

CALIFORNIA COASTAL COMMISSION

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STATUS MEMO

DATE: June 24, 1999

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
Expert Review Panel Selection

On April 30, 1998, the Commission staff objected to two negative determinations for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for the systems. The Navy disagreed with the Commission staff and declined to submit consistency determinations. Based on this disagreement, on August 21, 1998, the Commission requested, and the Navy subsequently agreed, to seek informal mediation of the matter by the Office of Ocean and Coastal Resource Management (OCRM).¹

On October 29, 1998, and February 10, 1999, the Commission staff met with the Navy and OCRM to discuss the terms of how the informal mediation process could best proceed. The outcome of those meetings were memorialized in OCRM memos to the Commission and the Navy dated November 6, 1998, and April 6, 1999, respectively, which have been distributed to the Commission and the public. When the matter arose at the June 10, 1999, Commission meeting, the Commission did not indicate any significant

¹ Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

concerns over this process for establishing an independent and objective technical panel to review the questions and information compiled to date, the purpose of which is to assist the Commission in determining effects on coastal resources from SWEF radar facilities.

Based on the agreements to date (as described in OCRM's April 6, 1999, memo) the panel make-up and selection would occur as follows:

The Technical Panel

Make up of the Panel. The Panel should consist of 3-5 members. The Panel members need to be objective and not be substantially involved with the Department of Defense. At least one of the Panel members should have clearance to review classified materials. It is desirable that one of the Panel members have bio-medical expertise and one of the Panel members have wildlife expertise. Public agency Panel members are preferred, but, depending on availability of the public agencies, universities or private contractors may be selected.

Selection of the Panel. OCRM will solicit the participation of the candidates listed in the priority Panel pool, ...[see OCRM memo]. If 3-5 of the priority Panel pool candidates agree to participate, then the rest of the Panel pool will not be contacted. If OCRM cannot obtain the participation of 3-5 participants from the priority Panel pool, OCRM will contact the candidates in the secondary Panel pool until 3-5 have agreed to participate. Once OCRM obtains commitments from the Panel selectees, OCRM will forward to the Commission and the Navy the names and background information of the selected Panel members. The Commission will review the Panel selection at the first Commission meeting after OCRM forwards the Panel names. The Commission and the Navy will then provide OCRM with their concurrence or objection with the Panel selection, immediately following that Commission meeting.

This OCRM memo also describes the task of the panel members as follows:

The Panel is charged with providing, to the Navy and the California Coastal Commission (Commission), through the mediator, the Office of Ocean and Coastal Resource Management (OCRM), an objective scientific evaluation on whether, and to what extent, the operation of the Navy's Surface Warfare Engineering Facility (SWEF) at Port Hueneme, Ventura County, California, poses impacts to any land or water use or natural resource of the coastal zone or impacts safe public access to the coastal zone. The Panel, in making its evaluations, shall use the materials and questions provided by OCRM. Each Panel member is asked to provide its own independent finding. Panel members may communicate with one another and shall inform OCRM of such inter-Panel communications. Requests to use additional information or to

communicate with the Navy, the Commission or others shall be made through OCRM. Panel members shall have six weeks to complete their evaluations.

Because the Commission was interested in the make-up of the review panel, the mediating parties agreed that once tentatively selected, the make-up of the review panel would be brought before the Commission at the next scheduled public meeting. On April 13, 1999, the Commission selected Lee Quaintance to serve as a citizen observer to be included on the panel. For the remainder of the panel, as of June 24, 1999, OCRM has selected the following panel members:

<u>Member</u>	<u>Affiliation</u>
Ed Mantiplay	National Air and Radiation Laboratory, EPA
Robert Liburdy	Lawrence Berkeley National Laboratory
John D'Andrea	Brooks Air Force Base, Texas

OCRМ believes this list is sufficient for the expert panel members, with the exception of a wildlife expert, which has not yet been selected. Any further progress on the wildlife aspect of the panel selection will be reported to the Commission at the July 13, 1999, meeting. In addition, resumes and other pertinent biographical information for the above-listed panel members will also be provided for Commission and public review at the July 13, 1999, meeting.