

CALIFORNIA COASTAL COMMISSION

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



M 11

DATE: May 19, 1998

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 #:	ND-008-98
APPLICANT:	Fish and Wildlife Service
LOCATION:	Tijuana Slough National Wildlife Refuge, Imperial Beach, San Diego Co.
PROJECT:	Emergency dredging of Tijuana River and Oneonta Slough
ACTION:	Concur
ACTION DATE:	4/24/98

PROJECT #:	ND-016-98
APPLICANT:	Navy
LOCATION:	Naval Air Station, North Island, Coronado, San Diego Co.
PROJECT:	Construct life guard tower
ACTION:	Object
ACTION DATE:	4/27/98

PROJECT #:	ND-026-98
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Installation and operation of four radar systems at the Surface Warfare Engineering Facility
ACTION:	Object
ACTION DATE:	4/30/98

PROJECT #: ND-028-98
APPLICANT: Navy
LOCATION: Naval Submarine Base, Point Loma, San Diego Co.
PROJECT: Retention of submarine maintenance capability at Naval Submarine Base
ACTION: Concur
ACTION DATE: 4/24/98

PROJECT #: ND-029-98
APPLICANT: National Park Service
LOCATION: Santa Cruz Island, Channel Islands National Park, Santa Barbara Co.
PROJECT: Stream dredging in lower Scorpion Canyon
ACTION: Concur
ACTION DATE: 5/18/98

PROJECT #: ND-034-98
APPLICANT: Coast Guard
LOCATION: Coast Guard Station, Humboldt Bay, Humboldt Co.
PROJECT: Demolition of three bachelor's enlisted quarters
ACTION: Concur
ACTION DATE: 4/27/98

PROJECT #: ND-041-98
APPLICANT: National Park Service
LOCATION: Point Reyes National Seashore, Marin Co.
PROJECT: Various emergency repairs of storm damage to trails, roads, and other facilities
ACTION: Concur
ACTION DATE: 5/18/98

PROJECT #: ND-052-98
APPLICANT: Navy
LOCATION: Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT: Installation of Fire Control System
ACTION: Object
ACTION DATE: 4/30/98

CALIFORNIA COASTAL COMMISSION

46 FREMONT STREET, SUITE 2000
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April 24, 1998

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-8-98 Negative Determination, U.S. Fish and Wildlife Service, Emergency Dredging, Tijuana River/Oneonta Slough, Tijuana Slough National Wildlife Refuge, Imperial Beach, San Diego Co.

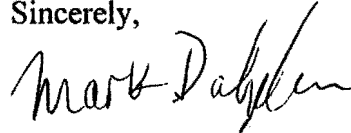
Dear Mr. Rundle:

The Coastal Commission staff has received the above-referenced negative determination U.S. Fish and Wildlife Service (Service) for emergency dredging at the mouths of the Tijuana River and Oneonta Slough, in the Tijuana Slough National Wildlife Refuge in the Tijuana River Valley. The purpose of the dredging would be for habitat value, to restore tidal action when the mouths are closed and threaten to disturb endangered species habitat. As stated in your letter, "Maintaining tidal exchange and restoring the tidal prism of the Tijuana Estuary is recognized as one of the most important management needs for both the Tijuana ... Refuge and ... Research Reserve." The openings would be accomplished consistent with past similar work conducted (and previously authorized by the Commission).

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." This activity is similar to a Service/Refuge proposals with which we previously concurred (CD-41-84), and the Service has incorporated measures to assure any potential adverse effects on sensitive wildlife species would be avoided.

Consequently, we agree with the Service that the proposal would not adversely affect any coastal zone resources and is similar to activities for which consistency determinations have been prepared in the past. 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,



(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

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April 27, 1998

R. Mello, Captain
CEC, U.S. Navy
Attn: Kevin Vo
Facilities Planning and Engineering Office
Naval Air Station North Island
Box 357033
San Diego, CA 92135-7033

RE: **ND-16-98** Negative Determination, Navy Life Guard Tower, Naval Air Station North Island (NASNI), Coronado, San Diego Co.

Dear Captain Mello:

On February 17, 1998, the Coastal Commission staff received the above-referenced negative determination for the construction of a life guard tower south of the Beach House (Building 764), at Breakers Beach on the south side of the Naval Air Station North Island (NASNI). The life guard tower would be 41 ft. high, 73 ft. long, and 24 ft. wide. On March 17, 1998, we received a letter from the City of Coronado, a copy of which we forwarded to you, raising concerns over the tower's visual impacts and requesting additional information from the Navy, including an analysis of alternatives (such as a lower building). The Navy has not responded to that letter, either verbally or in writing. In addition, while your negative determination states the project would replace an existing life guard tower, the determination does not indicate the size or location of the existing structure. Due to the project site's proximity to the ocean and its visibility from nearby publicly used beaches in the City of Coronado, the project would be visible from public viewpoints within the coastal zone and would stand out as a taller structure than adjacent NASNI buildings.

Thus, based on its visual impact, the Commission staff **disagrees** with your determination that the proposed project will not affect the coastal zone. We therefore **object to** your negative determination made pursuant to 15 CFR Section 930.35(d). Consequently, a consistency determination will need to be submitted for this project. The consistency determination should analyze impacts on scenic coastal public views, and should examine less damaging alternatives, or, at a minimum, at least respond to the City of Coronado's request for an explanation as to why

the Navy believes a 41 ft. height is needed. The document should also respond to the City's request for analysis of traffic and recreation impacts. 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
City of Coronado

CALIFORNIA COASTAL COMMISSION

5 FREMONT STREET, SUITE 2000
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April 30, 1998

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

Re: **ND-26-98** Negative Determination, Navy Radar Systems,
Surface Warfare Engineering Facility (SWEF), Naval Construction
Battalion Center (NCBC), Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the installation of four radar systems at the SWEF, as follows:

1. Fire Control System (FCS) MK 99
2. AN/SPQ-9B Surface Search Radar
3. AEGIS AN/SPY-1A Antenna Array
4. AN/SAY-1 Thermal Imaging Sensor System (TISS)

These systems have not yet been tested; your negative determination states: "Prior to operation, Radiation Hazard Surveys will be conducted for the two radiating systems, the MK 99 and the SPQ-9B, to certify their safe operation for both the controlled and uncontrolled environments."

In addition, we have received Commander Benfield's April 10, 1998, response to our February 24, 1998, letter seeking additional clarification concerning "safe separation distances" and "worst case" potential exposure levels for vessels transiting the harbor. The latter of these concerns has been identified in past radar studies/correspondence as a potential hypothetical hazard if a tall ship were to be within the path of an active radar beam for a lengthy period of time. Commander Benfield's response included the following statements:

(1) "Regrettably for security reasons noted in previous correspondence, release of the [safe separation distance] calculations is not authorized if the operating frequency is one of the variables used in the calculations."

[and]

2. "The fact is that a ship at any distance could not remain in the beam long enough to experience a hazard."

As your staff members who attended the March 10, 1998, Coastal Commission meeting in Monterey will recall, when the Commission discussed the status of review of the SWEF, several Commissioners expressed frustration over the idea of attempting to review project-by-project modifications to the SWEF in the absence of a baseline analysis establishing safe exposure levels for the overall SWEF radar systems. Ideally such an analysis would have been submitted to and reviewable by the Commission had the Navy agreed to submit an after-the-fact consistency determination for the SWEF as repeatedly requested by the Commission.

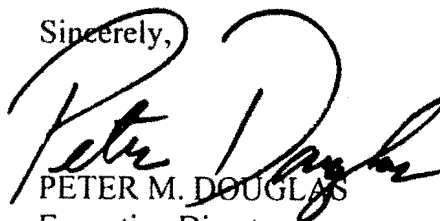
To date the Navy has been unable to adequately describe and analyze the proposed modifications to the SWEF considered in the context of the cumulative impacts of the operation of the overall facility. Without an analysis of the additional contribution such modifications will make to the existing levels of radar emissions at the SWEF, we are unable to agree that the proposed modifications would not affect coastal resources. We therefore believe the Navy needs to test and analyze not only the proposed new facilities by themselves but also in the context of the cumulative impacts of the entire facility (i.e., with all the radar facilities turned on to full power). We also continue to request the release of overall safe separation distances in a manner that would allow a description of maximum or "worst case" emission levels. We are further perplexed that the Navy appears unwilling to consider the possibility that a ship could cease transiting and remain within the beam of an active radar facility for a longer period of time than anticipated by the Navy. It remains unclear to us why the Navy maintains a longer exposure to be an impossible scenario.

Thus, based on the lack of testing and hazard analysis for the proposed radar modifications, including analysis that considers the proposed facilities in the context of overall radar levels at the SWEF (i.e., an analysis that considers cumulative impacts), the Commission staff

disagrees with your determination that the proposed radar facilities will not affect the coastal zone. We therefore **object** to your negative determination made pursuant to 15 CFR Section 930.35(d). Consequently, a consistency determination will need to be submitted for these radar modifications .

Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



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
Commander Paul Benfield
Barry Franklin



CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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AND TDD (415) 904-6200



May 18, 1998

Tim Setnicka, Superintendent
National Park Service
Channel Islands National Park
1901 Spinnaker Dr.
Ventura, CA 93001

RE: ND-29-98 (Negative Determination, Desilting at Scorpion Creek, Santa Cruz Island)

Dear Mr. Setnicka:


We have received your negative determination for desilting of a portion of the lower drainage of Scorpion Creek on Santa Cruz Island. The lower portion of Scorpion Creek was silted in due to winter rains. The proposed work is required to protect historic buildings, located in the active channel, from future flooding and deposition events.

Approximately 5,740 cubic yards of material will be removed from the stream bed of the main channel and a tributary stream, along approximately 1650 linear feet of channel. The total area of disturbance is approximately .89 acres. Some of the removed material will be stockpiled south of the stream bed for use as road fill and to cover exposed archeological sites. The remaining 40% of the material will be placed on the banks of the creek or spread on existing roads. The National Park Service recognizes that the material placed on the creek banks may wash back into the creek, and has stated that this is a one-time measure to protect the historic structures. The Service is proposing to develop a long-term strategy for addressing flood control in the area, but needs to address the potential damage to the historic structures before a long-term strategy will be completed.

While the project will not resolve the concern of flooding and sedimentation into Scorpion Creek over the long-term, it will not significantly affect any coastal resources. The riparian habitat in Scorpion Creek is degraded and little to no riparian vegetation exists in the creek. No sensitive species are known to occur in the Creek. The island is federal land, and the amount of sedimentation into the ocean (i.e., the coastal zone) will not be significant. Therefore, although the sediment may wash back into Scorpion Creek, the coastal zone impacts would not be significant.

Based on this project as a one-time event, we agree that this activity will not affect the coastal zone, and 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) 904-5270 if you have any questions.

Sincerely,



Peter M. Douglas
Executive Director

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

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TELEPHONE (415) 904-5200
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April 24, 1998

Ann Rosenberry
Senior Environmental Protection Specialist
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Coast Highway
San Diego, CA 92132-5190

RE: ND-28-98 (Negative Determination, Submarine Maintenance, Naval Submarine Base (SUBASE) Point Loma, San Diego)

Dear Ms. Rosenberry:

We have received the Navy's negative determination for the construction of a 10,000 square foot Submarine Support Facility (SSF) at the end of Pier 5002. The facility will be constructed on an existing paved area and is near other industrial facilities. The proposed facility will be used to support radiological maintenance for submarines. Currently these activities are undertaken on the submarine tender USS MCKEE; because USS MCKEE is being decommissioned, these activities must be performed elsewhere. Some of the functions will be moved to the SSF while others will be transferred to existing facilities. However, the project will not add any new maintenance services or activities not already being conducted at SUBASE or within Naval Station San Diego. Activities at the SSF will include handling radiologically controlled material, maintenance of radiologically controlled equipment, and processing and packaging of radiologically controlled solids and liquids. Low-level radioactive water will be processed at the SSF. After processing, the remaining radioactivity would be less than the amount of naturally occurring radioactivity in seawater. Regardless of the levels of radioactivity, no processed water from the SSF will be discharged to San Diego Bay, but will be returned to the nuclear-powered ships. The Navy will continue its regular monitoring of surrounding Bay waters for hazardous radioactive materials. To date, no detectable levels of hazardous radiation have been found in sediments of Point Loma.

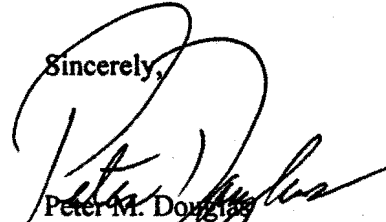
No sensitive resources are at the construction site. A great blue heron colony is located approximately 1500 feet from the proposed site. However, due to the distance from the colony and overall noise levels in the area, construction noise is not expected to disturb the herons. Least tern also forage near the project site. The project will not impact foraging activities as all construction will occur onshore.

During construction, the project has the potential to affect water quality in San Diego Bay through runoff and sedimentation. However, the Navy has committed to using Best Management Practices which will reduce erosion and sedimentation into San Diego Bay. These measures include constructing drainage control devices to direct surface water runoff away from slopes and other graded areas. The Navy has also included safety measures into the design of the structure and handling of the radioactive

materials to ensure the protection of water quality. Debris resulting from construction of the facility will be contained and discharged to avoid any potential impacts to water quality. The maintenance activities for which the project is being constructed have been ongoing in the general area without any detectable contamination of San Diego Bay.

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) 904-5270 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

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April 27, 1998

Susan Boyle
Chief, Environmental Branch
U.S. Coast Guard
Coast Guard Island, Bldg 54D
Alameda, CA 94501-5100
ATTN: Alice Coneybeer

RE: ND-34-98 (Negative Determination, Removal of BEQs, Humboldt Bay, Humboldt County)

Dear Ms. Boyle:

We have received your negative determination for the demolition of three bachelor enlisted quarters (BEQs) at Humboldt Bay. The BEQs are proposed for demolition because they are no longer needed to support staff. Upon demolition, the area will be restored to open lawn; pesticides will not be used on the lawn. Much of the area adjacent to the BEQs is currently lawn area. Removal of the structures will not cause any significant impacts to coastal resources. No sensitive species are found on site, and no discharge will be allowed into the coastal waters.

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) 904-5270 if you have any questions.

Sincerely,

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

Peter M. Douglas
Executive Director

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

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May 18, 1998

Don Neubacher, Superintendent
National Park Service
Point Reyes National Seashore
Point Reyes, CA 94956

RE: ND 41-98 (Negative Determination, Repair of Storm Damage, Point Reyes National Seashore)

Dear Mr.  Neubacher:

We have received your negative determination for repairs to areas in the Point Reyes National Seashore due to flooding. Activities include repairing a number of trails in the park, placing riprap boulders to stabilize sections of an existing road that has collapsed, and removal of gravel deposited in Bear Valley Creek during the flooding. Approximately 500 to 1,000 yards of gravel will be removed from the stream bed. Gravel will be removed using equipment based on stable upland and developed sites; equipment will not enter the stream at any time.

No sensitive species will be affected by the project; the creek will be cleared of red-legged frogs prior to work. Removal of the gravel may enhance habitat for several sensitive species, including coho salmon. The National Park Service has coordinated with both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to prevent impacts to sensitive species.

Repair of the trails and existing roads in the National Seashore will protect existing access and recreational opportunities.

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) 904-5270 if you have any questions.

Sincerely,


Peter M. Douglas
Executive Director

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

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April 30, 1998

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

Re: **ND-52-98** Negative Determination, Navy MK74 Radar System,
Surface Warfare Engineering Facility (SWEF), Naval Construction
Battalion Center (NCBC), Port Hueneme, Ventura County

Dear LCDR Bouika:

The Coastal Commission staff has received the above-referenced negative determination for the installation of the MK74 MOD 6/8/AN/SPG-51C Fire Control System at Building 5186 at the Naval Construction Battalion Center (NCBC) in Port Hueneme. Building 5186 is located near the main SWEF Building, although it is lower in height and closer to publicly accessible areas than the main SWEF building.

This radar facility was placed on Building 5186 in 1996, and in January 1997 the Navy completed a radiation hazard survey of this facility. The Navy states:

Although the height of the MK 74 radar beam is at 42 feet (lower than other systems on the SWEF) and is closer to publicly accessible areas, survey data shows all beach areas, east and west jetty areas, perimeter areas that are public and adjacent to Navy property, and at-sea areas such as the shipping channel are safe, because radio frequency levels in those areas do not exceed the Permissible Exposure Limit (PEL).

The Commission staff has reviewed the test results from this hazard survey. When we completed our initial review of the survey, in a letter dated February 24, 1998, we requested additional information from the Navy concerning "safe separation distances" and "worst case" potential exposure levels for vessels transiting the harbor. The latter of these concerns has been identified in past radar studies/correspondence as a potential hypothetical hazard if a tall ship were to be within the path of an active radar beam for a lengthy period of time. The Navy's response to those information requests, dated April 10, 1998, included the following statements:

(1) "Regrettably for security reasons noted in previous correspondence, release of the [safe separation distance] calculations is not authorized if the operating frequency is one of the variables used in the calculations."

[and]

2. "The fact is that a ship at any distance could not remain in the beam long enough to experience a hazard."

As your staff members who attended the March 10, 1998, Coastal Commission meeting in Monterey will recall, when the Commission discussed the status of review of the SWEF, several Commissioners expressed frustration over the idea of attempting to review project-by-project modifications to the SWEF in the absence of a baseline analysis establishing safe exposure levels for the overall SWEF radar systems. Ideally such an analysis would have been submitted to and reviewable by the Commission had the Navy agreed to submit an after-the-fact consistency determination for the SWEF as repeatedly requested by the Commission.

To date the Navy has not adequately analyzed the proposed new radar system considered in the context of the cumulative impacts of the operation of the overall SWEF complex. Without an analysis of the additional contribution this proposed facility will make to the existing levels of radar emissions at the SWEF complex, we are unable to agree that the proposed installation and operation of the MK 74 facility would not affect coastal resources. We therefore believe the Navy needs to analyze not only the MK 74 facility itself but also the cumulative impacts of the entire facility (i.e., with all the radar facilities turned on to full power). We also continue to request the release of overall safe separation distances in a manner that would allow a description of maximum or "worst case" emission levels. We are further perplexed that the Navy appears unwilling to consider the possibility that a ship could cease transiting and remain within the beam of an active radar facility for a longer period of time than anticipated by the Navy. It remains unclear to us why the Navy maintains a longer exposure to be an impossible scenario.

Thus, based on the lack of analysis for the proposed radar facility within the context of overall radiation levels at the SWEF (i.e., an analysis that considers cumulative impacts), the Commission staff **disagrees** with your determination that the proposed MK 74 radar facility will not affect the coastal zone. We therefore **object** to your negative determination made pursuant to 15 CFR Section 930.35(d). Consequently, a consistency determination will need to be submitted for this project.

Please contact Mark Delaplaine at (415) 904-5289 if you have questions.

Sincerely,



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
Commander Paul Benfield
Barry Franklin

swef.doc

