, 1997 letter, Executive Director Douglas asked the Navy:

"... to reiterate its previous commitment to inform us and submit a consistency determination when it proposes any future addition to the SWEF, including (but not limited to) any new radar facilities"

(1) The Navy Response dated October 31, 1997 was first received by The Beacon on November 13th in an envelope postmarked November 12, 1997.

In its response of May 13, 1997, The Navy states:

"The Navy recognizes its responsibility under the law as well as to the community, and remains committed to keeping the Commission and the public informed about future additions or modifications to the facility or it's operations."

The informal "commitment" the Commission staff had from the Navy is not being kept, and, even if it were kept, this cannot substitute for the environmental baseline required by law.

In sum, a major emitter has been replaced by a powerful new device that has never even been disclosed to the Coastal Commission; has not been tested for RADHAZ; and has not been subject to a consistency determination. This situation illustrates the basic problem of SWEF non-conformance with consistency determination requirements of the Coastal Zone Management Act. There is no baseline for SWEF operation and its non-compliance renews itself by on-going and undocumented changes in its operations.

3. Report Data Was Collected Assuming Errorless Operation of Emitters.

Our Comment is confirmed in the Response which states that all devices were operated only within pre-set limits on their bearing and elevation. A remarkable SWEF experience is reported that in some twelve years of operation there have been "...zero failures of RF emission cutout circuits...." Past results do not guarantee future performance and assumption of perpetual operation without equipment failure or manual overrides of safety limits is not appropriate in an objective risk assessment.

4. The Report is Incomplete Because it Lacks Disclosure of Safe Separation Distances for the Controlled and Uncontrolled Environment.

The Response states that "safe separation distances were calculated by NISE as part of its scope of work for the Report but these calculations were omitted from the Report. Our Comment stated that safe separation distances are not classified and are commonly disclosed in other NISE Reports and the Response does not refute that.


The Response indicates that for the controlled environment the redacted Report includes data "... which allow one to independently calculate the radar's mainbeam safe separation distance...." The 1989 NISE Report (page 2) states that safe separation distances are calculated "utilizing the NAVELEXCEN Charleston radiation hazard (RADHAZ) program." We have no access to this proprietary computer program and such a computation is beyond normal capabilities without knowledge of the input parameters. Even if it were possible to make the calculations, the raw data in the redacted Report would only be sufficient to compute the safe separation distances for the controlled environment and not for the uncontrolled civilian environment.

In the 1989 NICE Report safe separation distances for the controlled environment were computed and included for five emitters then at the SWEF. Distances of 1 foot to nearly one mile (5,165.8 feet) were stated. Distances for the uncontrolled environment would be significantly greater because the safe distance standard for persons aware of the emissions, such as persons working in the facility (the "controlled environment") are lower than for persons unaware, such as the public outside the facility (the "uncontrolled environment."). The October 1978 pre-construction Environmental Impact Assessment for the SWEF includes a Figure (provided as Attachment Two) of expected hazardous and safe separation distances for emitters then planned.

The former 1978 and 1989 calculations suggest the recent 1996 NISE calculations, if revealed, would show hazardous separation distances for the controlled and uncontrolled environment extend significantly into public use areas of the coastal zone. Concern that an undisclosed public exposure exists is heightened by the Navy's failure to explain why it omitted the NISE calculations from the Report. The Report is incomplete and unacceptable without this data. This is especially true for a report that was expressly designed "... to address community concerns about public safety, as well as Commission concerns about the impact of radar emissions on coastal resources." (Navy letter of May 13, 1997 to CCC)

The Beacon Steering Committee


Vickie Finan


Lee Quaintance


Gordon Birr


Diane Markham


Jean Rountree



DEPARTMENT OF THE NAVY
PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
4363 MISSILE WAY
PORT HUENEME, CALIFORNIA 93043-4307

IN REPLY REFER TO:

5090
Ser 00/40
31 Oct 97

The Beacon
Box 352
3844 Channel Islands Boulevard
Oxnard, CA 93035

Members of The BEACON,

In response to your letter of September 18, 1997, concerning the Electromagnetic Radiation Hazard (RADHAZ) Report, dated 26 December 1996, the following information is provided.

1. Comment, page 1, "The Notice Misstates the Conclusions of the Report."

The conclusion, "SWEF does not pose a radiation hazard to the local community." is based on the survey results for the uncontrolled environment, located on pages ii, iii, 11, and 12 of the report. The report states that in the uncontrolled environment, that is, locations where exposure may be incurred by individuals who have no knowledge or control of their exposure, no Radio Frequency (RF) levels exceeded the Permissible Exposure Limits (PELs). This means that the specific uncontrolled environment locations tested, namely the beach areas, east and west jetty areas, perimeter public areas adjacent to Navy property, and sea areas are safe.

With respect to the concern about fixed point measurements and resulting data, fixed point sampling is a standard, scientific, industry accepted method of surveying an environment. Data was collected at specific fixed locations with all emitters active and emitting RF toward the measurement location, creating a "worst case" scenario. Based on the resultant electromagnetic profile, NISE East and PHD NSWC concluded that all areas in the uncontrolled environment are safe.

Your reference to a "large radiation pattern" is inaccurate. The emitters at SWEF create narrow beamwidths ("pencil beams"), radiating in very narrow areas or patterns.

2. Comment, page 2, "One Of The Most Powerful Emitters At The Facility was not Tested and No Restriction is Indicated on its Activation."

The MK 74 TARTAR AN/SPG-51C was removed permanently in April 1997. It was last used in late 1993, and there are no plans to reinstall it at the SWEF complex. It was replaced by Fire Control System (FCS) MK 99 which has similar antenna characteristics to the AN/SPG-51C antenna. As with all emitter installations, prior to use, a RADHAZ survey will be conducted for the MK99 Fire Control System.

ATTACHMENT #1

3. Comment, page 2, "Report Data was Collected Assuming Errorless Operation of Emitters."

The primary objective of the RADHAZ survey was to ensure, based on authorized emission sectors, all emitters were operating safely. During the survey, emitters were limited to specific, authorized radiation sectors. The report shows that as operated, actual RF levels are minimal and well under the PELs. Authorized radiate sectors, established during the survey, have been approved by the Western Area Frequency Coordinator (WAFC). Expertly trained operators use operating procedures at SWEF to confine transmissions to specific sectors in both bearing and elevation.

Multiple safety systems including mechanical, electrical, and software systems, as well as operating procedures ensure safe operations at all times. Transmit sectors are checked during periodic routine maintenance to ensure systems, such as emission cutout circuits, are functioning safely.

The reference in the 1989 NISE East report to failure of cutout limit switches was specific to the AN/SPG-51C system that was recently removed from SWEF. The reference was to the failure of the switch in systems in the fleet. A failure did not occur at SWEF. Since operations began at SWEF, in 1984, there have been zero failures of RF emission cutout circuits on any system installed.

4. Comment, page 2, "The Report Is Incomplete Because it Lacks Disclosure of Safe Separation Distances for the Controlled and Uncontrolled Environment."

Results described in section 4.2 of the radiation hazard survey report show that no radiation hazard(s) exist in public areas adjacent to the SWEF complex. Specifically, all adjacent areas where people may be present are well beyond safe separation distances from the emitters.

Safe separation distances were calculated by NISE East prior to the survey and used by NISE East to obtain an overall perspective of the electromagnetic environment at SWEF. All radar parameters used by NISE East to calculate the safe separation distances were included in the report as discussed below.

The report contains technical parameters in appendix D which allow one to independently calculate the radar's mainbeam safe separation distance as referenced to the Controlled environment. Therefore, the NISE East calculations are not required. Information such as antenna gain, transmitter output power, system losses, and PELs are required to make these calculations, all of which are included in appendix D. These mainbeam safe separation distances are elevated anywhere from approximately 70 feet to over 100 feet above the water because of their physical location on top of the building. Therefore, the mainbeam safe separation distances of the radars do not touch ground or sea.

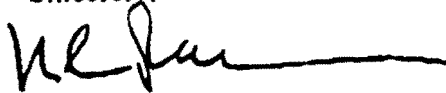
With reference to the Uncontrolled environment, all information required to calculate emitter mainbeam safe separation distances was provided in appendix E except the PELs. PELs were not releasable because they were calculated using the frequency of the radar, which is classified technical information and not releasable to the public. The PELs for the Controlled environment were released because they are fixed to a single value over a broad range of frequencies, thereby not divulging the frequency parameters that are classified in nature.

The phrase used in paragraph 4.1 and 4.2 of the survey, "the distance at which the PELs were reached" is misleading. A more appropriate phrase should have been "the distance at which power density measurements were collected," which reflects the type of data in appendices D and E of the report.

The intent of the Public Notice was to advise the community that the survey had been conducted, the results of the survey, and that the information was available in the offices of local officials elected to represent community interests, for their review if they desired. We continue our efforts to reassure our community that we will do nothing that puts our employees or the community at risk either at work sites or in the community where we also live.

Thank you for taking the time to respond. If further clarification is required, please contact our Public Affairs office.

Sincerely,



N. L. RICHARDS
Captain, U.S. Navy



The Beacon

Box 352 3844 Channel Islands Blvd Oxnard, CA 93035
An Ad Hoc Non-Profit Environmental Organization

Received at Commission
Meeting

NOV - 6 1997

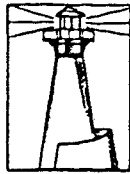
From: *Quaintan*

To: Director Peter Douglas
California Coastal Commission
From: The Beacon
Date: 11/5/97
Subject: REQUEST TO AGENDA SWEF COMPLIANCE

- * **August 1995:** The Beacon obtained from the Navy and provided to the CCC a 1978 document disclosing that the Surface Warfare Engineering Facility (SWEF) located at the mouth of Port Hueneme Harbor may pose unmitigatable impacts on coastal zone resources.
- * **September 8, 1995:** CCC staff informed the Navy it had no record of a consistency determination or any other environmental submission for the SWEF and first asked for compliance.
- * **April 5, 1996:** The Navy advised it believed the SWEF had been the subject to a consistency determination and that the Commission's records were incomplete.
- * **September 20, 1996:** The Navy promised "every effort" was being made "to locate pertinent documentation."
- * **May 13, 1997:** The Navy finally admitted its "rigorous review" had found "no environmental documentation."
- * **January 1997:** The Navy distributed an in-house Report in response to Commission and community concerns regarding Radio Frequency (RF) emissions. The Report appendices that would permit verification were withheld as "classified".
- * **January to July 1997:** The Beacon pursued release of the RF Report appendices under the Freedom of Information Act and the Navy ultimately released redacted versions.
- * **August and September 1997:** The Beacon submitted comments to CCC staff describing inadequacies of the Navy RF Report and why it deepens concern for coastal zone impacts.
- * **September 18, 1997:** The Beacon sent the attached memo to the Navy in response to its Notice requesting comments on its RF Report. There has been no reply.

Now, after nine Coastal Commission letters seeking compliance and more than two years we are where we began. The operations and activities of this facility are altered and grow with no baseline environmental review and no accountability for impacts of present and future operations on the coastal zone. It is the obligation of the Navy and the CCC to accomplish a consistency determination review. No statute of limitations bars this obligation because the issue is not the physical building but rather the impact on coastal zone resources of present and future operations.

WE ASK THE COMMISSION TO PLACE SWEF CONSISTENCY
DETERMINATION COMPLIANCE ON ITS JANU



The Beacon

Box 352
3844 Channel Islands Blvd
Oxnard, CA 93035

An Ad Hoc Non-Profit Environmental Organization

September 18, 1997

Commander
Port Hueneme Division
Naval Surface Warfare Center
Public Affairs Office, Code 1H10
4363 Missile Way
Port Hueneme, CA 93043-4307

Re: Comment on 1996
NISE Report

Dear PHDNSWC Commander:

The Beacon is an ad hoc non profit group concerned with the human and natural environment of coastal Ventura County.

Our review of the Report as released leaves us with substantial concerns and unanswered questions regarding RADHAZ safety of SWEF operations.

The Notice published in the Ventura Star August 25, 26, 27, 1997, does not advise whether the Navy will reply to comments received. In answer to a question at a Base Community Council Meeting on August 21, 1997, Commander Benfield, SWEF Chief of Staff, advised the Navy will respond in writing. Our comments are submitted with a request for such a response.

1. The Notice Misstates the Conclusions of the Report. The Notice states that "Based on the information collected during the survey, the report concludes that the SWEF does not pose a radiation hazard to the local community." No such conclusion is stated anywhere in the Report. If you contend otherwise, please point us to the place in the Report where a general conclusion of this nature can be found.

The Report contains data only on selected fixed point measurements in the controlled and uncontrolled environment. In the uncontrolled environment measurements were reported for a single fixed elevation at just eight land based and five on-water locations. The Report is careful (page ii and page 11) to limit its conclusions that PEL levels were not exceeded in the specific areas where measurements were taken. It does not state a general conclusion and it would be improper to do so given the few measurement locations. Regretably, even these limited conclusions cannot be independently verified because the underlying data is withheld. A verifiable and a more comprehensive area-wide survey is needed for such a

large radiation pattern by a facility employing a multitude of emitters in a location including substantial civilian use.

2. One Of The Most Powerful Emitters At The Facility was not Tested and No Restriction is Indicated on its Activation. The MK-74 TARTAR AN/SPG-51C is omitted. The Report says (page 1) it is "inactive" and "partially de-installed" and in a "non-operational condition." Is this status permanent or merely temporary at the time of the Report? When was it last in use? This device was tested during a 1989 NISE Report on the SWEF and readings were obtained greatly in excess of PEL limits in the controlled environment (no readings were taken in the uncontrolled environment). This device is still on the SWEF today. If it is reactivated, exposures in excess of PEL limits would be expected in the controlled environment and may also be expected in the uncontrolled environment.

3. Report Data was Collected Assuming Errorless Operation of Emitters. Data sheets in Appendices D and E refer to readings being taken with "All radars energized and simultaneously directed" at the target location. This description of the test protocol is misleading if emitters were "directed" only within their normal set electronic blanking limits on elevation and azimuth. No RF readings were detected at some locations closer to the SWEF than other more distant locations where readings were detected. This suggests that a line of sight from emitter(s) to sensor was only established if achievable within pre-set electrical blanking limit. Were emitters limited only to their "normal" set limits during the tests?

In the real world, electro-mechanical limits do not always work. Indeed, at the SWEF itself, the 1989 NISE Report advised that some of the cut out devices are "unreliable and tend to fail quite often." No assessment of safety is adequate without discussion of limits on the devices tested. The circumstances under which these limits may be intentionally or accidentally overridden and the safety consequences need to be analyzed.

4. The Report Is Incomplete Because it Lacks Disclosure of Safe Separation Distances for the Controlled and Uncontrolled Environment. Computation of Safe Separation Distances is part of NISE capabilities. We understand NISE makes these calculations with proprietary software and the results are routinely released without classification. With respect to the SWEF, safe separation distances for the controlled environment were calculated and released regarding five emitters in the 1989 NISE Report. No calculations for the controlled or the uncontrolled environment are included in the 1996 Report as released.

The text of the Report suggests that safe separation calculations were within the scope of work. Our counsel inquired in a letter of July 30, 1997 (provided as Attachment One) whether the safe separation distance calculations had been withheld as classified data. The Navy response of August 18, 1997 (Attachment Two) indicates the data was not withheld as "classified" and that it was not in the Report because "actual PELs were not revealed during the survey and therefore the distances could not be included..." This comment is erroneous at least with regard to the controlled environment where PEL's were revealed and are stated in Appendix D. Furthermore, revealing the PEL is not necessary to make safe distance calculations.

Why were safe separation distances not calculated or not included in the Report as released? If these calculations were made they would disclose that the separation distances extend into public areas of ocean, jetty, and beach access. No meaningful radiation hazard evaluation of the SWEF in its real world environment can be made without this data.

In Summary. We do not understand what the Navy seeks to accomplish via this Notice. Few informed responses can be expected by the dissemination of a redacted technical report to three elected officials and a local government agency. A more complete and objective analysis is needed in the first place, and one that contains the data that would permit peer review and independent verification of conclusions.

The SWEF was never submitted to a consistency determination by the Coastal Commission and has never been subject to any other outside environmental review. The lack of a baseline for the unreviewed and undefined impacts of SWEF operations cannot be solved piecemeal by undertakings such as this opportunity to comment on a flawed and incomplete in house RADHAZ Report.

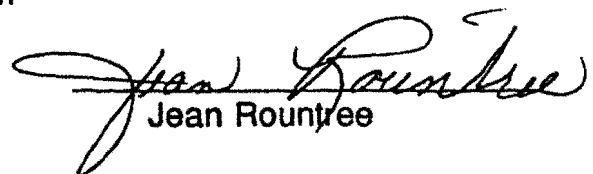
Sincerely yours,


Vickie Finan

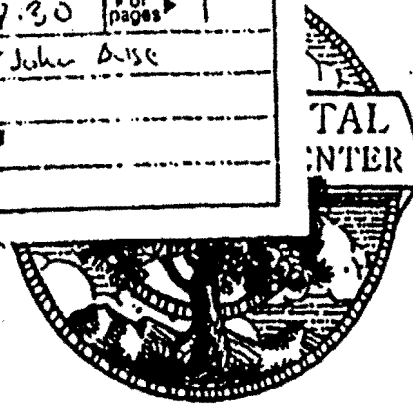

Lee Quaintance


Gordon Birr


Diane Markham


Jean Rountree

Post-It* Fax Note	7671	Date 7.30	# of pages 1
To (A.B. G) J. Zacharias		From - John Buse	
Co. Dept.		Co.	
Phone #		Phone #	
Fax # 985-9595		Fax #	



July 30, 1997

Erma J. Duffy
 FOIA Coordinator
 Office of Counsel
 Naval Surface Warfare Center
 Port Hueneme, CA 93043-4307

RE: FOIA Case Number 97-11

Dear Ms. Duffy:

This letter is to confirm our July 30, 1997 telephone conversation regarding the above-referenced FOIA request. As I indicated, our clients The Beacon are interested in confirming the existence or non-existence of information that was referenced on pages 10 and 11 of the Electromagnetic Radiation Hazard Survey Final Report, released on January 30, 1997 pursuant to our FOIA request. Sections 4.1.1 and 4.2.1 of this report refer to Appendices D and E as providing information such as "the distance at which the PEL [permissible exposure limit] was reached."

As I indicated, NAVSEA released clearly releasable portions of Appendices D and E on June 26, 1997. The Beacon's review of this material, however, indicates that the distances at which PELs were reached were not included in the released portions. In addition, this information does not appear to be in the portion of Appendices D and E that was not released (described as "weapons systems specific frequencies and permissible exposure levels derived from those frequencies"). With this inquiry, the Beacon seeks to confirm whether the "distance to PEL" information exists and, if so, whether it was included in the classified portion of Appendices D and E. Since we believe that this information was subsumed in our original FOIA request, we would appreciate your written response, even if only to confirm the non-existence of this information.

Although I will be away until mid-August, you can leave a phone message which our staff will be able to relay to our clients in my absence. Thank you for your attention to this matter.

Sincerely,

John T. Buse
 Staff Attorney
 Environmental Defense Center

cc: Jan Zacharias, NAVSEA

ATTACHMENT #1



DEPARTMENT OF THE NAVY

COUNSEL
OFFICE OF COUNSEL
PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
PORT HUENEME, CALIFORNIA 93043-4307

5800 IN REPLY REFER TO:
Ser-02L/ED/177
18 Aug 1997

Mr. John T. Buse
Staff Attorney
Environmental Defense Center
844 E. Main Street
Ventura, CA 93001

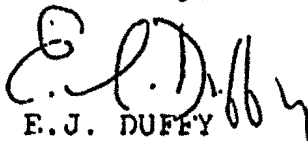
Dear Mr. Buse:

This letter responds to your correspondence of 30 July, 1997, in which you have inquired whether the "distance to PEL" information is included in the classified portion of Appendices D and E.

After reviewing the report it became clear that the "distance at which the PELs were reached" was not in the original report. In this case actual PELs were not revealed during the survey and therefore the distances could not be included in the report.

You may contact me at (805) 982-8247 for any additional information.

Sincerely,


E.J. DUFFY
FOIA Coordinator

ATTACHMENT #2

CALIFORNIA COASTAL COMMISSION

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



December 12, 1997

Captain Nicholas L. Richards
Commander, Port Hueneme Division
Naval Surface Warfare Center
4363 Missile Way
Port Hueneme, CA 93043-4307

Re: Radar Studies, U.S. Navy, Surface Warfare Engineering Facility (SWEF)
Port Hueneme, Ventura County

Dear Capt. Richards:

Upon reviewing the December 1996 NISE Report along with public comments and your responses to those comments, we have the following comments/questions:

1. It was our expectation, based on the Navy's April 5, 1996, letter to us, that the Navy had committed to coordinating with us and conducting additional testing, prior to any future radar installations. The Navy's October 31, 1997, response to The BEACON's September 18, 1997, letter states:

The MK 74 TARTAR AN/SPG-51C was removed permanently in April 1997. It was replaced by Fire Control System (FCS) MK 99 which has similar antenna characteristics to the AN/SPG-51C antenna. As with all emitter installations, prior to use, a RADHAZ survey will be conducted for ... [this new] system.

The Navy did not coordinate with us prior to installing this new system. We would like to know when it was installed, when it will be tested, when we will receive the test results, and when the Navy expects to commence operating this system. We would also like to know, for future radar installations, at what point in the review/installation/testing process the Navy intends to coordinate with us.

2. The December 1996 NISE report identified a potential hazard reading for a ship transiting through the harbor at a distance of approximately 650 ft. from the radar facility. It is unclear what levels would be received if a ship were nearer than 650 ft. to the radar. In addition, it is also unclear why the Navy seems to be assuming that the possibility does not exist that the radar might "lock" on the ship (or the ship could remain stationary), which could increase the exposure time to a point where hazardous levels could be received. Finally, we believe the Navy can calculate potential scatter effect to surrounding publicly accessible areas from radar bouncing off a tall ship. Based on these points, we have the following questions:

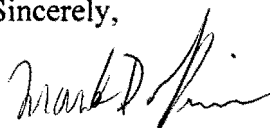
(a) What is the nearest distance a ship could come to the radar, and how would this affect potential "worst case" exposure levels (i.e., does the 650 ft. radius used realistically represent a "worst case" analysis, and/or can one be extrapolated from the results at this distance)?

(b) How can the Navy protect against the possibility of a greater duration or level of exposure for a ship than assumed in this study (e.g., protect against a continuous exposure received at a tall ship)?

(c) What is the "worst case" exposure level that could be received at nearby recreation points (such as the jetty) for radar scattered after being bounced off the side of a tall ship?

Please call me at (415) 904-5289 if you have any questions about these information requests.

Sincerely,



Mark Delaplaine
Federal Consistency Supervisor

cc: Ventura Area Office
The Beacon