

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200

RECORD PACKET COPY



DATE: April 20, 1999

TO: COASTAL COMMISSIONERS
AND INTERESTED PARTIES

Tu 5

FROM: MARK DELAPLAINE, FEDERAL CONSISTENCY SUPERVISOR

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

PROJECT #:	NE-115-98
APPLICANT:	Santa Barbara County Flood Control, Carpinteria, Santa Barbara Co.
LOCATION:	Highway 101 at Carpinteria Marsh
PROJECT:	Construction of a new culvert
ACTION:	No effect
ACTION DATE:	4/7/99

PROJECT #:	ND-145-98
APPLICANT:	Marine Corps
LOCATION:	Del Mar Area, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Bachelor Enlisted Quarters
ACTION:	Concur
ACTION DATE:	4/16/99

PROJECT #:	ND-151-98
APPLICANT:	Marine Corps
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Construction of vertical replenishment ammunition handling facility
ACTION:	Concur
ACTION DATE:	4/6/99

PROJECT #:	ND-005-99
APPLICANT:	Navy
LOCATION:	Naval Construction Battalion Center, Port Hueneme, Ventura Co.
PROJECT:	Piling replacement using plastic wrapped crosote pilings
ACTION:	Concur
ACTION DATE:	4/1/99

PROJECT #:	ND-016-99
APPLICANT:	Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Booster verification tests for the National Missile Defense Program
ACTION:	Concur
ACTION DATE:	3/26/99

PROJECT #:	NE-023-99
APPLICANT:	Santa Barbara County
LOCATION:	Carpinteria, Santa Barbara Co.
PROJECT:	Construction of sediment basin
ACTION:	No effect [see letter for NE-115-98]
ACTION DATE:	4/7/99

PROJECT #:	ND-024-99
APPLICANT:	Navy
LOCATION:	Offshore of Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Test demonstrating the capabilities of two mine counter measure systems
ACTION:	Concur
ACTION DATE:	3/24/99

PROJECT #:	ND-025-99
APPLICANT:	Corps of Engineers
LOCATION:	Port of Los Angeles, Los Angeles Co.
PROJECT:	Removal of construction grade material from a borrow pit for completion of the Pier 400 project
ACTION:	Concur
ACTION DATE:	3/24/99

PROJECT #:	ND-026-99
APPLICANT:	Navy
LOCATION:	Naval Amphibious Base, Coronado, San Diego Co.
PROJECT:	Construction of a temporary elevated causeway
ACTION:	Concur
ACTION DATE:	4/1/99

PROJECT #:	ND-028-99
APPLICANT:	Corps of Engineers
LOCATION:	Morro Bay, San Luis Obispo Co.
PROJECT:	Maintenance Dredging with nearshore disposal
ACTION:	Concur
ACTION DATE:	4/15/99

CALIFORNIA COASTAL COMMISSION

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April 7, 1999

Karl Treiberg
Santa Barbara County Flood Control and Water
Conservation District and Water Agency
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: **NE-115-98** No Effects Determination, Franciscan Culvert Extension, Carpinteria, Santa Barbara County
NE-023-99 No Effects Determination, Sediment Basin, Carpinteria, Santa Barbara County

Dear Mr. Treiberg:

We have received the above referenced no effects determinations. The projects together are designed to alleviate flooding problems in the City of Carpinteria, just north of the Carpinteria Salt Marsh. No Effects Determination NE-115-98 is for the construction of a reinforced concrete box culvert at "Kim's Basin". The culvert will parallel an existing culvert and connect to an existing earthen channel, which flows into the Carpinteria Salt Marsh. The project is necessary because the existing culverts are an inadequate size to prevent flooding during storm events. No Effects Determination NE-023-99 is for construction of a one-acre sediment basin. The proposed basin will be constructed north of Kim's Basin. An existing drainage ditch from the location of the sediment basin will be widened and lined with concrete, and will connect to the culvert at Kim's Basin.

Construction of the culvert under NE-115-98 has the potential to increase sedimentation into the salt marsh; sedimentation could result in impacts to species that inhabit or forage in those areas. Construction of the sediment basin under NE-023-99 will mitigate this impact by reducing the amount of sediment flowing into the salt marsh. In addition, the County Flood Control District has committed to monitoring the salt marsh for increased erosion and sedimentation due to the proposed culvert. If monitoring shows increased erosion and/or sedimentation from the project, the District has committed to stabilize the channel banks using biotechnical bank stabilization techniques and/or to desilt the El Estero Way Channel if excessive sedimentation occurs as a result of the culvert project. The monitoring and any necessary remediation will be coordinated between the District and the Carpinteria Salt Marsh manager.

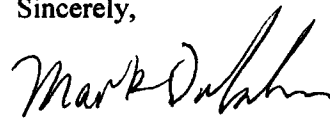
Construction of the culvert will have minimal impacts on other biological resources: disturbance to vegetation will be limited to an approximately 550 square feet area that is predominately non-native vegetation. However, a small area is characteristic of palustrine emergent wetland; several willow trees may also be affected. Any disturbed native vegetation will be replaced after construction of the project. The area is currently degraded and does not support any sensitive species. Construction of the sediment basin will destroy an existing small, isolated wetland. The wetland is highly degraded and exists due to agricultural runoff from adjacent greenhouses. Avoidance of the wetland will significantly compromise the effectiveness of the project, which will be beneficial to reduce sedimentation into Carpinteria Salt Marsh. To mitigate the impacts from the project on wetland resources, the District will provide in-lieu fees to support the Ash Avenue Wetlands project in Carpinteria. The fees will be sufficient to create 600

square feet of wetlands (2:1 mitigation ratio). Construction of the sediment basin may also impact several coast live oak trees. Where possible, removal of oak trees will be avoided. Any trees removed will be replaced on a 10:1 basis. Any necessary tree trimming shall be done using arborist-approved methods.

Finally, construction of the proposed sediment basin has the potential to affect water quality in the salt marsh. Due to low groundwater levels, groundwater is expected to seep into the sediment basin. Since the surrounding area supports agricultural uses, nitrate concentrations in the groundwater are high. To assure that the water quality of the salt marsh is not degraded, water will be drained from the sediment basin only at a level above the groundwater table. This will ensure that groundwater being discharged downstream will be diluted by storm flows.

No other coastal resources will be significantly affected by the project. With the above mitigation measures, we agree that these activities will not negatively affect the coastal zone. We hereby concur with your no effects determinations 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,


(fdr) 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

CALIFORNIA COASTAL COMMISSION

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



April 16, 1999

Lieutenant Colonel K.W. Quigley
U.S. Marine Corps
Deputy Natural Resources
ATTN: Theresa Trost
Marine Corps Base
Box 555010
Camp Pendleton, CA 92055-5010

RE: ND-145-98 Bachelor Enlisted Quarters (BEQ), Del Mar Area, Camp Pendleton, San Diego County

Dear Mr. Quigley:

We have received your negative determination for the construction of two 10,000 square meter, four-story BEQs in the Del Mar Area of Camp Pendleton. In 1998, the Commission staff concurred with a negative determination for construction of a BEQ in the same area, which is currently nearing completion (ND-142-97).

The Marine Corps states that the northern site boundary is approximately 500 meters from sensitive habitat areas and the Santa Margarita Estuary. The estuary provides habitat for both the California least tern and the Western snowy plover. Runoff from the project will enter existing storm drains which discharge directly into the Santa Margarita Estuary. As with the previous negative determination, the Marine Corps has committed to using best management practices to ensure that discharges into the estuary will not degrade the water quality. The Marine Corps will continue to monitor water quality of the estuary and will submit monitoring plans and results to the Commission staff. The Marine Corps has committed to undertake remediation measures if polluted discharges occur from the proposed project. In addition, the Marine Corps has included measures to minimize bird predation in the area; these measures include devices such as "Birds be Gone" at possible perch sites on the buildings. Lighting for the project and parking lot will be directed away from sensitive habitat areas. These measures will help reduce impacts from the project on sensitive species near the site.

Based on the above commitments and the Commission's previous review under ND-142-97, we agree that this activity will not affect the coastal zone. 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,

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

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



April 6, 1999

Richard Kramer
Marine Corps
Environmental Security
Box 555010
Camp Pendleton, CA 92055-5010

Attn: Theresa Trost

RE: ND-151-98, Negative Determination for the construction of vertical
replenishment ammunition handling facility, Camp Pendleton Marine Corps Base

Dear Mr. Kramer:

The Coastal Commission staff has reviewed the above-referenced negative determination for the construction of a "vertical replenishment" ammunition handling facility on the coastal shelf seaward of Interstate 5 (I-5) on the Camp Pendleton Marine Corps Base in San Diego County. A similar existing facility, located to the north (and also seaward of I-5), will be abandoned, as it is inconsistent with Dept. of Defense Regulations concerning safety arcs (because it is nearer than 1800 ft. from I-5). Similar to the existing facility, the facility will be used for the transportation of ammunition and explosives by helicopters from land to ship in support of unit deployments and training operations. The ammunition and explosives will be transported by truck from Naval Weapons Station Detachment Fallbrook to the site. Helicopters then transport the ordnance to ships offshore. Approximately 12 load/unload operations occur each year, with each operation lasting three days. The facility may also be used for less extensive operations called "touch and go" exercises by base helicopters. Construction activities include building two adjoining helicopter landing areas on a single concrete pad (covering an area of 150 feet by 300 feet), with a 20-foot wide paved skirt and a 24-foot wide paved two-lane access road. The site is located 1800 feet seaward of I-5.

According to the Marine Corps, the proposed project includes impacts to 2.57 acres of California gnatcatcher habitat. The Marine Corps is coordinating with the U.S. Fish and Wildlife Service, which has listed the gnatcatcher as a threatened species, pursuant to the requirements of the federal Endangered Species Act. The gnatcatcher lives, breeds, and nests in coastal sage scrub plant community, which is threatened by habitat loss and fragmentation occurring in conjunction with urban and agricultural development. Habitat

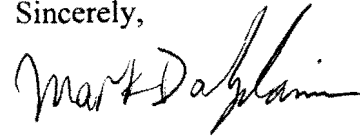
for this species is one of the most rapidly diminishing habitats in the entire nation. The Fish and Wildlife Service estimates that 90 percent of the coastal sage scrub habitat historically present in California has been destroyed. In past projects, the Commission has found gnatcatcher habitat to be environmentally sensitive habitat under the Coastal Act. Therefore under the Coastal Act and the Endangered Species Act the gnatcatcher impacts must be mitigated. In consultation with the Fish and Wildlife Service the Marine Corps has incorporated mitigation measures to offset the gnatcatcher impacts, at a ratio of 2:1, with the necessary commitments for monitoring restoration success (and remediation efforts if needed until success is achieved). In addition, the construction period will occur at a time of year when construction impacts to gnatcatchers will be avoided. The U.S. Fish and Wildlife Service agrees with the Marine Corps that the project includes adequate safeguards and mitigation measures to protect the threatened gnatcatcher species pursuant to the Endangered Species Act.

In addition, the project represents the least environmentally damaging feasible alternative, including the "no project" alternative. The no project alternative would pose unacceptable public safety risks, and the other feasible "build" alternatives, which must be located west of I-5 to comply with DOD regulations, would involve greater amounts of paving and adverse impacts to both gnatcatchers and Riverside fairy shrimp in vernal pools. The proposed alternative avoids vernal pool impacts. Finally, visual impacts would be insignificant because the project's visual impacts would be the same as those of the existing facility, which will be removed.

Ordinarily, the Commission staff would request a consistency determination for a project that necessitates mitigation for a coastal resource impact (as opposed a project that simply avoided an impact, which is appropriately submitted as a negative determination). However extenuating circumstances in this situation lead us to deviating from this position. The Marine Corps was delayed in completing its Fish and Wildlife coordination through personnel changes at the U.S. Fish and Wildlife Service, to the extent that if the Commission further delays its review until the May Commission meeting, funding may be jeopardized for an activity that is clearly in the public interest. The Marine Corps has documented that: (1) funding may be jeopardized by any such further Commission delay; and (2) that the imminent phase-out of the substandard existing facility could mean that hazardous ammunition will need to be transported on surface streets if the contract for the facility is not awarded this fiscal year. Wishing to support a project that is in the public interest, and given that the Marine Corps has addressed and, where necessary, mitigated all project impacts on coastal resources, we conclude in this situation that the project: (1) is located on federal land; (2) represents the least environmentally damaging feasible alternative; (3) includes adequate safeguards and mitigation measures to protect the threatened gnatcatcher species; and (4) would not affect any other coastal zone resources. Given these factors, we therefore 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,



(for) PETER M. DOUGLAS
Executive Director

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

PMD/MPD/JRR/ND15198.DOC

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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April 1, 1999

Ronald J. Dow
Director, Environmental Division
ATTN: Beverly Damron
Naval Construction Battalion Center
1000 23rd Avenue
Port Hueneme, CA 93043-4301

Subject: Negative Determination ND-5-99 (Pile Replacement and Wharf Repair, Naval Construction Battalion Center, Port Hueneme).

Dear Mr. Dow:

The Coastal Commission staff has received the above-referenced negative determination for the replacement of 170 timber pilings at eight wharf locations, and other miscellaneous wharf repair and maintenance work, at the Naval Construction Battalion Center, Port Hueneme. The project consists of:

- (1) Extracting and replacing 25 deteriorated timber piles at Wharf 3, eight at Wharf 4, 40 at Wharf 5, 26 at Wharf 6, 49 at Wharf A, five at Wharf B, nine at Wharf C, and eight at Wharf D; the replacement piles will be plastic-wrapped creosote-treated timber piles in the same locations; at Wharf 3 only, divers will also clean out a percentage of concrete pockets (about 18 inches in diameter by 11 feet deep each) in order to install pilings; and
- (2) The following maintenance and repair activities: removing 20 camel logs, disconnecting ladder supports from pilings, removing/replacing up to 15 ladders, repairing whalers and chocks as needed, installing 500 tons of replacement armor stone rip-rap at both Wharf 4 and at Wharf D, and trimming pilings.

The proposed activities are expected to take three months to complete.

The Commission and the Executive Director have previously approved the use of plastic-wrapped creosote-treated wood piles, most recently in coastal development permit amendment 3-96-089-A1 (City of Monterey) and negative determination ND-114-97 (U.S. Navy), respectively. In March 1998 the Commission approved with special conditions a request by the City of Monterey to replace approximately 50 creosote-treated piles at Municipal Wharf II with plastic-

wrapped creosote-treated wood piles. The conditions required that the City comply with California Department of Fish and Game (CDFG) guidelines for the use of plastic-wrapped creosote-treated pilings, and that the City implement a piling inspection and reporting program to ensure that the integrity of the plastic wrapping is maintained. In addition, the conditions stated that if new or better scientific information reveals that less environmentally damaging materials are feasible to implement in wharf repairs, the City is required to revise procedures or use new materials consistent with the new information, after consulting with the Executive Director.

In September 1997 the Executive Director concurred with a negative determination from the Navy for replacement of 41 deteriorated piles at Wharf 3 and Wharf 6 at the Naval Construction Battalion Center, Port Hueneme, with plastic-wrapped creosote-treated timber piles. The Navy agreed to use only those types of piles approved by the CDFG in order to minimize biological effects on marine resources.

However, in December 1998 the Executive Director objected to negative determination ND-116-98 from the Navy for the project now proposed under the subject negative determination, ND-5-99. At that time, the Commission staff was unable to determine whether the proposed pile replacement element of the project met CDFG guidelines for the use of plastic-wrapped creosote-treated wood pilings.

On March 30, 1999, the Commission staff spoke with CDFG staff regarding the CDFG's position on the use of plastic-wrapped creosote-treated wood pilings. While the CDFG has yet to adopt a formal policy (one is expected sometime this year), it currently will accept the use of plastic-wrapped creosote-treated wood pilings in specific situations and under conditions designed to prevent creosote leakage, as follows:

- *For the repair of existing projects that were previously constructed using wood products. This exception is intended to help prevent hardships for permit applicants that would otherwise be caused by a need to redesign or replace existing structures if wood could not be used for repair work.*
- *Where the use of plastic-wrapped creosote pilings is restricted to marine or estuarine waters.*
- *Where measures are taken to prevent damage to plastic wrap from boat use. Measures may include installation of rubber strips or bumpers.*
- *Where measures are taken to prevent creosote from dripping over the top of plastic wrapping into State waters. These measures may include wrapping pilings to the top or installing collars.*
- *Where the plastic wrapping is sealed at all joints to prevent leakage.*
- *Where the plastic material is expected to maintain its integrity for at least 10 years, and where plastic wrappings that develop holes or leaks are repaired or replaced in a timely manner.*

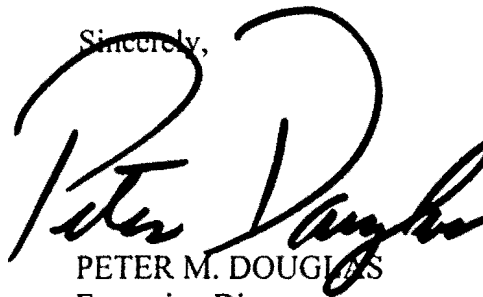
CDFG staff stated during the March 30 telephone conversation that as long as the Navy adhered to the above conditions, the Department would not oppose the use of plastic-wrapped creosote-treated wood pilings in the pile replacement project at the Naval Construction Battalion Center.

In negative determination ND-5-99, the Navy states that:

The plastic-wrapped creosote-treated piles will be installed/maintained per established guidelines. The Center is aware of the importance of maintaining a watertight seal when using plastic-wrapped creosote-treated pilings. In this regard, the pilings will undergo periodic inspection; and, any holes or leaks that may develop in the plastic material will be repaired or replaced in a timely manner. To prevent damage to the plastic wrap from boat use, rubber strips or bumpers will be installed; to prevent creosote from dripping over the top of the plastic wrappings, the piles will be wrapped to the top or collars installed to prevent leakage; and the plastic wrapping will be sealed at all joints to prevent leakage and the release of PAHs in the marine environment.

The Coastal Commission staff agrees that the proposed project will not adversely affect the coastal zone. The replacement of 170 timber pilings at the Naval Construction Battalion Center, Port Hueneme, with plastic-wrapped creosote-treated wood pilings will adhere to CDFG guidelines on the use of such materials in ocean waters, and the miscellaneous wharf repair and maintenance work at the Center will generate only minor and temporary effects on marine resources at and adjacent to the project sites. While this project involves a larger number of plastic-wrapped creosote-treated wood piles when compared to similar pile replacement projects in Monterey (50) and Port Hueneme (41), the Navy's commitment to the aforementioned CDFG guidelines will adequately protect the marine environment at the Naval Construction Battalion Center. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. 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: South Central Coast Area Office
South Coast Area Office (attn: Lauma Jurkevics)
California Department of Fish and Game, San Diego (attn: Marilyn Fluharty)

NOAA
Assistant Counsel for Ocean Services
OCRM
California Department of Water Resources
Governor's Washington, D.C., Office

G/land use/federal consistency/negative determination/1999/nd-005-99

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE AND TDD (415) 904-5200



March 26, 1999

Scott W. Westfall
U.S. Air Force
Environmental Management
806 13th Street, Suite 116
Vandenberg Air Force Base, CA 93437-5242

Attn: Jim Johnston

RE: **ND-016-99**, Negative Determination for the booster tests of the National
Missile Defense Program, Vandenberg Air Force Base, Santa Barbara County.

Dear Lt. Col. Westfall:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Air Force proposes to conduct booster tests for the National Missile Defense Program at Vandenberg Air Force Base. The Air Force proposes two launches to verify booster and silo designs, demonstrate canister and silo egress, and test boosters under operationally representative conditions. The missile test will use an existing launch facility and does not require any new construction. The Air Force will place an above ground fiber optics cable along existing roads for communication purposes.

The launches will occur from a launch facility (LF-21) in the northern portion of the base. This launch site will also be used for the Theater Defense Missile project, which was recently approved by the Commission (CD-6-99). The National Defense boosters are similar in size to the proposed Theater Defense Missiles. Additionally, the two National Missile Defense launches will be incorporated into the Theater Defense Missile program and not change the launch rate of that program. Therefore, the public access, marine mammal, air quality, and other resource impacts from the two-launch test of the National Defense Missile will be similar to the effects from the Theater Defense Missile program.

In conclusion, the Commission staff agrees that the project is the same as or similar to an activity previously approved the Commission. 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,

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

PETER M. DOUGLAS
Executive Director

cc: South Central Coast Area Office
OCRM

ND-016-99
March 26, 1999
Page 2

NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington D.C. Office

PMD/JRR

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
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March 24, 1999

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

RE: **ND-24-99** Negative Determination, Navy Mine Detection Systems, Offshore of
Las Pulgas Beach, Camp Pendleton Marine Corps Base, San Diego County

Dear Ms. Rosenberry:

The Coastal Commission staff has received the above-referenced negative determination for the testing of two Navy mine detection systems called Advanced Sensors (Shallow Water System) (A/S) and the Advanced Lightweight Influence Sweep System (ALISS). These systems, which have been developed to detect, identify and precisely locate mine-like objects in the shallow water and very shallow water zones, have been tested in laboratories but now need to be field-tested in a Pacific Ocean littoral setting.

The tests would be conducted in within an approximately 9 square mile area of shallow (20-160 ft. depths) water seaward of Las Pulgas Beach at Camp Pendleton, within the existing boundaries of the Camp Pendleton restricted use waters. Restricted waters off Camp Pendleton have been historically used for military exercises, included amphibious assaults with air cushion vehicles (LCAC's), as well as mine reconnaissance activities. For example, the Navy notes that in a typical year, 11 mine countermeasure operations are scheduled offshore of Camp Pendleton.

The Navy proposes to conduct the tests over five non-consecutive days during the period of April 9-24, 1999. Using the inert mines/minefields that are located in the test area, A/S will attempt to locate and identify these mines and ALISS will attempt to neutralize them. No explosives would be involved. One of the A/S tests would be at night; all other tests (for both systems) would be during the daytime.

The impacts of the proposed testing would be localized and short term. According to the Navy, noise impacts would be similar to operational Navy tests that are routinely operated in the restricted waters offshore of Camp Pendleton. Richardson et al.¹ shows typical military mine and obstacle avoidance sonars to be comparable to side-scan sonars, both in terms of frequencies and source levels. The lasers would also be similar to those presently used in several military and commercial applications (i.e., submarine communications, distance determination, sea floor charting (bathymetry), mine detection, and benthic surveys). Agencies actively using this type of laser in marine surveying work include the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service (NMFS).

Testing equipment includes a 279-foot test vessel, a 20 ft. long tow vehicle, and a laser line-scanning device. The tests would involve high-frequency sonar and laser emissions to look for mines. Several of the sonar frequencies are too high to be heard by any marine mammal, and the other frequencies are still high, avoiding issues raised by low frequency sound that have been controversial in recent years. The laser image would only affect a small area immediately below the test vessel, and, like the sonar, is a technology currently in use in the marine environment.

To avoid impacts to sensitive marine mammals and other marine resources, the Navy has committed to: (1) avoiding operating in or near kelp beds; and (2) performing both visual and sonar monitoring, including a dedicated bridge watch by operations personnel during all sound/laser transmissions, and sonar equipment that can detect a "biological presence." For the one nighttime test, lights will be used to assure that the monitoring could detect any nearby mammals. The Navy has committed to avoid exposing any marine mammals to sound intensities above 175 dB (re: 1 μ Pa), and, although the likelihood of sea turtles in the area is very low, avoiding exposing any sea turtles to sounds above 180 dB². Additionally, unlike low frequency sound that is intended to travel great distances and typically raises concerns over effects on marine resources, the high frequencies used for this type of sonar involve short wavelengths and are designed for short-distance detection; these types of sounds attenuate far more rapidly in water than low frequency sounds. In some instances high frequency sonar operations have even been known to attract marine mammals such as dolphins and porpoises, which can cause a problem for operators but is evidence that adverse effects are not occurring. In any event, as indicated above, the Navy commits to turning off the sonar if mammals or turtles come near enough to the sources (i.e., up to 56 m for the A/S source and 200 m for the ALISS source)³ to be subject to adverse effects such as acoustic harassment or temporary threshold shift. The Navy has also coordinated with NMFS, which has concluded that with the monitoring and avoidance commitments the activity would not involve any "take" or harassment of marine mammals.

¹ *Marine Mammals and Noise*, Richardson et al., 1995, (p. 147).

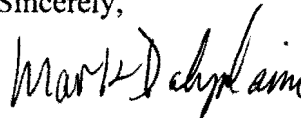
² See Attachment 1 for the Navy's methodology for selecting these avoidance maxima.

³ See Attachment 2 for details of the received level calculations and avoidance strategies.

Because the project area is a designated military training area and regularly used by the Navy and Marine Corps, it is identified on nautical charts as a caution area. Consequently recreational boaters and fishermen rarely use the area, and the project would therefore have minimal effects on recreational and other boating activities. In any event, the Navy has committed to: (1) posting a Coast Guard Notice to Mariners advising boaters of the activity; and (2) to avoid effects on divers by monitoring diving activity within one kilometer of the source and avoiding exposing divers to any noise levels that could raise concerns.

With the avoidance measures the Navy has incorporated into it, the project would not affect any environmentally sensitive habitat or marine resources, public access and recreation, or any other coastal resources. Therefore, we **agree** with your conclusion that the project would not adversely affect any coastal resources, and we hereby **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 any 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
NMFS (Christina Fahy)

Navy Explanation of Avoidance Radii

Based upon the mobile, repetitive impulsive characteristics of the A/S and ALISS sound sources in a proposed test area routinely used for military exercises, a conservative threshold of 175 dB re 1 μ Pa was defined to determine the radius of the area around each sound source to be monitored for marine mammals. The threshold was identified based upon the following considerations:

- a) Dr. Sam Ridgway's Temporary Threshold Shift (TTS) study involving 1 second tones with a frequency band of 3-75 kHz documented observed "behavior disturbance" reactions in dolphins when sound pressure levels ranged from 178 to 186 dB re 1 μ Pa. TTS was observed when sound pressure levels between 194 and 200 dB re 1 μ Pa were received by the test animals. (Ridgway 1997)
- b) The HESS Team convened in June of 1997 to develop acoustic standards for seismic surveys. The team concluded that they were "apprehensive" about received levels above 180 dB re 1 μ Pa (rms) in regards to overt behavioral, physiological, and hearing effects. A 180 dB re 1 μ Pa (rms) safety zone mitigation guideline was developed as an interim guideline pending publication of NMFS standards. (Pierson 1999)
- c) Specific observations of gray whales (Malme et al 1984) resulted in the conclusions that gray whales may avoid areas where continuous low-frequency sounds exceeded 120 dB re 1 μ Pa, but pulsed sounds did not elicit a corresponding reaction unless the average intensity levels exceeded 160 dB re 1 μ Pa.
- d) SEAWOLF Final Environmental Impact Statement (FEIS) incorporated work by Dr. Darlene Ketten that identified 5-15 psi (211-220 db re 1 μ Pa) peak pressure thresholds defining the range at which moderate to no TTS would occur for marine mammals subjected to explosive charges.
- e) National Marine Fisheries Service requested an evaluation of the shock wave potential associated with the ALISS sound source. The calculation of interest was for the distance at which the impulse would degrade to 5 psi-ms and the distance at which the energy threshold of 180 dB re 1 μ Pa² -s contour is defined. These thresholds were applied in the Eglin Air Force Base Incidental Harassment Authorization for Explosives Testing.

In the absence of regulatory definitions, the Navy has determined that for the proposed ONR tests offshore from Camp Pendleton in April 1999, the 175 dB received sound pressure level (rms) will define the boundaries of the marine mammal mitigation contours. This level is test specific based upon the existing knowledge as addressed in considerations a) through e) above. In the context of the test location, the proposed test would generate conditions similar to those of existing military operations in the area.

Although gray whales may be migrating during the test period, the acoustic conditions created by the proposed action are not unique to the area and have not been documented to create avoidance reactions.

Sea Turtles

In the absence of data regarding documented hearing damage in sea turtles, the Navy has established a sea turtle impact threshold of 180 dB re 1 μ Pa.

Table 4. Acoustic Mitigation Measures

System and Frequency	Received Sound Pressure Levels				Within Audible Range?				Mitigation Strategy
	180 dB re 1 μ Pa		175 dB re 1 μ Pa		Mysticetes	Odontocetes	Pinnipeds	Sea Turtles	
	Radius	Area	Radius	Area					
Advanced Sensors									
SAS 20 kHz	105 ft / 32 m	0.000938 NM ² / 0.003217km ²	184 ft / 56 m	0.002872NM ² / 0.009852 km ²	L ¹	Y ²	Y	N ³	Monitoring: During daylight operations, a marine mammal observer will monitor for marine mammals and sea turtles within 328 ft (100 m) from the research vessel. ⁴ For the night time test, the research vessel's 2 spot lights (with 200m effective illumination distance) and deck lighting (assessed to provide 100m effective illumination distance) would be used to monitor for the presence of marine mammals and sea turtles. The Sea Bat sonar would be used to assist in detecting a "biological presence" within 328 ft (100m) from the tow vehicle. Conditions for curtailing operations: During daylight operations, if marine mammals or sea turtles are seen within 184 ft (56 m) of the surface vessel, systems will be turned off until monitoring area is clear. For the nighttime operation, if the Sea Bat system (effective range > 100 m) detects a "biological presence", the system would be turned off until the monitoring area is clear.
SAS 180 kHz	92 ft / 28 m	0.000718 NM ² / 0.002463 km ²	144 ft / 44 m	0.001773 NM ² / 0.006082 km ²	N	L	Y	N	Note: 20 kHz and 180 kHz operate concurrently and the mitigation addressed for the 20 kHz component would be more restrictive than that of the 180 kHz component due to greater absorption occurring at higher frequencies
Sea Bat 455 kHz	46 ft / 14 m	0.00018 NM ² / 0.000616 km ²	72 ft / 22 m	0.000443 NM ² / 0.001521 km ²	N	N	N	N	No mitigation is required because 455kHz would not be audible to marine mammals or sea turtles
Doppler 1230 kHz	66 ft / 20 m	0.000366 NM ² / 0.001257 km ²	85 ft / 26 m	0.000619 NM ² / 0.002124 km ²	N	N	N	N	No mitigation is required because 1.23 MHz would not be audible to marine mammals or sea turtles
Advanced Lightweight Influence Sweep System									
ALISS	371 ft / 113 m	0.011696 NM ² / 0.040115 km ²	656 ft / 200 m	0.036638 NM ² / 0.125664 km ²	Y	Y	Y	Y	Monitoring: marine mammal observer will monitor for marine mammals and sea turtles within 700 ft (213 m) from the surface vessel Conditions for curtailing operations: if marine mammals or sea turtles are seen within 656 ft (200 m) of the vessel, system will be turned off until monitoring area is clear

¹ L = Low² Y = Yes³ N = No⁴ Since the SAS and the EOID operate from the same platform, the program sponsor wanted to simplify the mitigation strategy by adopting the mitigation radius of 328 ft (100m) of EOID for the SAS even though the impact radius would be slightly smaller at 184 ft / 56 m.

Table 5. Laser Mitigation Measures

System	Human Safety Range	Marine Mammal Safety Range	Mitigation Strategy
EOID	211 ft / 64.4 m	328 ft/ 100 m	<p>Monitoring: During daylight operations, marine mammal observer will monitor for marine mammals and sea turtles within 328 ft (100 m) from the surface vessel. For the night time test, the research vessel's 2 spot lights (with 200m effective illumination distance) and deck lighting (assessed to provide 100m effective illumination distance) would be used to monitor for the presence of marine mammals and sea turtles. The Sea Bat sonar would be used to assist in detecting a "biological presence" within 328 ft (100m) from the tow vehicle.</p> <p>Conditions for curtailing operations: During daylight operations, if marine mammals or sea turtles are seen within 328 ft (100 m) of the surface vessel, systems will be turned off until monitoring area is clear. For the nighttime operation, if the Sea Bat system detects a "biological presence" the system would be turned off until the monitoring area is clear.</p>

Table 6. Diver Safety Standoff Distance for Acoustic Sources and Laser

System and Frequency	Received Sound Pressure Levels		Within Audible or Visible Range for Humans?	Mitigation Strategy
	160 dB re 1μ Pa			
	Radius	Area		
Advanced Sensors				
SAS 20 kHz	942 ft / 287 m	0.075445 NM2 / 0.25877 km2	Y	Monitoring: During daylight operations, test personnel will monitor for the presence of civilian divers within a distance of 3,281 ft (1 km) from the test vessel. For the night time test, research vessel deck lighting and spot light would be used to monitor for civilian dive boats.
SAS 180 kHz	462.6 ft / 141 m	0.01821 NM2 / 0.062458 km2	N	Conditions for curtailing operations: During daylight operations, if civilian divers are seen within 942 ft (287 m) of the surface vessel, systems will be turned off until monitoring area is clear. For the nighttime operation, if civilian diver boat lights are seen within 942 ft (287 m) of the surface vessel, systems will be turned off until monitoring area is clear. If the Seabat system (effective range > 100 m) detects a "biological presence", the system would be turned off until the monitoring area is clear.
Sea Bat 455 kHz	233 ft / 71 m	0.004617 NM2/ 0.015837 km2	N	Note: For SAS, 20 kHz and 180 kHz operate concurrently and the mitigation addressed for the 20 kHz component would be more restrictive than that of the 180 kHz component due to greater absorption occurring at higher frequencies
Doppler 1230 kHz	141 ft / 43 m	0.001694 NM2/ 0.005809 km2	N	No mitigation is required for the Sea Bat sonar because 455kHz would not be audible to humans.
EOID Laser NOHD	211 ft / 64.4 m	N/A - linear area of influence	Y	No mitigation is required for the Doppler because 1.23 MHz would not be audible to humans. EOID safety contours are smaller than the 160 dB contour for the 20 kHz component of SAS; therefore, the program sponsor wanted to simplify the mitigation strategy by adopting the mitigation radius of 942 ft (287 m) of SAS for the EOID even though the impact radius for EOID would be considerable smaller at 211 ft (64.4 m).
Advanced Lightweight Influence Sweep System				
ALISS	2608 ft / 795 m	0.578898 NM2/ 1.985565 km2	Y	Monitoring: test personnel will monitor for the presence of civilian divers within a distance of 3,281 ft (1 km) from the surface vessel Conditions for curtailing operations: if civilian divers are seen within 2,608 ft (795 m) of the vessel, system will be turned off until monitoring area is clear.

CALIFORNIA COASTAL COMMISSION

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March 24, 1999

Pamela Castens
Chief, Environmental Planning Section
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-25-99 (Pier 400 Navigation Improvement Project,
Stage 2 Dredging Modifications, Port of Los Angeles).

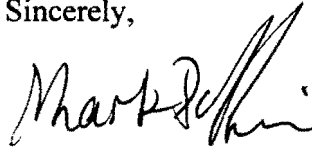
Dear Ms. Castens:

The Coastal Commission staff has reviewed your negative determination for modifications to the previously-concurred with Stage 2 dredging and landfill construction associated with the Pier 400 Project in the Port of Los Angeles (CD-2-97 and ND-103-97). The Corps of Engineers has determined that site conditions at the Pier 400 Stage 2 landfill indicate an overabundance of structurally unsuitable fill material, and that one million cubic yards of fill must be excavated and placed at an alternate location and suitable replacement fill be obtained for the Stage 2 landfill. As a result, the Corps proposes to implement the following modifications to the Stage 2 dredging and disposal plan: (1) obtain 800,000 cubic yards of suitable landfill material by deepening the two existing borrow pits in the Main Channel and inside the Middle Breakwater to a depth of approximately -98 feet mean lower low water (MLLW) and removing material between the two pits; (2) obtain one million cubic yards of suitable landfill material by dredging a new borrow pit to -98 feet MLLW in the North Turning Basin; and (3) backfill all borrow pits to the authorized navigation channel depth with one million cubic yards of clean but structurally unsuitable material from the Stage 2 Pier 400 landfill and 800,000 cubic yards of similar material from another Stage 2 dredging element. The Corps states that all water quality commitments and mitigation associated with ongoing dredging and landfill construction at the Pier 400 Stage 2 landfill would be maintained with the proposed project modifications. Staff from the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and U.S. Environmental Protection Agency were consulted by the Corps and stated that with maintenance of the measures specified in the Section 404(b)(1) water quality analysis, the proposed modifications will not generate significant adverse impacts on biological resources within the coastal zone.

Construction activities associated with the proposed dredge and fill modifications are similar to the Stage 2 dredging activities and subsequent dredging modifications previously concurred with by the Commission in CD-2-97 and by the Executive Director in ND-103-97, respectively. The proposed dredging and disposal will occur in existing navigation channels and all borrow pit

areas will be backfilled to authorized navigation channel depths with previously-dredged but structurally unsuitable materials. All of the subject dredged sediments are clean and suitable for unconfined aquatic disposal. In conclusion, the proposed Pier 400 Stage 2 dredging and disposal modifications in the Port of Los Angeles will not significantly affect the coastal zone. The Commission has previously reviewed the need for and design of the Pier 400 project and found it consistent with the California Coastal Management Program. Potential impacts to marine resources from the proposed modifications to the previously-concurred with project will not be significant and appropriate mitigation measures are incorporated into the project. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: Port of Los Angeles
South Coast Area Office
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
OCRM
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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April 1, 1999

Marie Avery
South Bay Area Focus Team
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
2585 Callagan Hwy., Bldg. 99
San Diego, CA 92136-5198

RE: **ND-26-99** Negative Determination, Temporary Elevated Causeway, Naval Amphibious Base, Coronado

Dear Ms. Avery:

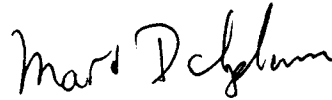
The Coastal Commission staff has received the above-referenced negative determination for a military training exercise consisting of installation and removal of a temporary causeway, at Bravo Beach on the bay side of the Naval Amphibious Base (NAB). While the project would have temporary, limited impacts on the coastal zone, due to the short duration of project (less than four weeks), we agree with your conclusion that this project is appropriately submitted as a Negative Determination. The current exercise is scheduled to begin on April 5, 1999.

The Navy conducts this activity on an ongoing and regular basis (up to four times/year), and the Commission and its staff have consistently concurred with the activity when the Navy has either: (1) implemented the project outside the least tern and snowy plover nesting season; or (2) when scheduled during the nesting season, the Navy has consulted with the U.S. Fish and Wildlife Service and assured that the activity would be performed in an area where it would avoid impacts to least terns and snowy plovers. The Fish and Wildlife Service has been consulted for the upcoming exercise and has not raised concerns, because the activity is on the bay side of the NAB, which is too far from the established least tern colony (at Delta Beach) to generate adverse effects, and because turbidity impacts would be minimal.

Under the federal consistency regulations (Section 930.35(d)), 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 project is similar to numerous consistency and negative determinations for similar exercises on the both ocean and bay sides of the NAB with which we have concurred (CD-5-95, CD-30-94, ND-27-93, ND-97-92, ND-69-92, CD-84-91, and

ND-61-90). Our previous reviews have established that, with the consultation built into the process with the Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Army Corps of Engineers, habitat and access impacts would be minimal. 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 any 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
U.S. Army Corps, San Diego Field Office

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April 15, 1999

Robert E. Koplin, PE
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Stephanie Hall
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-028-99 (Three-year maintenance dredging project with nearshore and surf zone disposal, Morro Bay Harbor, San Luis Obispo County).

Dear Mr. Koplin:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The proposed project includes maintenance dredging over a three-year period with nearshore and/or surf zone disposal of existing channels within Morro Bay Harbor. (The Corps proposes this three-year dredging project rather than the standard one-year project in order to obtain the cost savings associated with awarding multi-year dredging contracts.) Specifically, the Corps proposes to dredge a maximum of 1.33 million cubic yards (200,000 c.y. in 1999; 465,000 c.y. in 2000; 665,000 c.y. in 2001) of littoral drift material from the Main and Navy Channels of the harbor over a three-year period extending from June 1, 1999, through September 30, 2001. Regarding the physical and chemical characteristics of the dredged sediments, the negative determination states that:

Sediment grain-size and Total Organic Carbon (TOC) testing at approximately 18 locations within the project area, including the Morro Channel which is outside the project area, were done in 1998. Results of that testing indicated that sediment from the Main and Navy channels were compatible with the proposed near shore and surf-zone disposal areas. Mr. Steven John of the Environmental Protection Agency, Region IX, was satisfied that testing from 1998, along with historical test data included in Appendix D of the attached EA, provide sufficient evidence of the suitability of the proposed dredge materials for near shore or surf-zone disposal.

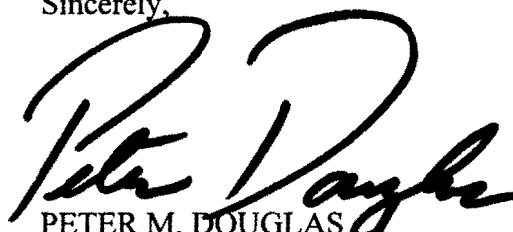
As in past maintenance dredging projects at Morro Bay, disposal operations occurring between March 1 and September 15 annually will be restricted to the nearshore area (in waters seaward of the surf break between the -20 and -40 foot mean lower low water contour line) to avoid

impacts to recreational beach use and the nesting activities of the endangered Western snowy plover.

Under the federal consistency regulations, negative determinations are allowed for activities that are the same as or similar to a previously authorized consistency determination. The Commission has reviewed several consistency determinations for dredging and disposal at Morro Bay. These consistency determinations include CD-39-86, CD-11-87, CD-29-90, and CD-44-93. Additionally, the staff has concurred with three negative determinations for similar activities in Morro Bay: ND-28-95, ND-29-96, and ND-89-97. With respect to the current project, the dredge location, volume, and disposal sites are similar to previously approved dredge projects in Morro Bay. The proposed project includes all the avoidance and mitigation measures that the Commission has previously found necessary to protect federally listed endangered and threatened species (including the snowy plover, peregrine falcon, and southern sea otter), sand resources, hard rock substrate, and recreational resources.

In conclusion, the Coastal Commission staff agrees that the proposed project is the same as or similar to previously authorized consistency determinations. We therefore concur with the negative determination made pursuant to 15 CFR Section 930.35(d) of the NOAA implementing regulations. 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: Central Coast Area Office
OCRM
NOAA Assistant Administrator
Assistant General Counsel for Ocean Services
Department of Water Resources
Governor's Washington, D.C., Office