

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
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VOICE AND TDD (415) 904-5200

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**Tu 11b**STATUS REPORT ONNAVY SWEF NEGATIVE DETERMINATIONS

**DATE:** March 23, 2000

**TO:** Coastal Commissioners And Interested Parties

**FROM:** Peter Douglas, Executive Director  
Mark Delaplaine, Federal Consistency Supervisor

**RE:** Pending U.S. Navy Negative Determinations for Radar Facilities,  
Surface Warfare Engineering Facility (SWEF)  
Port Hueneme, Ventura County

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**STAFF NOTE:** 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).<sup>1</sup> Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities.

The panel included four technical radar experts, Joe Elder, Ed Mantiplay, John D'Andrea, and Ross Adey, a wildlife expert, Robert Beason, and a Citizen Observer, Lee Quaintance. The panel's task was described 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*

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

*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.*

The results of the expert panel's evaluations and recommendations and OCRM's summary are being mailed under separate cover to the Commission for the April 2000 meeting. OCRM's summary is attached to this memo. Upon conclusion of the panel review, all parties understood that the Commission staff would bring back for a public hearing and Commission review the two objected-to negative determinations, which were resubmitted, along with one new negative determination, for radar modifications at the SWEF. The pending cases are as follows:

1. **ND-5-00 (resubmittal of objected-to ND-26-98):** Four Navy Radar Systems (1) Fire Control System (FCS) MK 99; (2) AN/SPQ-9B Surface Search Radar; (3) AEGIS AN/SPY-1A Antenna Array; and (4) AN/SAY-1 Thermal Imaging Sensor System (TISS) at the main SWEF building (Building 1384).
2. **ND-6-00 (resubmittal of objected-to ND-52-98):** Navy MK74 MOD 6/8/AN/SPG-51C Fire Control System at Building 5186.
3. **ND-10-99:** Navy Replacement of MK-78 Mod 1 Director at Building 1384.

For all three negative determinations, the Navy has extended the review period to enable the Commission to consider the panel review. Now that the panel review results are available, the Executive Director is prepared to act on these negative determinations. The panel members made a number of recommendations (Attachment 1). The Navy's response to these recommendations is attached (Attachment 2). The Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has modified its projects to address concerns raised by the panel in a manner that enables the Executive Director to agree with the Navy's negative determinations. Accordingly, attached are three draft Executive Director concurrence letters on these negative determinations, which will not be signed until after the public hearing and after the Commission has had the opportunity for input to the Executive Director as to whether to agree or disagree with the Navy's negative determinations.

#### Attachments

1. Summary of panel members' evaluations and recommendations
2. Navy response to panel members' recommendations
3. Three draft negative determination concurrence letters

## Charge to the Panel

The five technical panel members were charged with providing, to the Navy and the Commission, through OCRM, their independent and objective scientific evaluation on whether, and to what extent, the operation of the SWEF poses impacts to any land or water use or natural resource of the coastal zone or impacts safe public access to the coastal zone. To assist the panel members in making their evaluations, OCRM provided materials that were agreed upon by the Commission and the Navy. The panel participated in discussions with the Navy, the Commission, the Citizen Observer, and OCRM on December 14, 1999, in Ventura California. In their participation, the panel members were not representing or working for OCRM, the Navy or the Commission. The panel members are not and were not an advisory or consensus group, but provided their own independent views.

## Coastal Effects - Summary of Panel Members' Evaluations

This section summarizes the evaluations by the technical panel, which are included in Appendix 2. A brief general summary is provided, followed by a summary for each of the five panel members. Some of the summaries contain recommendations for consideration by the Navy and the Commission. The summaries and the panel members' evaluations are ordered alphabetically. The length of a particular panel member's summary, relative to the other summaries, is not an indication of importance or weight. All five evaluations, and summaries, should be accorded equal weight.

**General Summary** - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. These recommendations are provided after the applicable panel member's summary.

## Summary of Each Panel Member's Evaluations

**Dr. Ross Adey** - Overall, from the data provided to the Panel by the Navy, the SWEF operation is in general compliance with Department of Defense (DoD) Directive 6055.11, with the notable exception that ships entering and leaving Port Hueneme Harbor may be transiently exposed to field levels above the Permissible Exposure Limit (PEL) while under way. They may be more severely exposed if remaining anchored for extended periods at certain sections of the harbor entrance. At least three major considerations affect a determination of potential health risks for Navy personnel in controlled environments and for civilian residents in adjoining housing developments.

1. Available epidemiological studies offer supporting evidence for dose-dependent effects of cumulative microwave exposure over many years.
2. Adverse health effects have been reported with microwave fields at mean incident power

levels below tissue heating thresholds.

3. In the absence of tissue heating as the vehicle for observed adverse microwave bioeffects, further medical microwave research will be necessary to determine the role of peak pulse power and pulse repetition frequencies.

The U.S. Radiofrequency Interagency Working Group (RFAIWG) identified needed changes and updates in microwave safety guidelines. These include: (1) selection of an adverse effect level for chronic exposures not based on tissue heating and considering modulation characteristics, and peak intensities not associated with tissue temperature elevation; (2) recognition of different safety criteria for acute and chronic exposures at athermal levels; (3) recognition of defects of time-averaged dosimetry that does not differentiate between intensity-modulated Radio Frequency (RF) radiation exposure and Carrier-Wave (CW) exposure, and therefore not adequately protecting the public.

***Recommendations:***

- Complete 360° rotation of any SWEF radar system should no longer be permitted.
- Antenna mobility should be limited to seaward sectoring, with sector margins determined by coordinates of coastline intercepts. Under no circumstances should antenna traverses across adjoining coastal zones be permitted.
- The Navy should issue a general warning to mariners not to remain in a zone extending seaward 2 miles from the SWEF base, with eastern and western margins defined as in recommendation 2, above.
- The Navy should provide, annually, to NOAA, or to a Federal agency designated by NOAA, complete logs of activity in all SWEF radar systems. These reports should include all epochs of operation, the duration of each epoch, and the limits of antenna sectoring.
- DoD should review and implement, in a timely manner, any new safety guidelines developed by RFAIWG in conjunction with the American National Standards Institute (ANSI) for protection of the public.
- Until new Federal safety guidelines now under consideration by RFAIWG are implemented, no blanket approval of the SWEF operation should be affirmed.

**Dr. Robert C. Beason** - The "bottom line" is that the Navy is operating within the safety guidelines and the SWEF does not present any hazard to civilians in the public areas. The only potential problem would be if an extremely tall ship came into the harbor, but the harbor is probably not capable of handling such a vessel. There is a potential hazard for wildlife, i.e., birds, that might occupy the roof of the buildings while the antennas are emitting a signal. It is possible that the movement of the antennas would flush the birds away.

***Recommendation:*** The Navy might want to mount a camera on the roof of the SWEF or otherwise monitor the roof to verify that birds are not roosting in front of operating transmitters.

Dr. John D'Andrea - Under applicable DoD and National Institute of Electrical and Electronic Engineers (IEEE)/ANSI guidelines, the emissions from the SWEF pose no hazard to people or wildlife that are in the public access area of the coastal zone surrounding the SWEF. The main SWEF beams are restricted to heights well above the public and shipping areas and do not pose a hazard. The small fraction of energy from beam "sidelobes" that may reach the public beaches or waterways are below applicable guidelines and are not a hazard in these areas. The controls proposed by the Navy seem very reasonable.

*Recommendations:* None.

Dr. Joe A. Elder - The Navy surveys show that public exposures at ground or water levels outside the base perimeter are below 1 mW/cm<sup>2</sup> and I conclude that these surveys show no significant public health risk at these publically accessible locations from exposure to radiofrequency radiation from the SWEF radars. The Navy reports show that a special case of potential public exposure in excess of the general population limit of 1 mW/cm<sup>2</sup> exists on the superstructure of cargo ships in the Port Hueneme ship channel. Safety procedures can ensure safe exposure levels on ships and permit the Navy to fulfill the SWEF mission. Also, the Navy's public exposure data is the minimum necessary to reach these conclusions on the public health impact with my confidence rating of "adequate." Public health evaluations with a higher confidence rating, such as "very good" to "excellent," would enhance the public's reception of the evaluations and be more helpful to public health officials.

*Recommendations:*

- When cargo ships are stationary in the shipping channel in front of the SWEF, or in front of the SWEF during transit through the channel, safeguards should prevent energization of SWEF radars that produce power densities of 1 mW/cm<sup>2</sup> or greater on cargo ships.
- The Navy should submit to the public [through the Commission] a well-designed, comprehensive public exposure assessment study within a reasonable time, e.g., six months, after submission of OCRM's report to the Commission.

Mr. Edwin Mantipty - If the SWEF follows the engineering and procedural controls as specified in Navy documents, the SWEF should not represent a health risk or affect the offsite environment. It is possible for the SWEF radars to exceed safety limits if used contrary to the Navy's operating guidelines. Thus, the Navy needs to ensure that active radars are not pointed in any direction that causes exposures to exceed safety limits. Procedural controls may be necessary to prevent illumination of transiting ships resulting in exposure to vessel personnel and possibly unacceptable reflections. Engineering controls that would prevent these exposures are apparently impractical.

*Recommendations:*

- The Navy should designate a microwave safety officer to ensure compliance with safety measures.
- The Navy should provide for simple harbor and channel observation and appropriate operator clearance to transmit.

## ATTACHMENT 2

### Navy Response to Panel Recommendations

The Navy thanks the Panel for their diligent work in support of the informal mediation between the Navy and the CCC. We have reviewed all of the recommendations by the panel members and appreciate the many good ideas for improving the SWEF operations. The Navy shall commit to the following modifications to the operation of SWEF to improve operations of the SWEF and enhance public safety.

#### INSTALLATION OF VIDEO CAMERA & ELIMINATION OF RADAR EMISSIONS WHEN VESSELS ARE IN THE EXCLUSION ZONE

The Navy will install a video camera system on the roof of SWEF to enable system operators and engineers to monitor large/tall vessels, which require tug assistance, entering or exiting the harbor. An area extending from the harbor entrance buoy (approximately ½ mile from the entrance to the harbor) to the internal channel buoy will be designated a tall vessel exclusion zone (see Attachment (1)). When a vessel is in this 'tall vessel exclusion zone', Navy will not radiate any SWEF radar that has a RF hazard zone that extends beyond the internal Navy fence. All systems' Standard Operating Procedures will be modified to include the monitoring and vessel exclusion procedures. These procedures will be also be used for future radars that may be planned for installation at SWEF.

#### INSTALLATION OF A VIDEO CAMERA TO MONITOR BIRDS

The video system that will be installed will also be used to spot birds roosting in front of any radar. If a bird is roosting in front of a radar, the Navy will take appropriate action to remove it from the equipment before the system radiates. If a bird roosts during operations, radiation will be stopped until appropriate action is taken to remove the bird. All systems' Standard Operating Procedures will be modified to include the monitoring and bird removal procedures. These procedures will also be used for future radars that may be planned for installation at SWEF

#### IMPROVEMENTS TO THE RADHAZ SURVEYS

The Navy will, at a minimum, double the number RF measurement points along uncontrolled (off-base) areas in all future RADHAZ surveys. The Navy will specifically indicate the locations of maximum and minimum readings along the fence between the Navy and the public beach in all future RADHAZ surveys. During all future RADHAZ surveys, all SWEF radars capable of simultaneous operation will be energized and oriented (as allowed) toward the measurement points. The measurement equipment used during the test will be described in the report. The Navy will also provide a plain-English Executive Summary to assist the CCC and the public in understanding the technical report. The Navy will identify a POC to answer any questions that CCC may have regarding the survey.

#### APPOINTMENT OF A RF SAFETY OFFICER

The Navy will designate a RF Safety Officer to ensure continued compliance with required safety measures and regulations.

#### SUBMISSION OF ANNUAL REPORT TO CCC ON RADAR OPERATIONS

The RF Safety Officer will submit to the CCC an annual report no later than 31 January of each year to include: number of total hours the radars radiated out of the antennas, the number of time radiation was halted due to ships or roosting birds, the number of aircraft events flown off the Sea range, verification that all operational modifications agreed to as a result of this informal mediation are being followed, and verification that the facility continues to be operated in compliance with safety measures

#### NOTIFICATION & UPDATE ON OPERATIONAL MODIFICATIONS IN RESPONSE TO NEW STANDARDS

To assist the CCC in staying informed about the status of DoD's RF standards, the Navy will notify the CCC when changes are made to the DoD RF standard (DoD Instruction 6055-11). In accordance with the Office of Management and Budget (OMB) circular A119, federal agencies are required to use voluntary consensus standards instead of a government-unique standards unless they are inconsistent with applicable law or otherwise impractical. Therefore, DoD has historically used the RF standards developed by the American National Standard Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE). DoD is also required to comply with all federal regulations. The Navy would comply with any changes to the federal regulations governing RF emission promulgated by the Environmental Protection Agency. Navy will notify the CCC of any new or revised RF standards issued by ASNI/IEEE that DoD decides to use and any changes to applicable federal regulations. The Navy will also provide an explanation of how SWEF operations will be modified to comply with the new standard or regulation.

**CALIFORNIA COASTAL COMMISSION**

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# DRAFT

March 23, 2000

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-5-00** (formerly 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)

On April 30, 1998, the Commission staff objected to this negative determination (as well as ND-52-98) 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).<sup>1</sup> Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities. Now that the panel review results are available, the staff is reconsidering its response to the Navy's negative determination in light of the panel review results and the Navy's response to the panel members' recommendations.

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



OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a "non-DOD" measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy's commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable "DOD standards," but also any exceedance in public areas of the "FCC guideline" (currently 1 mW/cm<sup>2</sup>) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project 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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

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  
Chuck Hogle (U.S. Navy)  
Suzanne Duffy (U.S. Navy)

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## CALIFORNIA COASTAL COMMISSION

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March 23, 2000

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-6-00** (formerly 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).*

On April 30, 1998, the Commission staff objected to this negative determination (as well as ND-26-98) 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).<sup>2</sup> Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential

<sup>2</sup> Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

coastal zone effects of the SWEF radar facilities. Now that the panel review results are available, the staff is reconsidering its response to the Navy's negative determination in light of the panel review results and the Navy's response to the panel members' recommendations.

OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with

the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a "non-DOD" measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy's commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable "DOD standards," but also any exceedance in public areas of the "FCC guideline" (currently 1 mW/ cm<sup>2</sup>) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project 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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

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  
Chuck Hogle (U.S. Navy)  
Suzanne Duffy (U.S. Navy)

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March 23, 2000

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-10-00** Negative Determination, Navy Replacement of MK-78 Mod 1 Director at Building 1384, 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 replacement of an existing radar on the third floor of the main SWEF building (Building 1384) at the Naval Construction Battalion Center (NCBC) in Port Hueneme. The Navy proposes to replace the existing MK-78 Mod 1 Director, which is a component of the MK-57 Mod 3 NATO Seasparrow Surface Missile System (a self-defense fire control system), and which has outlived its 10-year life cycle and in need of replacement. The Navy states this project constitutes routine repair/maintenance of existing equipment.

In a related matter, on April 30, 1998, the Commission staff objected to two negative determinations (ND-52-98 and ND-26-98) for radar systems at the SWEF in Port Hueneme. The Commission staff requested that the Navy submit consistency determinations for those 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).<sup>3</sup> Working with the Commission staff and the Navy, OCRM convened an expert review panel to advise the Commission on the potential coastal zone effects of the SWEF radar facilities. The Navy agreed to extend the review period for the subject project to enable the Commission to consider the panel review. Now that the panel review results are available, the staff is prepared to review this negative determination, in light of the panel review results and the Navy's response to the panel members' recommendations.

<sup>3</sup> Pursuant to federal consistency regulations 15 CFR Part 930, § 930.36 and Subpart G, § 930.110 et seq.

OCRM summarized the panel members' review as follows:

General Summary - The panel members found that the operation of the SWEF, including its radiofrequency emissions, *in accordance with the Navy's described operational and safety guidelines*, do not, *generally*, pose impacts to any land or water use or natural resource of the coastal zone and do not represent a public health risk. Some of the panel members stated that there may be health or exposure risks to people on vessels transiting or anchoring in the harbor. Most of the panel members recommended steps the Navy can, or should, take to further ensure that the operation of the SWEF is safe, that the Navy's operational and safety guidelines are carefully adhered to and monitored and that radiofrequency measurements in the uncontrolled (off-base) environment are adequate to continue to assess the impact of the radiofrequency emissions. [Emphasis in original]

The recommendations of the panel members include such measures as taking steps to: (1) avoid ships transiting the harbor with SWEF radars; (2) increase public confidence in Navy radar testing by (a) performing a "well designed public exposure assessment study" within the next six months; (b) designating a microwave safety officer; (c) agreeing to comply with any new updated safety guidelines promulgated by public agencies; and (d) submittal of operational logs to an independent federal agency (such as OCRM) on an annual basis; and (3) use a camera to monitor (and avoid affecting) bird roosting on the roof of the SWEF.

In its response, the Navy made several changes to the recommendations. One example of a change is that rather than submit operating logs to a federal agency, annual monitoring reports would be submitted to the Commission. Another change is that, rather than have a "non-DOD RFR measurement expert participate fully in the survey and the writing of the final report submitted to the public," the Navy has agreed to expand on the surveys and their communication to the public, but not to the extent of designating a "non-DOD person" as part of the survey team. The Navy has also not agreed to perform a "public exposure assessment study," but rather has chosen to address this recommendation by improving the existing Radhaz surveys, including doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, and appointing an information officer to answer any questions about the surveys. Nevertheless, the Commission staff believes that the Navy has adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications will not adversely affect coastal zone resources. Among these commitments is that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and continue to coordinate radar modifications at the SWEF with the Commission staff, including, where appropriate, submittal of future consistency or negative determinations for operational or equipment changes at the facility. For its analysis of future changes the Commission staff will rely for its baseline description and level of impacts on the Navy's "Technical Parameters for SWEF emitters," dated February 18, 2000, which was the baseline relied upon by the expert panel, as well as the "to scale" map submitted by the Navy to the panel dated January 13, 2000.

Finally, the Commission staff urges the Navy to agree to conduct a public exposure assessment study along the lines recommended in the expert panel evaluation, including, as recommended, the inclusion of a "non-DOD" measurement expert on the study and report-writing team. For any such study that does not include such expert, the Navy should explain the reasons for the non-inclusion. The Commission staff also wishes to advise the Navy that, in keeping with the Navy's commitment to conduct more detailed surveys and to better communicate those results to the Commission, the Commission staff expects the Navy to measure and report not only any exceedances of the legally applicable "DOD standards," but also any exceedance in public areas of the "FCC guideline" (currently 1 mW/ cm<sup>2</sup>) cited by two of the panel members as an appropriate guideline for public areas.

Therefore, with these considerations and commitments agreed to by the Navy, the Coastal Commission staff agrees with your conclusion that the proposed project 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 Mark Delaplaine of the Coastal Commission staff at (415) 904-5289.

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  
Chuck Hogle (U.S. Navy)  
Suzanne Duffy (U.S. Navy)

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