

CALIFORNIA COASTAL COMMISSION

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Tu 7a**October 24, 2001**

TO: Commissioners and Interested Persons

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

SUBJECT: Navy compliance with commitments made during Commission review of radar facilities at the Surface Warfare Engineering Facility (SWEF), Naval Base Ventura County, Port Hueneme

I. BACKGROUND:

On April 14, 2000, the Commission objected to Consistency Determination CD-4-00 (Navy, Virtual Test Capability, Port Hueneme) and 3 negative determinations¹ for radar facilities at the Surface Warfare Engineering Facility (SWEF) in Port Hueneme (Exhibit 1). The Commission's action took place after a lengthy series of negotiations between the Navy and the Commission, which were facilitated by an independent panel of technical experts convened by the Office of Ocean and Coastal Resource Management (OCRM) to advise the Commission. The Commission's findings on CD-4-00 included the following summary by OCRM of the conclusions of the expert panel members:

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

1 ND-26-98, ND-52-98, and ND-10-99: Four 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) (ND-26-98); MK 74 Radar System (ND-52-98); and MK 78 Mod 1 Director (ND-10-99).

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]

Many of the steps recommended by the panel were agreed to by the Navy (see Exhibits 2-3). Nevertheless, the Commission ultimately objected to the consistency and negative determinations, because the Navy would not agree, as had been recommended by one of the expert panel reviewers, that the Navy designate a "non-DOD [Department of Defense] person" as part of the survey team. The Commission expressed its belief that having such a person on the survey team would be essential to maintaining the objectivity of the survey panel and any conclusions it reached as to the effects of radar facilities on coastal zone resources.

The Commission also noted procedurally in its objection that the Navy was not prohibited from proceeding to implement the VTC and other radar improvements, but that if the Navy intended to proceed in the face of an objection the Navy was obligated to so inform the Commission in accordance with Section (a)(i) of Chapter 11 of the California Coastal Management Program (CCMP), which provides:

If the Coastal Commission finds that the Federal activity or development project directly affects the coastal zone and is not consistent with the management program, and the federal agency disagrees and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination, it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.²

On April 13, 2000, the Navy complied with this provision by informing the Commission of 1) its position that the CZMA did not obligate the Navy include a non-DOD official on the survey teams because the other commitments that the Navy stated it was willing to make and comply with are sufficient to make the operation of the SWEF fully consistent with the enforceable policies of the CCMP, and 2) its intention to proceed with the activities described in the consistency determinations and the negative determinations notwithstanding the Commission's objection thereto (Exhibit 3). The commitments with which the Navy stated it intended to comply are summarized in this excerpt from the Commission's findings on CD-4-00:

The Navy's commitments in response are attached as Appendix A (pages 24-25 [Exhibit 2]), with additional commitments and clarifications made during the April 11, 2000, public hearing attached as Appendix B (Navy's letter to the Commission dated April 13, 2000 [Exhibit 3]). With some changes, the Navy has responded positively to several of the recommendations. One example of a change that, rather than have a

² This requirement has now been codified at 15 CFR § 930.43(e), which took effect on January 8, 2001.

"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 measurement expert" as part of the survey team. Also, the Navy has not agreed to perform a "well-designed, comprehensive 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.

Additional Navy commitments include that the Navy will continue to test all radar facilities, submit test results to the Commission staff, and 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, as the Navy has agreed (see Appendix B [Exhibit 3]) 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 [Exhibit 8], 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. The Navy will measure and report not only any exceedances of the legally applicable "DOD standards," but will also provide sufficient information (including actual radar logs) to enable a determination of any exceedance in public areas of the "FCC guideline" (currently 1 mW/cm²) cited by two of the panel members as an appropriate guideline for public areas.

The Commission did not take any further action to challenge the Navy's position.

At the Commission's April 12, 2001, meeting, The Beacon Foundation presented information to the Commission asserting that the Navy had not fully complied with these commitments. The Beacon Foundation followed this up with letters dated April 27, 2001, and May 18, 2001. The Navy responded to several of these contentions in a letter dated April 13, 2000, and in subsequent email communications dated July 24, 2001 (to which The Beacon Foundation responded in a letter dated July 28, 2001), and August 8, 2001. These communications were discussed at the August 2001 Commission meeting, at the conclusion of which the staff agreed to provide a more extensive analysis and provide the Commission with possible actions or positions it could adopt if it believed the Navy was not properly following its commitments. The Beacon Foundation and Navy letters and communications are attached (Exhibits 4-7 and 10-13) and are summarized where relevant in the staff's commitment-by-commitment discussion in Section III below.

II. PROCEDURES:

The federal consistency regulations (15 CFR § 930.45) provide:

§930.45 Availability of mediation for previously reviewed activities.

(a) Federal and State agencies shall cooperate in their efforts to monitor federally approved activities in order to make certain that such activities continue to be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the management program.

(b) The State agency may request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a Federal agency activity, including those activities where the State agency's concurrence was presumed, which was: (1) Previously determined to be consistent to the maximum extent practicable with the management program, but which the State agency later maintains is being conducted or is having an effect on any coastal use or resource substantially different than originally described and, as a result, is no longer consistent to the maximum extent practicable with the enforceable policies of the management program; or (2) Previously determined not to be a Federal agency activity affecting any coastal use or resource, but which the State agency later maintains is being conducted or is having an effect on any coastal use or resource substantially different than originally described and, as a result, the activity affects any coastal use or resource and is not consistent to the maximum extent practicable with the enforceable policies of the management program. The State agency's request shall include supporting information and a proposal for recommended remedial action.

(c) If, after a reasonable time following a request for remedial action, the State agency still maintains that a serious disagreement exists, either party may request the Secretarial mediation or OCRM mediation services provided for in Subpart G of this part.

Normally when the Commission believes a federal agency is deviating from its commitments for a previously reviewed activity, the Commission relies on the "reopener" provision contained in Section 930.45(b) above. Subpart (b) applies to situations where the state agency has originally *concurred* with the federal agency's activity, but subsequently believes the federal agency is conducting its activity in a manner "having an effect on any coastal use or resource substantially different than originally described and, as a result, is no longer consistent to the maximum extent practicable with the enforceable policies of the management program." In the present situation, by contrast, the Commission did not concur, but rather objected to the federal agency's proposal. Therefore, that procedure is not applicable to this situation.

The applicable regulation for this situation is subpart (a), which contemplates state and federal agency *cooperation* in order to "make certain" that federal activities "continue to be undertaken in a manner consistent...with the enforceable policies of the management program." Even though the Navy and the Commission did not completely agree on the necessary measures to achieve compliance with the CCMP, as discussed on page 2-3, the Navy nevertheless agreed to comply with the commitments it made during the review process. The

following discussion analyzes the degree to which the Navy has complied with these commitments, the consequences of any non-compliance, and the extent to which the Navy has agreed to improve future compliance. This discussion is followed by staff recommendations for further measures that may be appropriate to assure the Navy is cooperating sufficiently in order to make certain that the Navy's activities at the SWEF continue to be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CCMP.

III. NAVY COMPLIANCE

Navy Commitment 1. The Navy will install a video camera and eliminate radar emissions when large/tall vessels are in the exclusion zone (the shipping channel in front (seaward) of the SWEF) (Exhibit 14). When a vessel is in this zone, the 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 (SOPs) will be modified to include the monitoring and vessel exclusion procedures. These procedures will also be used for future radars at SWEF. The Navy will also use the video camera to monitor bird use; if a bird is roosting in front of any radar, the Navy will take appropriate action, including eliminating birds and stopping active radar emissions until the problem is solved.

Beacon Foundation comments. The Navy has "defaulted" on commitments to show times it ceased radiating either because of roosting birds or ships in the exclusion zone. The SOP the Navy provided to The Beacon Foundation reflects no modification of SOPs based on Navy commitments and does not mention any tall vessel exclusion procedures or zone.

Navy comments. The Navy installed a video camera and monitored tall vessels entering the harbor. The Navy's February 9, 2001, letter to the Commission, contained the RF Safety Officer's certification that the SWEF emitters were operated in compliance with the SOPs, the Department of Defense (DoD) guidelines and all other operational enhancements agreed to as a result of the informal mediation between the Navy and the Commission.

Information concerning the number of times radiation was interrupted due to roosting birds or of ships in the tall ship exclusion zone was provided in the Summary Matrix of SWEF radiate times for calendar year 2000 submitted via letter dated February 2, 2001. The Summary Matrix documents that there were zero instances of operations being halted due to roosting birds and 1 time when the SWEF emitters were shut off while a ship was in the exclusion zone.

In response to The Beacon Foundation statement concerning SOPs it received under a Freedom of Information Act request, the SOP will be revised to incorporated changes the Navy has agreed to. Until that time, the operators are trained to refer to "change pages."

Commission staff analysis. The Navy has complied with the commitment to install a video camera, cease exposures to tall ships, and report the number of times it ceased operations. The staff has no evidence to suggest the Navy has not complied with these commitments.

Navy Commitment 2. The Navy will **expand on the RadHaz surveys**; improvements include doubling the measurement points taken in public (uncontrolled) areas, "translating" the survey results into plain English, indicating maximum and minimum readings at the Navy fence line, and directing all radars capable of simultaneous operation oriented (as allowed) toward the measurement point. The Navy will measure and report not only any exceedances of the legally applicable "DOD standards," but will also provide sufficient information (including actual radar logs) to enable a determination of any exceedance in public areas of the "FCC guideline" (currently 1 mW/cm²). The Navy will also appoint an information officer to answer any questions about the surveys.

Beacon Foundation comments The Navy's latest in house RadHaz Survey did not satisfy the Navy's commitments.

The December 2000 RADHAZ Report states "RADHAZ measurements were conducted with operational constraints in effect as defined within the current established SWEF standard operating procedures. Nowhere in the report is the source document identified for the "current" standard. The alterations are not listed but our review shows they are numerous. Peak and average power and antenna bearings for several devices are not consistent with the baseline the Navy provided to the Expert Panel and the Commission.

The December 2000 Report asserts "There are no hazards to ships transiting the [harbor] channel or to any ship at-sea." This is based on an assumption that vessels come no closer than 650 ft. to the emitters. Four of the five expert panel members found that persons on tall vessels transiting the harbor could be exposed to RF radiation even in excess of DoD exposure limits. There is no indication that the Panel Report was seen or considered by the Navy agency that prepared the 12/00 RADHAZ Report.

The 12/2000 RADHAZ Report evaluates compliance only with the DoD (IEEE) radiation exposure standard. However, this Report includes the attached Table 2 [Exhibit 15] containing calculation of exposure levels at the mid-point of the shipping channel that greatly exceed the more protective FCC standard for the uncontrolled environment. The FCC standard is an exposure level not to exceed 1.0 and Table 2 reports four emitters in excess of that level.

The 12/00 RADHAZ Report exhibits the lack of objectivity that concerned the Commission when it adopted its Findings of May 9, 2001, and violates the Navy commitment to provide a comprehensive report. One substantive contribution and new

issue raised by the December 2000 RADHAZ Report is its measurement data (Table 2) disclosing violation of the FCC radiation standard in the uncontrolled environment of the coastal zone.

Navy Comments. The Navy submitted a new RadHaz survey dated December 2000, which included (1) doubling the measurement points taken in public (uncontrolled) areas; and (2) "translating" the survey results into plain English. The Navy also appointed an information officer to answer any questions about the surveys. The Navy letter dated January 22, 2001, provided the official report from the enhanced RADHAZ survey and an executive summary. This report verified the SWEF operation are safe and that there are no RF hazards to personnel in the Controlled environment, or in the environment that the general populace has access to.

Commission staff analysis. The Navy complied with its commitment to undertake an expanded Radhaz survey (December 2000), which included doubling the measurement points taken in uncontrolled areas and providing a "plain English" summary of the survey results. The Navy also appointed an information officer as promised. The Beacon Foundation is concerned that the survey report did not specifically mention the transiting ships concern expressed by the Commission and the expert panel, and, therefore, it concludes that the survey "lacks objectivity." The Beacon Foundation is also concerned that a table from the survey shows RF levels $> 1 \text{ mW/cm}^2$ (the FCC guideline) from several radars within the shipping channel (Exhibit 15). The Commission staff believes this information simply confirms that the expert panel members' concerns were justified, and that there is a potential hazard to persons on board tall ships that could be exposed. If the Navy continues to cease operating these radars when ships are present, the potential hazard disappears. The Navy had committed to providing sufficient information in its survey to enable the Commission or another reviewer to determine whether the FCC guideline were exceeded in any uncontrolled areas, and the Navy has complied with this commitment. The issue of the objectivity of the survey itself is not relevant, as long as the survey provides the data needed for an independent reviewer to measure the documented survey results against the existing standards and guidelines. Therefore the Navy has complied with this commitment.

Navy Commitment 3. The Navy will appoint a RF Safety Officer to ensure continued compliance with required safety measures and regulations.

Beacon Foundation comments. The Navy sidesteps its verification commitment with a statement that SWEF operations "... are in compliance with established Navy policies governing operations at the SWEF complex." The statement that was provided omits the promised verification that all "operational modifications agreed to as a result of the informal mediation and all safety measures are being followed."

We know from the July 24, 2001, Navy memorandum to the Commission that modifications agreed to including the baseline given to the panel, and dimensions and means of activating a ship exclusion zone, are not in the present SOP. This new knowledge reveals the February 9,

2001, letter to be an empty certification only, and that the Navy is operating as it wishes without regard to the modifications it committed to the Commission in the mediation.

Navy comments. The Navy appointed a RF Safety Officer. The Navy's February 9, 2001, letter to the Commission contained the RF Safety Officer's certification that the SWEF emitters were operated in compliance with the SOPs, the DoD guidelines and all other operational enhancements agreed to as a result of the informal mediation between the Navy and the Commission. In addition, in response to the Commission staff's request, the Navy's Radiation Safety Office will ensure the exact language agreed to during the April 2000 public hearing will be used in the safety certification in future annual reports.

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Commission staff analysis. The Commission staff believes The Beacon Foundation is assuming a conflict exists which may instead be a question of semantics. In any event, the Navy has agreed that future safety certifications will avoid potential misinterpretation by following the commitment exactly as previously stated. The Navy has complied and will comply with this commitment.

Navy Commitment 4. The Navy will submit annual reports to the Commission, no later than January 31 each year, indicating: (1) the total number of hours the radars radiated out of the antennas; (2) the number of times radiation was halted due to ships or roosting birds; (3) the number of aircraft events flown off the Sea Range; (4) verification that all operational modifications agreed to as a result of the informal mediation had been followed; and (5) verification that the facility continues to be operated in compliance with safety measures.

Beacon Foundation comments. The Navy's annual report (Exhibit 16) withholds information needed to determine compliance with the Navy's commitments. It contains an assortment of mostly handwritten pages indicating only the times when each device was "on." For all but two of the emitters no further information was provided. Mere on/off data is useless in evaluating Navy adherence to the operating baseline it had promised the Commission and is contrary to the Navy commitment to provide detailed "equipment operational logs." Data obviously needed but withheld includes actual emission sectors radiated (i.e. both bearing and antenna elevation), the actual power level used, and the frequency (except where classified).

In a further communication to the Commission of July 24, 2001, the Navy provides a report form it proposes to initiate with its 2001 annual report. This too would continue to withhold equipment operational log data.

The Navy's annual report and its subsequent communications of May 8 and July 24, 2001, "demonstrate that the Navy never intended to fulfill its commitment to the Commission for an annual report."

As detailed in our April 27, 2001, letter, the revealed facts show operations outside bearing restrictions and at higher power than the baseline the Navy represented to the Expert Panel and to the Commission. In Navy comments of May 8, 2001, the violations we identified are dismissed with a Navy warning that looking at the logs without access to analysis by the Navy Safety officer "may lead the reader to erroneous conclusions." The Navy now states that the report entries indicating bearing of operations outside the baseline limits was in one instance a special test and in the other a "clerical error." The Navy does not deny power levels in excess of the baseline for the one device. The Navy suddenly admits these excesses, and drops on the Commission 13 pages of additional changes it has unilaterally made to the baseline at undisclosed times in the past.

The Navy never intended to be bound by the baseline it represented to the Expert Panel and the Commission. That baseline, created for the mediation, includes greater restraints than those the Navy applies to actual operations.

Navy comments. The Navy submitted an annual report dated February 2, 2001, including a Summary Matrix of SWEF Radiate times for calendar year 2000. That summary includes radar radiate times and the number of times operations were interrupted due to ships transiting the tall ship exclusion zone and for roosting birds. That letter also provided the "raw" radar logs. A subsequent Navy letter dated February 9, 2001, provided information on the number of aircraft events flown off the Sea Range and a Safety Compliance verification of SWEF operations by the Navy RF safety officer.

The Summary Matrix provides the total duration for each system for all events during 2000 when the SWEF emitters were used. This matrix documents the durations of the use of SWEF emitters and shows that the emitters were operated in compliance with the Standard Operating Procedures identified in the Consistency Determination. The data found in the logs must be read in conjunction with the analysis provided by the RF safety officer and should not be solely relied upon to verify the annual use of emitters at SWEF. Reviewing the logs without the benefit of the RF Safety Officer's analysis may lead the reader to erroneous conclusions. For example, in the case of power levels equipment calibration, where in the system the measurement was taken, the measurement type (peak or RMS), as well as many other factors can greatly influence the meaning of any hand written notations. The Summary Matrix contains all information required to analyze SWEF operations. The Navy intended the Commission to view the Summary Matrix as our record of file.

In response to the Commission staff's request for additional information, on July 24, 2001, the Navy provided the Commission staff with additional analysis and information. In it the Navy acknowledges that its log/record collection system could be improved and better communicated, and that "reporting changes to the technical parameters of the SWEF radars need to be provided in a single report that explains the changes relative to the technical parameters reviewed by the Technical Panel."

The Navy also proposed a more concise log entry system, and responded to allegations that certain radar systems were operated at greater power levels than originally agreed to.

The questions presented by The Beacon Foundation and those expressed by the Commission staff indicate that the Navy could have better explained the relationship between the power levels reviewed by the Technical Panel and the operational limits defined in the Environmental Assessment (EA). It has also become clear that the raw RF logs are confusing and difficult to interrupt without supplemental information from the Radiation Safety Officer (RSO). In an effort to better explain the data previously provided and to improve future data submissions, the following information is provided.

In response to the concerns expressed regarding the operational logs, the Navy has developed a standard form (Exhibit 12) that will replace the raw operational logs for all systems. This new form will also facilitate the submission of a clear concise annual report for 2001. The Navy also recognizes that reporting changes to the technical parameters of the SWEF radars need to be provided in a single report that explains the changes relative to the technical parameters reviewed by the Technical Panel. The Navy has submitted a sample of this new chart, containing information that explains changes to the SWEF radars since the technical panel review is also provided (Exhibit 13). This chart will also become part of the Navy's annual report in 2001.

In response to the Commission staff's request, the Navy will include the power levels and elevations for the SWEF emitters in the annual logs in all future annual reports. The annual log sheets will be modified to include this information. We are targeting 1 September for implementation of the revised log sheets.

Commission staff analysis. The Commission staff agrees with The Beacon Foundation's statement that the Navy's first (2000) annual report was inadequate. This annual report contained too little information and did not provide power levels and radiated sectors for most of the radars. In addition, where power levels and radiated sectors were provided, on several occasions some of the radars appeared to exceed the baseline levels or sectors previously agreed to. In response to the Commission staff's request, the Navy acknowledged that the report was insufficient, and the Navy subsequently provided additional information and analysis interpreting the first year's operations, as well as made commitments to improve future annual reports, including providing power levels and radiated sectors for all radars. The Commission staff believes these improvements to future annual reports will satisfy the Navy's commitment.

The issue of deviation from baseline conditions reviewed by the Commission and the expert review panel is further discussed in the next section.

Navy Commitment 5. For its analysis of future changes, as the Navy has agreed (see Appendix B [Exhibits 2-3]), **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.

The Navy will 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.

Beacon Foundation comments. The MK 74 Mod 6/8 and MK 86 SPG 60 radar levels reported on Navy radar logs exceeded commitments on "baseline" limits, the first in terms of angular bearing and the second in terms of peak power levels emitted. In addition, information provided by the Navy in response to a Freedom of Information Act (FOIA) request (Exhibit 7) shows the Navy is not using the agreed-upon baseline as its standard operating procedures (SOPs). The Navy is only agreeing to show that its operations comply with the higher SOPs, instead of the lower levels relied upon by the panel members during the mediation and expert panel review process.

The Navy abruptly drops any pretense that the baseline given to the Expert Panel is the control document or that its greater restrictions are necessarily included in the SOP. It suddenly provides 13 pages of unilateral and undated changes to its SOP and acknowledges its actual SOP is different and uncontrolled by the baseline it represented to the Expert Panel and the Commission.

We particularly note that the changes for the MK 74 Mod 6/8 now state it may operate in CWI mode at any power at a +5 degree elevation – just as in the 1999 SOP, and contrary to the baseline it represented to the Expert Panel and the Commission.

The Expert Panel and the Commission relied on Navy assurances that SWEF operations comply with the baseline the Navy provided for the mediation process. The July 24, 2001, Navy communication repudiates the assurances and its commitment to observe the restrictions contained in the mediation baseline.

Navy comments. The Navy has responded to the concern that certain radar systems were operated at greater power levels than originally agreed to.

Concerning the Standard Operations Procedures (SOPs), the Navy previously revised the internal (SOP) for radar systems to include agreed upon parameters. This SOP will be formally reissued with all of these changes incorporated on a standard schedule. Until that formal reissuance, the operators are trained to refer to "change pages." Unfortunately, when The Beacon Foundation submitted its Freedom of Information Act (FOIA) request, it requested

a specific instruction by number and the Navy neglected to include the supplemental page changes. Copies of these pages were sent to The Beacon Foundation when the Navy discovered this oversight.

Concerning whether the MK 74 radar operated outside of transmission sectors (two occurrences noted in the annual report), the Navy states that as with all radars at SWEF, during normal operation the MK 74 radar is operated within the operational parameters of the Standard Operating Procedures (SOP). The only instance where the MK 74 radar was operated outside of the SOP parameters occurred on October 3, 2000, in order to accomplish the objective of the enhanced RADHAZ survey. The enhanced RADHAZ survey required measurement of the mainbeam power density of all SWEF radars. Because of the elevation, location on the building, and proximity of the water, the RADHAZ test engineers were unable to safely reach the mainbeam on the MK 74 with the test equipment to measure its power density. In order to collect these data safely, the RSO authorized the test engineers to temporarily adjust the transmission sector to establish line-of-site with a tower within SWEF complex where the test equipment was placed. The RSO supervised the test to ensure that no people, ships, or birds were exposed to the RF from this radar. At the completion of this test on October 3rd, the equipment was immediately reconfigured to the parameters in the Standard Operating Procedures (SOP).

The other instance (of excess power levels) cited was an annotation error in the raw log. The RSO has verified the employee entering the data in the logbook copied values recorded in the log by the last event. This previous event was the Enhanced RADHAZ Survey measurement taken on October 3, 2000. This was simply clerical error and does not represent the transmission sector on that day.

The Navy has also responded to concerns that: (1) the annual report handwritten page for the AN/SPG-60 and SPQ-9A showing entries for peak power in excessive of those provided to the Technical Panel; and (2) the MK 92 CAS Track power level provided in the December 2000 baseline RADHAZ report shown different than that provided in the Technical Parameters Table provided to the Technical Panel for this system.

The Navy states that the SOP for the SWEF radars provides the operational parameters which are consistent with the operational limitations documented in the EA and the Consistency Determination. Through the National Environmental Policy Act (NEPA) process, the Navy evaluated the potential environmental impact from implementing the Virtual Test Capability (VTC) at SWEF. All aspects of the VTC including emitter power levels were evaluated and a Finding of No Significant Impact (FONSI) was issued. The enhanced RADHAZ Survey further verified SWEF emitter power levels were compliant with DoD guidelines for safe operations.

During the informal mediation process, the Navy provided the Technical Panel the technical parameters for all of the SWEF radars as they were measured at the time the table was developed (February 2000). The technical parameters of some of the radars have since

changed, but all are still well within the authorized limits. The radars continue to be operated with the same constraints in emission sectors, bearings, and elevations as reviewed by the Technical Panel. The radars with safe separation distances that extend beyond the fence line continue to be restricted to only radiate seaward or at high elevations not below the horizon. Radars with safe separation distances that extend into the shipping channel continue to be restricted to radiate at elevations 5 degrees above the horizon and are required to operate with elevations above 30 degrees while tall ships are present in the Tall Ship Exclusion Zone.

The enhanced RADHAZ survey report of December 2000 confirmed that the AN/SPQ-9A radars' safe separation distance is still within the Navy fence line and the safe separation distance for the AN/SPG-60 does not extend into the harbor shipping channel. The power levels for radars in RADHAZ tests may be lower than that previously reported in either earlier RADHAZ tests or the data provided to the Technical Panel. This is the result of equipment failures resulting in low power output during the test. In the case of the MK 92, an equipment failure at the time of the enhanced RADHAZ survey prevented the MK 92 from operating at its full-authorized power. Rather than delaying the tests and potentially missing the agreed upon timeline, the test was completed with the lower power levels for the MK 92. However, during the 1998 RADHAZ survey the MK 92 radar was tested at full power and authorized to operate at this power level. No changes have been made to the MK 92 that would have resulted in an increased in power level and therefore the earlier RADHAZ survey power level is still authorized.

It should also be noted that all of the changes to the SWEF radars' power levels in the uncontrolled areas are still below the FCC standards and within the limitations described in the EA.

The Navy welcomes the opportunity to provide any additional information that would help the Commission verify that the Navy has fulfilled its commitments to the Commission and plans to continue to work with the Commission staff to make certain that operations continue to be consistent with the enforceable policies of the Coastal Zone Management Program.

In response to the Commission staff's subsequent request that the Commission be notified when the changes to the power levels take place (as opposed to only in annual reports), and whether changes to power levels are tested (and, if so, when), the Navy states that in addition to its January annual report, it will notify the Commission midyear (end of July) of any change that increases the safe separation distance of the radars. Safe separation distance more inclusive of potential safety concerns than just reporting changes in power. When any change is proposed that may affect the safe separation distance, the RSO performs an analysis and makes a recommendation with respect to a need for a RADHAZ survey. All of the analysis performed by the RSO is forwarded to SPAWAR for their comments and recommendations, prior to any action. In addition, a total site RADHAZ survey is conducted during the 5-year periodic cycle regardless of whether a RADHAZ survey is conducted for any specific change.

Concerning whether power changes were tested, the Navy states that the power level increase for one radar (the SPG-60) was not included in the December 2000 RADHAZ survey. The increase in power for the SPG-60 occurred after the RADHAZ survey was conducted but was subjected to a safety assessment by the RSO. The result of this assessment was that even though the safe separation distance increased, the radar with its bearing, elevation and tall ship exclusion zone restrictions is safe to operate considering both the Navy standard (IEEE standard) and the FCC guidelines. Also, the Navy will include a notation in the SWEF Technical Parameters Changes to the Baseline in all future annual reports indicating the date of all RADHAZ surveys conducted on SWEF emitters.

In response to the Commission staff's subsequent request for an explanation of the MK 74 radar power level change (the Expert Panel and the Commission were previously informed this equipment would not radiate out), the Navy states that this radar was not used to emit into space at the time of the mediation, but that "since that time we have tasking that requires radiation." This radar is restricted in bearing as well as elevation, precluding emission towards land. It is also restricted like the other restricted radars so that it observes the tall ship exclusion zone. Furthermore, this system has been subjected to two RADHAZ surveys at these power levels and with those restrictions is safe to operate considering both the Navy standard (IEEE standard) and the FCC guidelines.

Commission staff analysis. The Commission staff believes the Commission was clear in expressing its expectation that it would be informed when "changes from the baseline" were implemented. After several requests for more complete information, the Navy has provided a complete chart, which enables the Commission to measure current operations against the baseline. The Commission appreciates this "full disclosure"; however the Commission also believes this information should not have been provided "after-the-fact." It also should have been contained in the Navy's annual report, which, as discussed above, contained too little information with which to judge the Navy's compliance with its commitments. As the Navy understands, the Commission reserves the right to request a consistency or negative determination for any significant changes at the SWEF, and absent being informed of changes being made, which the Navy promised to do, the Commission cannot fulfill its obligation to monitor continuing effects of the SWEF activities on coastal resources. That the Navy is now willing to provide the Commission with a semi-annual rather than annual reporting of any changes made remains an inadequate fulfillment of the Navy's commitments to the Commission. The Navy needs to notify the Commission of increases in power levels and sectors of radiation, and give the Commission an opportunity to respond, and, if warranted, request additional information and analysis, *before* such changes are implemented.

At the same time, the Commission staff has reviewed the changes in power levels and emission sectors the Navy has now provided, and the Commission staff does not believe any of the modification from the baseline raise concerns about effects on coastal resources, *as long as the Navy continues its commitment to avoid exposure to large ships in the entrance channel.* The

Navy has provided explanations and quantification of changes from the baseline in its chart (Exhibit 13). Some of the changes resulted from more accurate measurements, and some are due to increases in power. The notable changes are as follows:

1. The MK 86 SPG 60 radar power level was doubled; however the increase in safe separation distance increased from 303 ft. to 361 ft. This 19% increase in safe separation distance is not particularly significant.
2. The MK 57 NSSMS Radars A & B power levels increased by 11%; however their safe separation distance decreased.
3. The MK 74 Mod 6/8 (Track mode) power increased 25%; however the safe separation distance increased only seven ft. (1.4%).
4. The MK74 Mod 6/8 CWI went from no external operation to a power level yielding a safe separation distance of 966 ft., which would be significant, but for the fact that this radar operates only straight up (i.e., is limited to 0 to 5 degrees from the vertical).
5. The MK 74 Mod 14 (Tartar SM-2NTU) - /CWI radar was re-measured, and its safe separation distance increased from 457 ft. to 530 ft. This 21% increase in safe separation distance is not particularly significant.

Exhibit 9 provides schematics for the radars at the SWEF (as originally reviewed by the Commission). For all of the changes and re-measurements discussed above, the staff believes the effects on coastal resources have not changed, assuming that the Navy continues to maintain its commitment to avoid exposure to large ships in the entrance channel.

In conclusion, the Navy stated in its most recent communication that it "...welcomes the opportunity to provide any additional information that would help..." the Commission verify that the Navy has fulfilled its commitments. The Navy's most recent chart represents the type of "full disclosure" the Commission had been led to believe would be forthcoming; at the same time, for this type of information to be meaningful it needs to be provided before changes are implemented, not after.

Navy Commitment 6. **The Navy will inform the Commission of any changes in DOD RF standards,** will comply with all federal regulations (including any adopted by EPA), and will describe how existing radars will be modified to comply with any changed regulations or standards.

Navy Compliance. None needed at this point.

BEACON Foundation comments. None.

Commission staff comments. To date, the Navy has complied with this commitment.

IV. COMMISSION STAFF CONCLUSIONS

As noted the procedures discussion (Section II above), the Commission's remedy for situations where a federal agency may deviate from its commitments is to seek federal agency cooperation to assure its activities continue to be consistent with the CCMP. The Navy has acknowledged its first annual report was incomplete, the Navy has provided additional information and response to specific Commission staff information requests, and the Navy has re-stated its intent to continue to cooperate with the Commission. The Navy states:

PHD NSWC [Port Hueneme Division, Naval Surface Warfare Center] welcomes the opportunity to provide any additional information that would help the California Coastal Commission (CCC) verify that the Navy has fulfilled its commitments to the CCC and plans to continue to work with CCC staff to make certain that operations continue to be consistent with the enforceable policies of the Coastal Zone Management Program.

To fully cooperate with the Commission, the staff believes the Navy needs to "amend" and clarify its commitments to improve its record of compliance, including taking the following actions:

1. The Navy needs to notify the Commission of significant changes, especially in power levels and sectors of radiation (and analyze their implications for safe separation distances), and give the Commission an opportunity to respond to this information, and, if warranted, request additional information, analysis and/or federal consistency submittals, *before* such changes are implemented, rather than after-the-fact, and semi-annually, as currently agreed to by the Navy.
2. The Navy needs to clearly document that the Standard Operating Procedures (SOPs) and/or change pages reflect the Navy's commitment and instruct operators to cease operating when tall ships could be exposed to radars as committed.
3. As agreed to by the Navy, the Navy needs to enhance future annual reports, including providing power levels and emission sectors radiated for all radars, as well as an up-to-date chart (similar to Exhibit 13) showing power levels, emission sectors, and safe separation distances.
4. As agreed to by the Navy, the Navy needs to assure that the RF Safety Officer's certification indicates whether the Navy has complied with all the operational enhancements agreed to as a result of the informal mediation between the Navy and the Commission.

Finally, the staff has also attached four recently received letters, from the Navy, the Cities of Port Hueneme and Camarillo, and The Beacon Foundation (Exhibits 17-20).

V. EXHIBITS

1. SWEF location map
2. Navy commitments made as a response to expert panel recommendations
3. Navy letter (including additional commitments) in response to Commission objection dated April 13, 2000
4. The Beacon Foundation Letter dated April 27, 2001
5. The Beacon Foundation Letter dated May 18, 2001
6. The Beacon Foundation Letter dated July 28, 2001
7. Navy response to Environmental Defense Center "FOIA" request dated May 10, 2001
8. "Baseline" power levels for all radars
9. Radar schematics for radar systems MK 74 Mod 6/8, MK 86 SPG 60, MK 86 SPQ 9A, and MK 92 (CAS Track Mode).
10. Navy letter dated February 9, 2001, including Safety Compliance Verification
11. Navy email dated July 24, 2001
12. Proposed Revised Radar Log Sheet for future annual reports
13. SWEF Technical Parameter Changes to the Baseline, July 2001
14. Shipping Channel Exclusion Zone
15. Table 2, from December 2000 Radhaz Survey
16. Navy Annual Report, February 2, 2001
17. Navy letter dated September 28, 2001
18. City of Port Hueneme letter dated October 4, 2001
19. The Beacon Foundation Letter dated October 12, 2001
20. City of Camarillo letter dated October 10, 2001

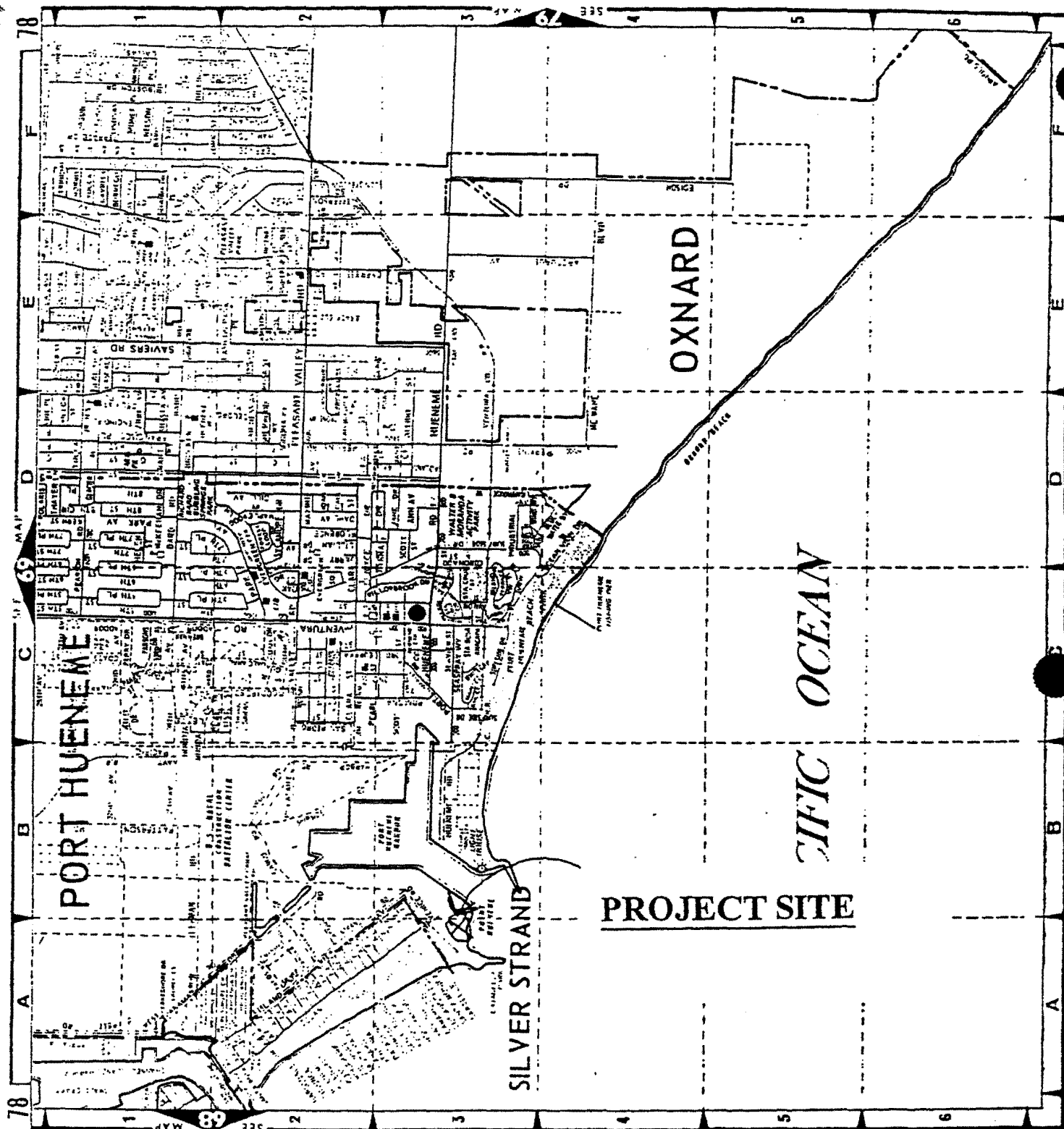


EXHIBIT NO.	1
APPLICATION NO.	
Navy SWEF	
Radar	

APPENDIX A

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.

EXHIBIT NO.	2
APPLICATION NO.	
Navy, SWEF	

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.



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

Appendix B

IN REPLY REFER TO:

5090.1

Ser 02-CH/ 14

April 13, 2000

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Commissioners,

The Navy looks forward to the successful resolution of the issues related to Surface Warfare Engineering Facility (SWEF) operations. In 1998, the Navy voluntarily entered into informal mediation with the California Coastal Commission (CCC) overseen by OCRM to resolve the serious disagreement on consistency issues related to the potential impact of SWEF radar operations on the resources of the coastal zone. As remarked by Mark Delaplaine, staff to the CCC, and David Kaiser of OCRM, the Navy has worked cooperatively with these organizations to resolve issues. We all were excited by what we viewed as a consensus resolution of consistency issues.

As part of the informal mediation, a panel including four non-DoD members was selected and charged with providing the CCC and the Navy their independent and objective scientific evaluation on whether SWEF operations impact the resources of the coastal zone. The panel reviewed the SWEF RADHAZ surveys and other information on the SWEF operations. The panel indicated that the SWEF was generally being operated safely with no impacts to the coastal zone. The panelists verified that SWEF is operated in compliance with DoD Standards and that SWEF RF emissions in the uncontrolled areas surrounding the facility are even within the more restrictive limits of the FCC Guidelines.

The panel identified only two areas of concern. These areas were potential exposure of RF energy to personnel on tall ships and potential exposure to roosting birds at the SWEF. The Navy has incorporated enhancements to the SWEF operations to eliminate these potentialities. These enhancements were developed based on the recommendations of the panel members.

The Navy participated in several telephonic discussions with Mark Delaplaine and David Kaiser regarding the implementation of the panel's recommendation. We believed that we had consensus on the manner in which the Navy agreed to make improvements to its operations to address the concerns of the panel and their recommendations. In recognition of the panel's recommendations and to further the public's understanding of the Navy's RF safety program, the Navy has committed to enhancements to the SWEF safety program. The Navy has designated a RF Safety Officer and installed video cameras to monitor for tall ship and roosting birds as suggested by panel members. The Navy has committed to provide the CCC an annual report on SWEF RF emissions and operations. This annual report was agreed by Navy, CCC and OCRM

EXHIBIT NO. 3

APPLICATION NO.

Navy, SWEF

5090.1

Ser 02-CH/ 14

April 13, 2000

to be the best way to implement the suggestion by Dr. Adey to provide more information to the public and the Commission. The Navy has also committed to informing the CCC and the public about changes to the DoD Standards that may effect SWEF operations.

Finally, in recognition of the panel's recommendations for a better radar survey (referred to as a public exposure assessment study), the Navy has committed to enhancements to the RADHAZ Surveys of SWEF. These improvements include at least doubling the number of test points in the uncontrolled areas, describing the test equipment and its sensitivity and accuracy, performing a worst case test scenario, and incorporating an executive summary to facilitate the public's understanding of the document. These improvements to our survey were based on the many ideas of Dr. Elder regarding the public exposure assessment study. Furthermore, the Navy would identify a point of contact to answer any questions from the CCC or the public about the results. We believed this last point would improve information exchange and public relations.

In your staff's recommendations, they reported that the Navy "had adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications would not adversely affect coastal zone resources." They also agree that the Navy's consistency determination for the proposed Virtual Test Capability was consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program. Your Staff further urged that the Navy consider doing a public exposure assessment study and also having a non-DOD member participate on the study and report-writing team.

The Navy reconsidered its position on the public exposure assessment and announced at the April 11, 2000 meeting that we would conduct such a study in a comprehensive RF survey. The survey would incorporate the process improvements to our RF studies described above. This study is appropriate because it will establish an accurate baseline of current operations and provide CCC and the public with useful safety data.

We have also given further consideration to having a non-DOD person participate in the new RF survey. We understand that the Commission strongly believes that this would improve the trustworthiness of the data. However, the Navy does not believe that this measure is required to achieve federal consistency under Coastal Zone Management Act (CZMA). The Navy believes that the previously discussed enhancements, which had their genesis in the panel's recommendations, address the CCC's concerns regarding potential impacts to the coastal zone. We are also skeptical that this measure would further enhance public trust or confidence in the Navy's RF safety program. We believed that our involvement in the informal mediation and our cooperation over the past year and half had improved the level of trust. However, we do not believe that certain members of the public would be satisfied with any measure that the Navy takes to better public relations.

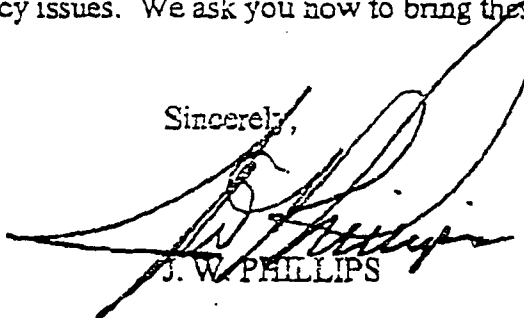
5090.1

Ser 02-CH/ 14

April 13, 2000

The Navy hopes that you will agree with the Navy's negative determinations and our consistency determination based on your staff's recommendations and the Navy's commitments to improvements to SWEF operations. The Navy believes it has done everything necessary, and more, to address these consistency issues. We ask you now to bring these proceedings to a successful conclusion.

Sincerely,


J. W. PHILLIPS

Enclosure 1: Navy's Response



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

RECEIVED
MAY 02 2001

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

April 27, 2001

CALIFORNIA
COASTAL COMMISSION

Re: Navy SWEF Noncompliance
With Commitments To
The Coastal Commission

Dear Mr. Delaplaine:

On April 12, 2001, The Beacon Foundation appeared in public comment at the Coastal Commission meeting in Santa Barbara. We briefly outlined the failure of the Navy to fulfill the promises made to the Commission a year earlier regarding operations and reporting on operations of the Surface Warfare Engineering Facility (SWEF) at Port Hueneme. Several Commissioners commented that commitments made to the Coastal Commission in the SWEF matter must be kept. A general willingness of the panel was apparent to agenda a review of Navy compliance. The Executive Director requested that we provide staff with a detailed recitation of our concerns.

The CCC sought for more than five years to obtain a Navy consistency determination on spill over effects on the coastal zone of SWEF operations. "Serious disagreement" between the Commission and the Navy caused the Commission to request an informal mediation by the federal Office of Coastal Resource Management (OCRM). As part of the mediation, a distinguished national panel of five radio frequency radiation (RFR) experts was selected by agreement of the Navy and the Commission to review current SWEF operations. A Citizen Observer, Lee Quaintance, was selected by the Commission.

The Report of the Expert Panel dated March 2000, the Citizen Observer's Report dated March 24, 2000, a Commission Staff Report and written Navy commitments were before the Commission at a hearing commenced on April 11th and continued and concluded on April 14, 2000.

The April 2000 hearing was a summing up, refinement, and confirmation of Navy commitments to the Coastal Commission. In the mediation process the Navy had provided the Expert Panel with a baseline describing operating parameters for each RFR emitter on the SWEF. The Navy committed to the Commission that this baseline states its actual control on its operations. In response to the recommendations of members of the expert panel, the Navy agreed to specific controls and modifications of its operations including an "Exclusion Zone" to protect persons on freighters from RFR exposure. The Navy also committed to provide an Annual Report of its actual operations containing detailed logs of the parameters

EXHIBIT NO.	4
APPLICATION NO.	
Navy, SWEF	

and modes of operation of each emitter and its verification that all operations complied with applicable safety regulations and with the controls and modifications it had promised to the Coastal Commission.

These commitments are memorialized in Navy letters to the Commission of April 6th and April 13th, 2000. These letters are provided here as Attachment One and Attachment Two respectively. The Navy commitments were refined in extensive testimony at the April 11, 2000 hearing by the Navy representative, Mr. Chuck Hogle.

We reviewed the official tape recording of the April 11, 2000 hearing in preparing this letter. Mr. Hogle's representations on behalf of the Navy in response to inquiries from the Chair and other Commissioners are an intrinsic part of the Navy commitments to the Coastal Commission. Mr. Hogle stated he was authorized to enter commitments for the Navy with the exception of a requested commitment to include a non Department of Defense expert in a public exposure study. He was accompanied to this hearing by Navy legal counsel and a staff representative of Rear Admiral Michael Mathis, of the Naval Sea Systems Command of which the SWEF is a part.

The Navy has violated the following substantive commitments made to the California Coastal Commission:

- 1. The Annual Report withholds promised information essential to verify that operations are consistent with the baseline the Navy certified to the Expert Panel and to the Commission.**

The Navy committed to provide by January 31 of each year an Annual Report on SWEF operations for the twelve prior months. As stated in the April 13, 2000 Navy letter and its Attachment 1, this Annual Report "on SWEF RF emissions and operations" is to include "the SWEF radar logs" and to provide "...verification that all operational modifications agreed to as a result of this informal mediation and all safety measures are being followed."

At the April 11, 2000 hearing Mr. Hogle confirmed Navy commitment to the verification language quoted above. He further confirmed that operating parameters provided in the Annual Report would be comprehensive and complete for operations of each emitter. The purpose identified by the Chair and by Commission staff for including detailed operating data was to allow third party review of Navy compliance with the baseline. The Navy presented a baseline to the Expert Panel and to the Commission as its invariable self imposed safety restriction on SWEF operations. At the April 11th hearing Commission staff stated its understanding that the Navy had committed to provide the detailed operating data needed for this third party review purpose and Mr. Hogle confirmed this in his testimony.

The Commission received its first Navy Annual Report with a letter dated February 1, 2001. All that the Navy provided is an assortment of mostly handwritten entries of the times of day when a device was on or off or the total minutes that the device was on. For all but two of the ten radar systems installed at the SWEF no other information is provided.

Mere on/off data is useless in evaluating Navy adherence to the operating baseline it had promised the Commission to follow and is contrary to its express commitment to provide detailed data on actual operating levels and parameters in each mode of operations.

- 2. Fragments of data provided on angular bearing of the MK 74 Mod 6/8 and operating power of the SPG 60 in actual operation disclose disregard of the baseline limits the Navy represented to the Expert Panel and the Commission as the control in place on its operations.**

The February 1, 2001 Navy Annual Report letter handwritten sheet for the MK-74 Mod 6/8 includes the bearing and the "radiated elevation" in addition to on/off data. For the SPG 60, the handwritten sheet includes the power levels of some operations.

These fragments of actual operating information demonstrate non-compliance with operating parameters represented to the Expert Panel and to The Commission. The log for the MK 74 reports two instances when it operated at a bearing of 183 degrees to 90 degrees. The bearing limit stated in the December 14, 1998 Navy "Responses to Questions" prepared for the Expert Panel is a different and more narrowly restricted RF exposure angle of 184 degrees to 133 degrees. This same more restricted bearing angle limit is portrayed in the to scale map the Navy prepared at the request of the Expert Panel.

The Annual Report handwritten page provided for the MK 86 SPG 60 reports operations on six occasions at a power nearly 10% in excess of the peak power stated in the Navy Technical Parameters for SWEF Emitters dated 18 February 2000. The same page reports that the three reported activations of the SPG 60-9A were powered at a level 66% in excess of the peak power limit in the Technical Parameters.

- 3. Present SWEF Operating Procedures are significantly less protective than those represented to the Expert Panel and the Commission as the actual baseline safety controls and restrictions.**

In the mediation the Navy provided a December 14, 1998 memorandum to the Expert Panel setting forth the operating parameters of each RFR emitter at the SWEF. This report was supplemented and refined at the request of members of the expert panel. The additional data was presented in a Navy Technical Parameters for SWEF emitters dated February 18, 2000 provided here as Attachment Three. In Mr. Hogle's testimony before the Commission on April 11, 2000 and in the attachment to the Navy letter to the Commission of April 13, 2000 the Technical Parameters table is described "... as a baseline of current SWEF radar operational parameters." Mr. Hogle affirmed in his April 11th testimony a Navy commitment to the Commission to adhere to this baseline.

The Citizen Observer's report of March 24, 2000 pointed out specific instances where the Technical Parameters table is different and more restrictive than the July 27, 1999, Navy Standard Operating Procedures for Radar Systems, High Power Illuminators, and Launching Systems at the Surface Warfare Engineering Facility. PHDNSWCINST 3120.1A. This document was obtained from the Navy by The Beacon Foundation pursuant to a July 22, 1999 Freedom Of Information Act (FOIA) request. This procedures documents states on page one that it "Promulgates ... policy and standard operation procedures relating to Surface Warfare Engineering Facility (SWEF) equipment and systems operations." It further states that the purpose of this document is to "provide requirements and specific guidance for operating equipment and systems at the SWEF complex through institution of standard operating procedures." In short, this is the Standard Operating Procedure (SOP) for SWEF operations.

The Citizen Observer brought differences between the July 27, 1999 SOP handbook and the February 18, 2000 Technical Parameters to the attention of the Department of Commerce moderator of the Expert Panel and asked that the Panel be given the SOP. The moderator declined to do so based on a written Navy "Statement" provided to the Panel on February 6, 2000 (this Statement is attached to the Citizen Observer's Report) that disclaimed the SOP as the control document; said it was in need of correction; and enumerated twelve revisions that had been "submitted to the cognizant authorities by SWEF employees." These revisions apparently were an effort to conform the SOP to the baseline operating procedures that the Navy told the Commission and the Expert Panel it follows.

On February 2, 2001, The Environmental Defense Center on behalf of The Beacon Foundation, submitted a FOIA to The SWEF Commanding officer seeking:

"A complete copy of each standard operating procedure for radar systems at the Surface Warfare Engineering Facility (SWEF) established subsequent to the July 27, 1999

Navy Standard Operating Procedure for Radar Systems, High Power Illuminators, and Launching Systems at the Surface Warfare Engineering Facility (PHDNSWCINST 3120.1A)."

The Navy response to the February 2, 2001 FOIA was to again provide only the July 27, 1999 Standard Operating Procedure. No amendment or change of any kind is incorporated. None of the modified restrictions of the February 18, 2000 Technical Parameters are in this document. The more protective February 18, 2000 Technical Parameters appears to have been created solely for the mediation process while actual controls in effect and in practice remain more permissive and result in greater impact on coastal zone resources.

4. **The Navy has violated its commitment to include in the Annual Report its verification that "... all operational modifications agreed to as a result of this informal mediation and all safety measures are being followed."**

The obligation to appoint a Safety Officer "to ensure continued compliance with required safety measures and regulations" is stated in the April 6, 2000 Navy letter. The specification that verification is to include compliance with "operational modifications agreed to as a result of this informal mediation" is stated in Attachment 1 to the Navy letter of April 13, 2000. This requirement of annual Navy verification of its adherence to its commitments to the Coastal Commission was the subject of a lengthy exchange between Mr. Hogle and members of the Commission during Mr. Hogle's testimony on April 11, 2000. In accord with his testimony, the April 13th letter added back this specific commitment that had been made to Commission staff earlier but "unintentionally" omitted in the April 6th Navy letter.

In its letter to the Commission of February 9, 2001 (Attachment Four), the Navy quietly sidesteps its verification of compliance with "all operational modifications agreed to as a result of this informal mediation." This letter purports to discharge "the remainder" of the Annual Report obligation by verification that SWEF operations "...are in compliance with established Navy policies governing operations at the SWEF complex." The Verification references the April 6th but not the April 13th Navy letter and thus deliberately omits its promised verification that "operational modifications agreed to as a result of the informal mediation" are being respected.

We now know that the modifications embodied in the February 18, 2000 Technical Parameters are not incorporated into the present official Navy Standard Operating Procedure dated July 27, 1999. The deceptive wording of the February 9, 2001 "verification" is designed to nullify all Navy

commitments to the Coastal Commission of modifications to its operations and to the baseline it represented as binding.

5. The Navy has produced another in house Navy RADHAZ Survey that does not satisfy its promise of a public exposure study responsive to the Expert panelists recommendations.

On May 9, 2000, The Coastal Commission unanimously approved a finding declining to concur in all then pending SWEF consistency determination and negative declaration filings. The finding was based on Navy failure to comply to the maximum extent practicable with the Coastal Zone Management Act (CZMA). A key reason for this finding was Navy refusal to perform a public exposure study that would include a non-Department of Defense radar expert in all aspects of the study. In testimony to the Commission on April 11, 2000 Mr. Hogle advised that the Navy refusal to include a non-DOD expert was not based on national security considerations.

The essence of the unanimous May 9, 2000 Commission finding of non compliance with the CZMA is this statement (p. 16, 17):

"The Commission believes that the panel recommendation that the Navy designate a 'non-DOD measurement expert' to participate in all aspects of a well-designed, comprehensive public exposure assessment survey (as described by Dr. Elder) is essential to maintaining the objectivity of the survey panel and any conclusions it reaches as to the effect; or lack thereof, of existing (baseline) and/or proposed future SWEF radar facilities on coastal zone resources."

The fundamental lack of objectivity of an entirely in-house RADHAZ survey is demonstrated in the one the Navy has now provided to the Commission. This December 2000 Electromagnetic Radiation Hazards Survey Final Report is produced by an in-house Navy agency, the Space and Naval Warfare Systems Center.

The December 2000 Report states (page i):

"RADHAZ measurements were conducted with operational constraints in effect as defined within the current established SWEF standard operating procedures. Alterations in emission sectors were required in some cases to accomplish objectives of the survey."

The December 2000 Report has a section (page 15) devoted to listing "References" but neither there nor anywhere else in the Report is the document identified that establishes the then "current" standard.

The "alterations" are not listed but our review shows they are numerous. The "Objectives" of these "alterations" appears to be a blanket Navy self-affirmation that no SWEF operations exceed Department of Defense RFR exposure limits.

Peak and average power and antenna bearings for several devices are reduced for the December 2000 Report. These bearing and levels are not consistent with the Navy representations to the Expert Panel and the Commission nor are they consistent with the July 27, 1999 Standard Operating Procedure that appears to actually be in effect. Ratcheting down power levels for the testing done in the December 2000 RADHAZ Report lessens the RFR impacts and results in calculation of smaller safe separation distances.

An example of testing at reduced power in the December 2000 Report is the data presented on the MK 92 in CAS Track mode. Exposure calculations are made assuming this device has a peak power (page E-21) of 77,900 watts and an average power of 42 watts. The February 18, 2000 Technical Parameters show this device at a peak power of 400,000 watts and an average power of 400 watts. The July 27, 1999 SOP that appears to actually control does not state a peak power but indicates an average power of 1,000 watts. Each lowering of the power level decreases the potential RFR impact.

An indication of the lack of objectivity of the December 2000 Report is its treatment of RF exposure of persons entering or leaving the Port of Hueneme on tall freighters. This potential exposure was a concern closely examined by the mediation Expert Panel. To address this concern the Navy committed to the Coastal Commission to modify its operations.

Four of the five experts on the mediation Expert Panel (only the Navy employed expert did not agree) found that persons on tall freighters entering and leaving the Port Hueneme Harbor are potentially exposed to unsafe levels of RFR radiation in excess of DoD limits. In response to the panelists concern The Navy committed to the Commission in its April 6, 2000 letter that it would create an "Exclusion Zone" extending from the harbor entrance buoy to the internal channel buoy. When any tall vessel is in this large area in the foreground of the SWEF the "... Navy will not radiate any SWEF radar that has a RF hazard zone that extends beyond the internal Navy fence." A further commitment (that we now know has not been fulfilled) is stated to modify "all systems' operating procedures ... to include the monitoring and vessel exclusion procedures." A diagram of the Exclusion Zone created by the Navy for the Commission is provided here as Attachment Five.

The December 2000 in house RADHAZ survey finds that there is no potential exposure of tall ships to RF levels in excess of DoD standards.

This finding is based on an assumption that tall vessels come no closer than 650 feet from the most powerful emitters. Earlier in house RADHAZ surveys made the same distance assumption and the same finding. Those prior RADHAZ surveys were reviewed by the Expert Panel. Four of five members of the Expert Panel expressed concern, contrary to the prior RADHAZ analysis, that persons on tall vessels transiting the Harbor may be exposed to RF radiation in excess of DoD exposure limits.

The Beacon Foundation disputed the 650 foot distance assumption in written comments to the Commission that were made a part of the Expert Panel working papers. We demonstrated that vessels typically come some 100 feet closer to the SWEF. This more than doubles the potential RFR exposure level to persons on ships (since exposure level is inverse to the squared distance). Our ship distance calculation is supported by the to-scale harbor diagram the Navy provided in response to an Expert Panel request and by an Army Corp of Engineers diagram of the Harbor.

The December 2000 Report asserts: (page viii) "There are no hazards to ships transiting the [harbor] channel or to any ship at-sea." There is no indication that its authors considered the Expert Panel Report or the to-scale diagram of the Harbor. It repeats past in house RADHAZ survey mistakes to reach exposure conclusions contrary to that of four of five members of the mediation Panel of nationally recognized RFR experts.

6. The Navy defaults on the promised Annual Report information of times it ceased radiating either because of roosting birds or of ships in the Exclusion Zone.

Neither the February 2nd nor the February 9, 2001 Navy Annual Report letters provide information on any suspension of operations while ships are in the Exclusion Zone or while birds are roosting on the SWEF facility. We now know that the Exposure Zone has not been incorporated into the current official Standard Operating Procedure dated July 27, 1999. We also know that the December 2000 in house RADHAZ Report asserts that excess exposure to ships is impossible. These factors raise concern that the Navy has unilaterally abandoned its commitment to the Commission to observe an Exclusion Zone for the protection of persons in the coastal zone on commercial vessels entering and leaving the Port of Hueneme. Ever increasing vessel traffic at this port intensifies this hazard.


CONCLUSIONS.

Our foregoing analysis establishes Navy disregard and violation of numerous substantive commitments it made to the California Coastal Commission. The violated commitments have serious implications for spill over impacts of this federal facility on the coastal zone.

If this five year proceeding regarding SWEF operations is to have substance and be worthy of public respect, the Navy must not be allowed to ignore or unilaterally abandon the commitments it made to the California Coastal Commission.

We ask the Coastal Commission to schedule a hearing at its June meeting in Long Beach on Navy compliance with commitments made to the Commission in the SWEF mediation.

For The Beacon Foundation,



Lee Quaintance



Gordon Birr

Attachments

Cc: Sara Wan



The Beacon Foundation

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RECEIVED
MAY 23 2001

CALIFORNIA
COASTAL COMMISSION

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

May 18, 2000

Re: Navy SWEF Noncompliance
With Commitments to the
California Coastal Commission

Dear Mr. Delaplaine:

The Navy communication to the Commission of May 8, 2001 endeavors to dismiss the compliance issues raised in our April 27th letter. Instead, it not only confirms Navy noncompliance with its commitments to the Coastal Commission, but also that the Navy never intended to comply.

The Commission invested five and a half years in proceedings to obtain a baseline for operations of the Surface Warfare Engineering Facility (SWEF) — a coastal facility built and operated without any environmental documentation. The CCC and the Navy agreed to an informal CZMA mediation. Pursuant to that mediation, a national panel of radio frequency radiation (RFR) experts studied SWEF operations as portrayed by the Navy.

The expert panelists left no doubt that SWEF spill over effects on coastal zone resources would be severe unless it operates strictly within the restrictions on power, bearing, elevation and duration that the Navy claimed to follow. Even if all the purported and self imposed limits are in place, four of five panelists advised that operations would result in RFR exposure in excess of Department of Defense standards to persons on tall freighters transiting the Port of Hueneme. The Coastal Act (Sec 30700) designates the Port of Hueneme among five harbors that are "one of the state's primary economic and coastal resources..." An important mediation outcome designed to protect the Port as a coastal resource, was Navy commitment to create and respect an RF "exclusion zone" and to cease certain operations when tall vessels transit that area of the Harbor.

The May 8th Navy communication to the Commission confirms serious Navy violations of its commitments:

1. **Despite its commitment to the CCC, the Navy now admits it never intended to provide data that would allow verification of Navy compliance with the baseline it provided to the Expert Panel and promised to follow.**

The May 8th Navy response to Commission staff says that the one page Summary Matrix attached to its February 2, 2001 Annual Report to the Commission contains

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all the information "The Navy intended the CCC to view ... as our record of file." The only operating parameter information provided in that Matrix is the total number of minutes each emitter was "on" during calendar 2000. This is obviously, and intentionally, insufficient to ascertain compliance with the baseline the Navy promised to follow.

The now admitted intention to withhold operating parameters violates the Navy commitment to annually provide the data that would allow verification of compliance with the baseline controls it told the Expert Panel and the Commission it follows. This withholding of promised data makes a mockery of the whole five and half years of proceedings.

2. Despite its commitment to the CCC, the Navy has not implemented the baseline limits it presented to the Expert Panel and to the Commission as its Standard Operating Procedure.

The May 8th communication to the Commission says the Navy will, at some unspecified future time, "formally reissue" its Standard Operating Procedures. Meanwhile, more than a year after it gave the purported baseline for its operations to the Expert Panel and to the Commission it appears the Navy does not actually respect these restraints. Based on fragmentary data apparently released unintentionally, we described violations of the baseline restrictions in point 2 of our April 27th letter. The May 8th Navy response says this log data "should not be solely relied upon" and that "Reviewing the logs without the benefit of the RF Safety Officers analysis may lead the reader to erroneous conclusions." So, it is admitted that the material provided is insufficient to verify safe operations and the "analysis" by the RF Safety Officer that would be needed for an evaluation is withheld.

The Navy responded to a February 2001 Freedom of Information Act request for its Standard Operation Procedures (SOP) by delivering a 1999 SOP that is less restrictive than the baseline it represented to the Expert Panel. The May 8th communication from the Navy dismisses this concern by claiming machine operators have "change pages" to guide them. "Unfortunately" these were not provided to the Beacon Foundation in response to our FOIA. The May 8th communication to the Commission says "Copies of these pages were sent to Beacon when the Navy discovered this oversight." The only pages provided to The Beacon came with a letter of May 10, 2001, copy enclosed. These undated pages for only two devices do not include all baseline restrictions even on these two. The latest Navy communications further suggest that the baseline was invented for the mediation process and that it does not control operations.

3. Despite its commitment to the CCC, The Navy failed to verify in its Annual Report that "... all operational modifications agreed to as a result of this informal mediation and all safety measures are being followed."

Point 4 of our April 27th letter shows this non-compliance. The May 8th Navy response to the Commission says its letter of February 9, 2001 includes a "certification" of compliance with "... all operational enhancements agreed to as a result of the informal mediation between the Navy and the CCC." It is untrue that the statement attached to the February 9 letter contains either the above quoted representation or the promised Navy commitment that "all operational modifications agreed to as a result of this informal mediation and all safety measures are being followed." It is deceptively worded to side step any such verification.

- 4. Despite its commitment to the CCC, the Navy has failed to do a comprehensive public exposure study of its operations and the in house RADHAZ survey its has provided ignores findings of the expert panelists and repeats past in-house survey errors.**

The Navy May 8th communication declines to offer any response to the ample showing in our April 27th letter that the new RADHAZ survey done by the Navy is not objective, ignores findings of all but the Navy member of the Expert Panel, and repeats erroneous assumptions of past in-house Navy RADHAZ surveys.


- 5. Despite its commitment to the CCC. The Navy has failed to implement an "Exclusion Zone" to protect tall vessels from RFR radiation.**

The Navy commitment regarding a tall ship Exclusion Zone is detailed in points 5 and 6 of our April 27th letter. In purported response, the Navy communication to the Commission of May 8th merely notes that the Matrix attached to the Navy letter of February 2, 2001 notes one instance when "the SWEF emitters were shut off while a ship was in the exclusion zone." This was when the RADHAZ survey was being done. No occasions are reported of respecting the Exclusion Zone during normal SWEF operations. There is no specification of this promised zone in the present SWEF Standard Operating Procedures and the "change pages" provided to The Beacon Foundation with a Navy letter of May 10, 2001 include no provision for such a zone. It appears a critical safeguard responsive to Expert Panel concerns and promised to the Commission has been dropped.

CONCLUSION: We ask that Navy compliance be on the June agenda. The Navy May 8, 2001 communication responding to compliance concerns actually confirms Navy violation of its commitment to the California Coastal Commission.

Commitments made to the Commission must be commitments kept. Five and a half years were invested in a public process to obtain these commitments. A public hearing is needed without delay regarding compliance.

For The Beacon Foundations,


Lee Quaintance

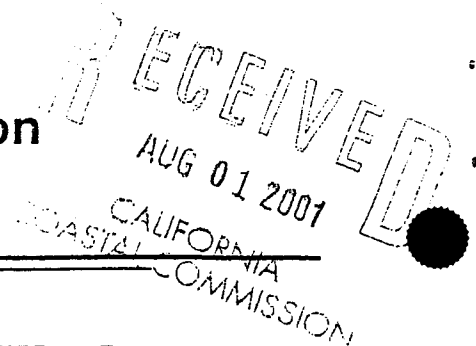

Gordon Birr

cc: Sara Wan



The Beacon Foundation

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July 28, 2001

Complete Document Has Been Transmitted to Staff

Th 8a

To: Members and Alternate Members of The California Coastal Commission

The Beacon Foundation is a non profit environmental organization focused on coastal Ventura County.

In April, 2000 the Navy made specific commitments to the Commission regarding modifications to and annual reporting of radar operation of its Surface Warfare Engineering Facility (SWEF) located at the mouth of the Port of Hueneme.

It is not necessary to master the complexities of radar to understand the Navy commitments. In a five part Compliance Matrix that is attached we array in clear English the promises made and the promises broken.

A thumbnail review of the four and a half years of Commission efforts that lead to the commitments will put the Compliance Matrix in context.

In 1995 The Beacon Foundation brought to the Commission a Navy pre-construction report on the SWEF that had not been provided to the Commission. This report ¹ said the facility would violate the California Coastal Act and have "unavoidable" radio frequency radiation impacts on the coastal zone. It:

"... led the staff to conclude that the Navy had been aware prior to its construction that the SWEF facility would affect the coastal zone and would conflict with several policies of the Coastal Act. Because the Commission believed the SWEF facility should have undergone federal consistency review prior to its construction, the Commission staff requested that the Navy submit an after-the-fact consistency determination for the facility."²

Beginning in 1995 the Commission persistently sought compliance with its request for an after-the-fact consistency determination. The Navy response to the first of these numerous requests³ claimed it had already provided a consistency determination and that "the Commission's records are at this time incomplete."⁴ Asked to produce the filing, the Navy spent a year in "a rigorous review" in which it "found no environmental documentation."⁵

1 October 1, 1978, Environmental Impact Assessment.

2 CCC Finding on CD-4-00 adopted 5/9/00, pages 6, 7.

3 The first request was a staff letter of 9/8/95. It was reaffirmed by direction of the Corr At its meetings of 2/7/96 and 3/10/98. Additional requests were made by letters of 9/2/16/96, 7/24/96, 4/21/97, 2/24/98 and 4/30/98.

4 4/5/96 letter from Captain J.S. Beachy to Mark Delaplaine.

5 5/13/97 letter from Sam L. Dennis to Peter Douglas.

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APPLICATION NO.

Navy SWEF

The Navy stated its "perception"⁶ that failure to resolve Commission concerns resulted from a Commission lack of understanding of technical issues. Materials the Navy subsequently provided to the Commission warned of "techno phobic hysteria."⁷ In testimony before the Commission on January 13, 1999, the Navy acknowledged that its inability to produce any environmental documentation created a "breach of public trust."⁸ Nonetheless, it still declined to provide an after-the-fact consistency determination

Faced with a continuing impasse, The Commission requested mediation of its "serious disagreement"⁹ with the Navy. An informal mediation was facilitated by the Office of Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA). An eminent panel of five radar experts was assembled. The panel was asked to address questions agreed upon by the Navy and the Commission pertinent to the issue of coastal zone impacts of SWEF operations. The panelists issued a Report¹⁰ in which they provided individual comments and recommendations rather than a joint response.

Prior to issuance of the Expert Panel Report, The Navy stated it was "... confident that this third party review will verify safe operations and assure the Coastal Commission that operations have no impact on Coastal resources."¹¹ Faced instead with panelist findings of actual and potential serious impacts, the Navy suddenly committed to the Coastal Commission that "to enhance public safety" it would make "modifications" and make annual reports on operations and provide an annual certification of compliance with all it had agreed to.¹²

In an introduction to the Report, the OCRM facilitator (who is not a radar expert) observed that SWEF operations "...do not *generally*, pose impacts...." to coastal zone resources if the facility is operated "*in accordance with the Navy's described operational and safety guidelines....*"¹³ In fact, numerous recommendations were made to mitigate actual and potential impacts on the coastal zone identified by four of the five panelists¹⁴. As one of the panelists pointed out, "The SWEF facility is not intrinsically safe."¹⁵ It is clear from the panelist's recommendations that impacts on the coastal zone can only be avoided if operational modifications were made and if all operations conform to the parameters the Navy represented to the panel and the Commission.¹⁶

⁶ 7/13/98 letter from LCDR H.A. Bouika to Peter Douglas

⁷ 12/14/98 letter with attachments from Captain J.W. Phillip to David Kaiser.

⁸ 1/14/99 Oxnard Star, "Navy acknowledges 'breach of public trust'" page B-1.

⁹ 8/21/98 letter from Peter Douglas to Jeff Benoit, OCRM.

¹⁰ A Report to the California Coastal Commission and the United States Navy, March 2000

¹¹ 5/19/99 Navy SWEF web page, "Operating Safe and Effective Systems Since 1985."

¹² Appendix A to Staff Report for item 12a, CCC meeting of 4/11/00.

¹³ Report, page 2. italics in original.

¹⁴ The one panelist from an agency of the Department of Defense made no recommendations.

¹⁵ Report, Appendix 2E, page 2

¹⁶ CCC Findings on CD-4-00 adopted 5/9/00, includes the parameters as Exhibit 9 "Baseline."

At a lengthy April 11, 2000 CCC hearing, the Navy commitments to the Commission were refined, clarified, and finalized through extensive Navy testimony in response to questions by the Commission. A partial transcript of that hearing is provided here as Attachment One and it will be referenced in the Compliance Matrix.

Although the Navy committed to some of the panelist recommendations it did not agree to a key recommendation that the Navy perform a comprehensive public exposure assessment with the participation of a non-Department of Defense expert. It declined to agree to this despite acknowledging that it was not prevented by law or national security from doing so. The Commission determined this recommendation to be reasonable and essential for the Navy to comply to the maximum extent practicable with the enforceable policies of the California Coastal Management Program. On April 14, 2000 the Commission unanimously declined to concur in a then pending Navy consistency determination for additional SWEF operations. This action was unanimously confirmed by the Commission in a Finding adopted May 9, 2000.

The commitments the Navy did agree to were not affected by the decision of the Coastal Commission to withhold concurrence in the consistency determination for SWEF expansion. Three weeks after the Commission adopted its Findings for non-concurrence, the Navy reaffirmed to the Commission that it would adhere to all the commitments it had agreed to.¹⁷ Six weeks after that, in its Finding Of No Significant Impact (FONSI) for expanded operations of the SWEF, the Navy again affirmed its commitments to the Coastal Commission and to the public. The FONSI was published three times as a full page advertisement in the Star, a major daily newspaper covering Ventura County.¹⁸

This is the Navy outline in the FONSI of its commitments:

"PHD NSWC [Port Hueneme Division Naval Surface Warfare Center] has agreed to implement enhancements to the operations of the SWEF as a result of the technical panel's recommendations. These enhancements include: installing video cameras to monitor for tall ships and roosting birds that could potentially be exposed to RF [Radio Frequency] emissions; developing a tall ship exclusion zone to prevent the potential for exposure of ship personnel to RF emissions; designating a RF Safety Officer to ensure compliance with required safety measures and regulations; forwarding an annual report and radar equipment operational logs to the CCC; informing the CCC and public about any future changes to Department of Defense (DoD) standards that may effect SWEF operations; enhancing SWEF's existing RADHAZ surveys and conducting an additional baseline enhanced RADHAZ survey."

¹⁷ 5/23/00 letter from Captain J.W. Phillips to Peter Douglas.

¹⁸ 7/5/00 and two other dates, Star, page B4.

The attached five part Compliance Matrix demonstrates Navy violation of many of its commitments and assurances to the California Coastal Commission including:

- Commitment to provide a detailed annual report on emitter operations.
- Commitment that SWEF operations comply with the restrictions of the Baseline represented to the Expert Panel and the Commission.
- Commitment to modify the SWEF Standard Operating Procedures to conform to the Baseline represented to the Expert Panel and the Commission.
- Commitment to verify annually that "all modifications agreed to as a result of this informal mediation and all safety measures are being followed."
- Commitment to an enhanced Navy RADHAZ Report that is comprehensive and objective.
- Assurance that SWEF operations do not expose areas outside the Navy compound to radiation levels in excess of the FCC standard.

Sincerely,
For The Beacon Foundation


Lee Quaintance


Gordon Birr

Enclosures:

Compliance Matrix
Attachment One – Partial Transcript 4/11/00 CCC hearing

Compliance Matrix

1. The Navy Commitment to the Commission: A detailed annual report on emitter operations

Promises Made

- An April 13th, 2000 Navy letter to the Commission, states the annual report it commits to provide "on SWEF RF emissions and operations" will include "the SWEF radar logs."
- The contents of the Navy Annual Report was reviewed by the Commission at the April 11, 2000 hearing. The Chair identified a key purpose of the Annual Report was to provide the operating data needed for third party review of SWEF operations. (transcript pages 16, 17):
- At the April 11th, 2000 hearing Mr. Charles Hogle represented the Navy. He testified that detailed information would be provided (transcript page 21):

"MR HOGLE: The concern about the annual report- I want to make sure I've got the right one here - the annual report, and the detailed logs, we have no problem with providing the detailed logs."

- A May 23, 2000 Navy letter to the Commission, (after the Commission declined to concur in CD-4-400), reaffirmed that: "In support of another recommendation [of the Expert Panel] the Navy has committed to provide the CCC an annual report on SWEF RF emissions and operations" and that "at the CCC's urging at the April [11, 2000] meeting, the Navy also agreed to provide equipment operational logs with the annual reports on radar operations."

Promises Broken

- The first Navy annual report to the Commission on 2/1/01 consists of a "Summary Matrix" and an assortment of mostly handwritten pages that contains entries of the times when each device was in the "on" position. For all but two of the emitters no further information was provided.
- The only operating data provided in the "Summary Matrix" is the total number of minutes each emitter was "on" in calendar 2000.
- Mere on/off data is useless in evaluating Navy adherence to the operating baseline it had promised the Commission and is contrary to the Navy commitment to provide detailed "equipment operational logs." Data obviously needed but withheld includes actual emission sectors radiated (i.e. both bearing and antenna elevation), the actual power level used, and the frequency (except in those few instances where frequency is classified) for each separate emission event.

On 5/8/01 the Navy wrote to the CCC (see staff report 7/19/01, page 4) that:

"The Summary Matrix contains all information required to analyze SWEF operations. The Navy intended the CCC to view the Summary Matrix as our record on file."

In a further communication to the CCC of 7/24/01 the Navy provides a report form it proposes to initiate with its 2001 annual report. This too would continue to withhold equipment operational log data.

The 2000 annual report and the Navy communications of 5/8/01 and 7/24/01 demonstrate that the Navy never intended to fulfill its commitment to the Commission for an annual report

Compliance Matrix

6

2. The Navy Commitment: that SWEF Operations Actually Comply with the Restrictions of the Baseline Represented to the Expert Panel and to the Commission

Promises Made

- The four and a half years of proceedings by the Coastal Commission were all about establishing a baseline for operations of the SWEF. The CCC repeatedly asked for an after the fact consistency determination and tried to work around Navy refusal to provide one. The mediation and expert panel process were utilized by the CCC as a means to identify a baseline of restriction on SWEF operation it could rely upon to evaluate coastal zone impacts.

- Agreement on the baseline was a key element in the dialogue with the Navy at the seminal 4/11/00 CCC hearing (transcript, page 17):

CHAIR WAN: "And, the last sort of category of my concern has to do with the business of a baseline. ...we need to have a document that has an adequate baseline, that specifies the conditions under which a consistency determination could, or should be reopened, the changes from that baseline."

Transcript page 22,23:

MR HOGLE: "The baseline document, I believe, was your last concern. I believe that centers around a table that was provided to the technical panel during their evaluation to use that as a baseline document, do I understand that correctly?"

CHAIR WAN: "Would we use the baseline—Is that what we would use as the baseline, that?"

MR. HOGLE: "That is our understanding, yes...."

Promises Broken

- The first Navy Annual Report dated 2/1/01 contained merely "on" and "off" data for each emitter with two exceptions. For two devices, perhaps inadvertently, a little more operational data is revealed. For one some data on the bearing of the emitter is included and for the other device some information on power level is shown. As detailed in our letter of 4/27/01 the revealed facts show operations outside bearing restrictions and at higher power than the baseline the Navy represented to the Expert Panel and to the Commission.

- In Navy written comments of 5/8/01, the violations we identified (see your staff report of 7/19/01, page 4) are dismissed with a Navy warning that looking at the logs without access to analysis by the Navy Safety officer "may lead the reader to erroneous conclusions."

- In comments to Commission staff dated July 24th, 2001 the Navy now says that the report entries indicating bearing of operations outside the baseline limits was in one instance a special test and in the other a "clerical error".

- The 7/24/01 Navy comments do not deny that the report entries show power levels in excess of the baseline for the one device for which power level data was provided. The Navy suddenly admits these excesses, and drops on the Commission 13 pages of additional changes it has unilaterally made to the baseline at undisclosed times in the past.

The Navy never intended to be bound by the baseline it represented to the Expert Panel and the CCC. That baseline created for the mediation, includes greater restraints than those the Navy applies to actual operations.

Compliance Matrix

3. The Navy Commitment: To Modify the SWEF Standard Operating Procedures (SOP) to Conform to the Baseline Represented to the Expert Panel and the Commission.

Promises Made

- During the Expert Panel process the Citizen Observer appointed by the Commission (Lee Quaintance) questioned why operating controls baseline given by the Navy to the Expert Panel is more restrictive than the official SWEF 7/27/99 Navy Standard Operating Procedures (SOP). The SOP was obtained from the Navy pursuant to a Freedom of Information Act (FOIA) request.
- The Citizen Observer asked that the Expert Panel be given the SOP to compare it to the more restrictive baseline the Navy represented to the Panel. The OCRM facilitator determined not to do so based on a 2/6/00 written statement from the Navy that disclaimed the SOP as the control document; said it was in need of "corrections"; and provided twelve revisions that had been "submitted to the cognizant authorities by SWEF employees." These revisions were to conform the SOP to the more restrictive baseline the Navy gave to the Panel. The Navy statement of 2/6/00 said the "updated version" of the SOP "is scheduled for release in summer 2000."
- One of the twelve revisions to the SOP stated in the 2/6/00 Navy statement pertains to a very powerful emitter that is site closest to the fence dividing the Navy compound from La Janelle State Park. This device, the MK 74 Mod 6/8, is 180 feet from the fence. In the SOP this device was authorized to emit at full power in CWI mode at a +5 degree angle of elevation. In the baseline given to the Expert Panel all emissions of this device in CWI mode are prohibited. The Navy 2/6/00 statement purported to revise the SOP to institute the prohibition of any emission in CWI mode, and thus conform to the baseline provided to the Panel.

Promises Broken

- On February 2, 2001, The Beacon Foundation submitted a FOIA for any SWEF Standard Operating Procedure established subsequent to the 7/27/99 version. In response the Navy again provided the 7/27/99 SOP. None of the "revisions" in the 2/6/00 Navy statement to the Panel are incorporated nor are there any other changes.
- A May 8, 2001 Navy statement to the Commission (see 7/19/01 staff Report pages 4, 5) responds to the issue of the absence of the revisions in the SOP with this firm assurance:

"The Navy previously revised the internal Standard Operating Procedures (SOP) for Radar systems to include agreed upon Parameters. This SOP will be formally reissued with all of these changes incorporated on a standard schedule. Until that formal reissuance, the operators are trained to refer to 'change pages'."
- In its 7/24/01 written communication to the CCC, the Navy abruptly drops any pretense that the baseline given to the Expert Panel is the control document or that its greater restrictions are necessarily included in the SOP. It suddenly provides 13 pages of unilateral and undated changes to its SOP and acknowledges its actual SOP is different and uncontrolled by the baseline it represented to the Expert Panel and the Commission.
- The 13 pages of changed restrictions are provided too late for any analysis. However, we particularly note that the changes for The MK 74 Mod 6/8 now state it may operate in CWI mode at any power at a +5 degree elevation – just as in the 1999 SOP, and contrary to the baseline represented to the Expert Panel and the Commission.

The Expert Panel and the Commission relied on Navy assurances that SWEF operations comply with the baseline the Navy provided for the mediation process. The 7/24/01 Navy communication repudiates the assurances and its commitment to observe the restrictions contained in the mediation baseline.

Compliance Matrix

4. The Navy Commitment -- To verify annually that "... all operational modifications agreed to as a result of this informal mediation and all safety measures are being followed."

Promises Made

- An April 13, 2000 letter from the Navy to the Commission reaffirms its annual report will include it's Safety Officer "verification that operational modifications agreed to as a result of this informal mediation and all safety measures are being followed."

- The April 13, 2000 letter restored wording of the verification the Navy previously agreed to, but had sought to modify in a letter of April 6, 2000. The April 6th version proposed only "verification that all safety guidelines and operational restrains continue to be followed."

- The following exchange and clear Navy commitment occurred at the April 11, 2000 hearing. (Transcript pages 28, 29) :

MR DELAPLAINE: " ... there was a phrase that got deleted from a subsequent letter.

Mr Hogle has assured me that there [their] Intent is not to have that actually not be a part of the project....

The phrase is: ' Verification that all operational modifications agreed to, as a result of this informal mediation are being followed.' And, I think the statements that Mr. Hogle made on the record indicate that they are willing to do that.

....

MR HOGLE: -- This is Chuck Hogle. I do confirm the discussion I had with Mark Delaplane --

CHAIR WAN: Okay.

MR HOGLE: -- and that is correct."

Promises Broken

- In a letter to the Commission of 2/9/01 the Navy quietly sidesteps its verification commitment. This letter encloses a Safety Officers verification that SWEF operations "...are in compliance with established Navy policies governing operations at the SWEF complex." The verification references the April 6th but not the April 13th, 2000 Navy letter and thus omits its promised verification that all "operational modifications agreed to as a result of the informal mediation and all safety measures are being followed."

- In its written communication to the commission of 5/8/01 (Staff report of 7/19/01, page 4, 5) the Navy asserts:

"The Navy's February 9, 2001 letter to the CCC, contained the RF Safety Officers certification that the SWEF emitters were operated in compliance with the SOP's, the DoD guidelines and all other operational enhancements agreed to as a result of the informal mediation between the Navy and the CCC."

This assertion is untrue. The agreed and required verification of compliance with operational modifications that resulted from the mediation is deliberately omitted.

We know from the 7/24/01 Navy memorandum to the Commission that modifications agreed to including the baseline given to the panel, and the dimensions and means of activating a ship exclusion zone, are not in the present SOP. This new knowledge reveals the 2/9/01 letter to be an empty certification only, and that the Navy is operating as it wishes without regard to the modifications it committed to the CCC in the mediation.

Compliance Matrix

5. The Navy Commitment: To an enhanced Navy RADHAZ Report that is comprehensive and objective

Promises Made

- The 5/9/00 CCC Finding states (p. 16, 17):

"The Commission believes that the panel recommendation that the Navy designate a 'non-DOD measurement expert' to participate in all aspects of a well-designed, comprehensive public exposure assessment survey (as described by Dr. Elder) is essential to maintaining the objectivity of the survey panel and any conclusions it reaches as to the effect; or lack thereof, of existing (baseline) and/or proposed future SWEF radar facilities on coastal zone resources."

- In testimony before the Commission on April 11, 2000 the Navy stated that the report it committed to undertake, without a non-DoD expert, (transcript p 21):

MR HOGLE: "... will satisfy the intent of the recommendation that Dr Elder made --"

Further, in this enhanced report (transcript page 4):

MR HOGLE "The operating parameters would be clearly described. It would be based upon the baseline that we had discussed with the panel"

- The Navy proclaimed its 12/00 RADHAZ Final Report to be a comprehensive review that found all operations to be within Department of Defense radiation standards.
- In its July 24, 2001 memorandum the Navy further asserts that all emission "... levels in the uncontrolled areas are still below the FCC standards...." Although the Navy does not agree to be bound by the more protective FCC standard, it is the CCC policy position (transcript p 20):

MR DELAPLAINE: "... If there were a level measured at a public area that is more than the FCC standard, we would argue for reopening this, and bring it back before the Commission."

Promises Broken

- The December 2000 RADHAZ Report states (page i) "RADHAZ measurements were conducted with operational constraints in effect as defined within the current established SWEF standard operating procedures. Nowhere in the Report is the source document identified for the "current" standard. The "alterations" are not listed but our review shows they are numerous. Peak and average power and antenna bearings for several devices are not consistent with the baseline the Navy provided to the Expert Panel and the Commission.
- The December 2000 Report asserts (page viii): **"There are no hazards to ships transiting the [harbor] channel or to any ship at-sea."** This is based on an assumption vessels come no closer than 650 feet from the emitters. Prior in house Navy RADHAZ surveys made the same distance assumption and the same finding. These prior RADHAZ surveys were reviewed by the Expert Panel. Four of five members of the Expert Panel found that persons on tall vessels transiting the Harbor could be exposed to RF radiation even in excess of DoD exposure limits. There is no indication that the Panel Report was seen or considered by the Navy agency that prepared the 12/00 RADHAZ Report.
- The Beacon Foundation disputed the 650 foot distance assumption in written comments to the Commission that were made a part of the Expert Panel working papers. We demonstrated that vessels typically come some 100 feet closer to the SWEF. This more than doubles the potential RFR exposure level to persons on ships (since exposure level is inverse to the squared distance).
- The 12/2000 RADHAZ Report evaluates compliance only with the Dod (IEEE) radiation exposure standard. However, this Report includes the attached Table 2 containing calculation of exposure levels at the mid-point of the shipping channel that greatly exceed the more protective FCC standard for the uncontrolled environment. The FCC standard is an exposure level not to exceed 1.0 and Table 2 reports four emitters in excess of that level.

The 12/00 RADHAZ Report exhibits the lack of objectivity that concerned the Commission when it adopted its Findings of 5/9/01 and violates the Navy Commitment to provide a comprehensive report. One substantive contribution and new issue raised by the 12/00 RADHAZ Report is its measurement data (Table 2) disclosing violation of the FCC radiation standard in the uncontrolled environment of the coastal zone.

System	Distance from Radar to Tower (feet)	Measured Power Density (mW/cm ²)	Predicted Power at Shipping Channel (mW/cm ²)	UnCont PEL (mW/cm ²)	Note
MK 86 AN/SPG-60	414	2.3	0.9	5.3	
MK-92 (CAS) CWI	186	10.8	0.9	6.7	
MK-92 (CAS) TRACK	186	0.2	0.01	5.3	
MK-92 (STIR) CWI	429	7.5	3.5	6.7	
MK-92 (STIR) TRACK	429	0.4	0.2	5.3	
MK 57 (NSSMS A) CWI	171	9.2	0.6	6.7	
MK 57 (NSSMS) B CWI	174	14.0	1.0	6.7	
MK 74 MOD 14 CWI	462	8.7	4.5	6.7	
MK 74 MOD 14 TRACK	462	4.6	2.3	3.3	
FSC MK 99 CWI	477	72.0	0.17	6.7	(1)
MK 74 AN/SPG-51C CWI	588	16.3	5.9	6.7	
MK 74 AN/SPG-51C TRACK	588	1.9	0.7	2.7	

Table 2 — Collimation Tower Measurement Data (Main Beam)

Note (1): Operationally, the MK-99 radar system has its elevation fixed at +5.0 degrees in its emission sector (165 - 232 degrees) that covers the shipping channel area. Because of this, the MK-99 will never illuminate the shipping channel with its main beam, but could illuminate the shipping channel with one of its sidelobes. In order to accurately predict sidelobe power in the shipping channel, the test team was required to temporarily lower the MK-99's antenna to an elevation of 0.0 degrees to allow the team to measure the MK-99's main beam that would allow an accurate calculation of sidelobe power in the shipping channel. After completion main beam measurement, the MK-99 system was reconfigured back to its operational 5.0 elevation.

The main beam power density of 72.1 mW/cm² was measured at 0.0 degrees elevation at a distance of 477 feet. With the MK-99 operating at a nominal 5.0 degree elevation, it is predicted that a sidelobe illuminating the shipping channel will be 20 dB lower than the main beam power. The Table 2 entry for the MK-99 reflects the predicted sidelobe power density (0.17 mW/cm²) in the shipping channel.

Power density measurements made with the 100 ft collimation tower of the MK-99's antenna fixed at 5.0 degrees elevation showed a level that was below the sensitivity of the instrumentation. This measurement proves that ships traversing the shipping channel that are 100 feet or less above the water will not encounter any main beam illumination. As a result, there are no RF hazards in the uncontrolled environment from the MK-99, either from its main beam or sidelobes.

Source: Space and Naval Warfare Systems Center
 Electromagnetic Radiation Hazard Survey Final Report
 Surface Warfare Engineering Facility (SWEF)
 Port Hueneme Division, Naval Surface Warfare Center
 Report Date: December 2000
 Page 25

STATE OF CALIFORNIA
COASTAL COMMISSION

CERTIFIED COPY

NAVAL CONSTRUCTION

BATTALION CENTER, SWEF RADAR;

INSTALLATIONS OR REPLACEMENTS;

VIRTUAL TEST CAPABILITY;

CITY OF PORT HUENEME

COUNTY OF VENTURA

Status Briefing
ND-5-00; ND-6-00; ND-10-99;
CD-4-00

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(Fragmented Portions)

Tuesday
April 11, 2000
Agenda Items Nos. 11.a.b. 12.a.

The Queen Mary
1126 Queens Highway
Long Beach, California

ATTACHMENT #1

1 California Coastal Commission

2 April 11, 2000

3 Fragmented portions of:

4 Federal Consistency Reports:

5 11.a. Status Briefing, Navy SWEF Radar, Port Hueneme

6 11.b. ND-5-00; ND-6-00; & ND-10-99; Navy, Port Hueneme

7 Federal Consistency Determination:

8 12.a. CD-4-00 Navy, Port Hueneme

9 * * * * *

10 Following testimony of David Kaiser

11 CHAIR WAN: Thank you very much.

12 With that, I am going to open the public
13 testimony.

14 I don't have anybody from the Navy who has
15 submitted a slip to speak on Item 11.a. Is there someone
16 from the Navy who wishes to speak on it?

17 If you would come forward, and state your name for
18 the record.

19 MR. HOGLE: I am Chuck Hogle, and I represented
20 the Naval Surface Warfare Center at Port Hueneme, during the
21 informal mediation.

22 On behalf of Captain Phillips, who is the command-
23 ing officer of our Navy organization, I would like to extend
24 the thanks to OCRM, the Commission, the technical panel, the
25 citizen observer, for what we feel was a very successful

1 mediation effort.

2 Navy reviewed the panel's recommendations and
3 found that a number of these could enhance our operations,
4 and as was previously mentioned by David Kaiser, we have
5 incorporated these already.

6 We are looking forward to the resolution of this
7 matter, but in addition, there are several areas that we
8 think the public and the Commission may have some concern on.

9 There was concern that had been expressed that we
10 may not actually -- excuse me, some concern that has to do
11 with a public assurance safety test. The Navy, in reviewing
12 our RF surveys, and our schedule for our future surveys, felt
13 that in the future the next test would be in two to three
14 years, and that it would be appropriate at this time for us
15 to commit to doing a test within six months. This would be
16 in accordance with the improvements that we have previously
17 discussed. I believe you have those documented. That would
18 be an executive summary, that would make it easy to read.

19 The operating parameters would be clearly
20 described. It would be based upon the baseline that we had
21 discussed with the panel, and -- excuse me.

22 [Pause in proceedings.]

23 We would be performing the test with additional
24 test points, and fully describing the test equipment and
25 procedures and sensitivity of it.

1 ability or role, and it is going to involve an incredible --
2 as it has -- amount of staff time.

3 Our concern is whether or not there are impacts on
4 coastal resources. The panel that was convened found that if
5 there were, it was with birds roosting up on top, and maybe
6 some people on tall ships, not necessarily that that would be
7 a coastal resource, and they are taking measures to address
8 that.

9 The question of other impacts or concerns that
10 the neighboring community may have, I just don't see that we
11 are in a position to somehow monitor this, and determine what
12 the appropriate long term use here is. So, I just want to
13 raise that as a concern, as you are deliberating what we want
14 to do with this.

15 CHAIR WAN: Well, maybe I can try to summarize
16 where I am. It is kind of complex here, but I have a number
17 of concerns about -- I can sort of group into four issues --
18 that for me, if I can get those resolved, and if the Navy is
19 going to do this, then I am prepared, frankly, to do a
20 negative determination, and can recommend a consistency
21 determination.

22 On the other hand, if I don't, I am not going to
23 go along with either. So, perhaps, I ought to go to those
24 issues that concern me.

25 On the FCC standard, the Navy can use ANSI IEEE,

1 which is the DOD standards, on their facility, and on their
2 grounds. That is appropriate. But, off of the facility,
3 outside of their facility, I believe they need to use the FCC
4 standard.

5 If you read the document that was provided to us,
6 it is very clear. It is something that I have been concerned
7 about all along, when you are dealing with the ANSI IEEE
8 standard, and that is that based on -- that is a thermal
9 standard, and it doesn't deal at all with long-term
10 cumulative impacts. The FCC standard, I don't know if it is
11 adequate, but at least it attempts to do that, and that is
12 why it is ten times more restrictive. It attempts to look at
13 it.

14 So, off of the base, I believe you need to be
15 applying the FCC standard. I think that is only right, from
16 whatever perspective, whether it is from human health and
17 safety, or from coastal resources impacts, that is the
18 standard that should be applied.

19 Number two, on this annual report and verifica-
20 tion, I can understand why staff doesn't want to have to deal
21 with this anymore, and that getting an annual, you know,
22 monitoring report, although I am not sure that I like the "in
23 plain English" comment, but getting the annual report is
24 fine. But, you can have the logs, the actual logs, should be
25 attached. Our records are public, and if somebody wants to

1 go look at them, staff doesn't have to look at them, if we
2 have a summary by the Navy, and that is fine, but those logs
3 should be there, and it is not up to the Navy to provide
4 them, or we think they should be willing to. It should be
5 part of the project in 12.a., part of the description of the
6 project, that that is what they will do, they'll supply them.

7 Number three, I have looked at -- again, gone to
8 the recommendations of the expert panels, and tried to select
9 those that I think were the most important that the Navy
10 didn't deal with. I agree with the staff that we need this
11 full assessment survey that staff is recommending highly.

12 You know, one of the reasons we are here, and one
13 of the reasons this seems like we've been dealing with this
14 forever -- I know I have been dealing with it for as long as
15 I'm on the Commission, and I believe before I was on the
16 Commission -- is the question of trust.

17 If for no other reason, just from PR perspective,
18 the Navy ought to do this study, okay. It is very important.
19 And, as far as doing it, and having a non-DOD person
20 involved, there is no point in doing any study, or doing
21 anything, if a non-DOD person isn't involved.

22 The first document that I took up to read was the
23 staff report on 11.a. and the summary of the panel recommend-
24 ations, and I didn't remember, frankly, which panelist was
25 whom. I mean, I didn't remember at this point. It is months

1 away. And, I looked at this, and there were five panelists,
2 four of whom made recommendations and had concerns, one of
3 whom had no concern, and no recommendations.

4 And, then I looked in the back to see who was who,
5 and four of them are non-DOD personnel, and one is DOD.
6 Guess who is the person who had no concerns, and no
7 recommendations? It is the person who is from the air force
8 base who is a DOD person. If that doesn't prove the fact
9 that we need non-DOD involvement here, I don't know what
10 does.

11 So, to me, if we are going to have any of this
12 meaningful, we have to have some non-DOD involvement, and I
13 would like to see that study, and I would like to see a non-
14 DOD person involved in that study.

15 And, the last sort of category of my concern has
16 to do with this business of a baseline. If we go, and we
17 agree to the negative determination on the three items in
18 11.b. and then we agree to a consistency determination on
19 12.a., we need to have a document that has an adequate base-
20 line, that specifies the conditions under which a consistency
21 determination could, or should be reopened, the changes from
22 that baseline.

23 We have been arguing for -- when was this building
24 built, without consistency?

25 COASTAL PROGRAM ANALYST DELAPLAINE: In 1986.

1 CHAIR WAN: So, we have been arguing for at least
2 10 years to try to get the Navy to come in and do a -- maybe
3 since '95 that we are actually arguing with them, but okay --
4 so only five years, we have been arguing with them to get
5 them to come in for a consistency determination. I do not
6 want this Commission to be in that position later on.

7 If we have a document that clearly spells out what
8 the baseline is, what the conditions are for reopening it,
9 then we won't be in that position later on. So, I am
10 prepared to approve this, but not without those conditions.

11 Commissioner Estolano.

12 COMMISSIONER ESTOLANO: I can add nothing to that,
13 except that I feel the same way.

14 CHAIR WAN: Commissioner Orr.

15 COASTAL PROGRAM MANAGER DELAPLAINE: The Navy has
16 something to say.

17 CHAIR WAN: Let me have the gentleman from the
18 Navy come up here.

19 When we go on Item 12.a. you are hearing what this
20 Commission is saying. We have this information. We believe
21 that many of -- not all of the recommendations of the panel,
22 but some of the recommendations of this panel need to be
23 included in this for us to give you the negative determin-
24 ation on Items 11.b. and the consistency determination on
25 12.a.

1 And, I listed four, I think approximately four of
2 them, and I am going to ask you if you are willing to say
3 that the Navy will commit to these.

4 MR. HOGLE: I can respond to each one individually,
5 if that is what you would like.

6 CHAIR WAN: Yes.

7 MR. HOGLE: Concerning the standards issue, the
8 Navy is willing and is going to report in accordance with the
9 DOD standard.

10 We will make it very clear in our reports, we will
11 provide sufficient information so that comparisons can be
12 made to any standard or guideline.

13 CHAIR WAN: Mr. Delaplaine.

14 COASTAL PROGRAM MANAGER DELAPLAINE: It is our
15 intent, as expressed in the findings, that if there were a
16 level measured at a public area that is more than the FCC
17 standard, we would argue for reopening this, and bring it
18 back before the Commission.

19 CHAIR WAN: Okay, so it is clear that if they
20 exceed the FCC standard off base -- we are not talking about
21 on base now --

22 MR. HOGLE: I understand.

23 CHAIR WAN: -- off base, that is then a basis for
24 reopening.

25 MR. HOGLE: We understand that.

1 CHAIR WAN: Okay.

2 Next one.

3 MR. HOGLE: The concern about the annual report --
4 I want to make sure I've got the right one here -- the annual
5 report, and the detailed logs, we have no problem with
6 providing the detailed logs.

7 CHAIR WAN: Okay.

8 EXECUTIVE DIRECTOR DOUGLAS: Great.

9 MR. HOGLE: Now, concerning the full public
10 assurance assessment survey, it is the Navy's intention that
11 we are going to modify what had been in the past called RF
12 surveys, to fulfill the intent of this.

13 And, we also intend, within six months, to run a
14 test on all of the operational radars that we currently have.
15 We feel that this will fulfill -- I mean, there are a number
16 of things that we have said we are going to do, at least
17 double the test points, and so forth -- we feel that this
18 will satisfy the intent of the recommendation that Mr. Elder
19 made --

20 CHAIR WAN: I am afraid that I don't agree --

21 MR. HOGLE: -- particularly --

22 CHAIR WAN: -- but, go ahead.

23 MR. HOGLE: -- we understand where you are coming
24 from -- keeping in mind that he did say that the existing
25 reports were adequate.

1 I have been instructed by my higher authority that
2 we cannot, unfortunately, include a non-DOD test person on
3 the test team.

4 CHAIR WAN: Well, do you hear what I am saying to
5 you, that without a full survey -- and a survey is different
6 than simply saying you are going to do some additional
7 testing. Without a survey, without a non-DOD person
8 involved, that I am not prepared to vote for any of this. I
9 don't know about anybody else, but I am not.

10 MR. HOGLE: We understand that, and we also under-
11 stand the constraints that you are under.

12 We are intending to do, you know, to move towards
13 the test, but the one area that we cannot agree to is the
14 non-DOD person on the testing.

15 CHAIR WAN: Why?.

16 MR. HOGLE: I was going to say, I have been
17 instructed by higher authority. I can't really answer any
18 farther than that.

19 COMMISSIONER ESTOLANO: That's okay.

20 COMMISSIONER KRUEER: That's okay, then, go on.

21 CHAIR WAN: Okay, next one. I had a fourth item.

22 MR. HOGLE: The baseline document, I believe, was
23 your last concern.

24 I believe that centers around a table that was
25 provided to the technical panel during their evaluation to

1 use that as a baseline document, do I understand that
2 correctly?

3 CHAIR WAN: Would we use the baseline -- is that
4 what we would use as the baseline, that?

5 MR. HOGLE: That is our understanding, yes. If
6 there is additional information that is desired to support
7 that, that we would provide it as part of the process. We
8 would do that.

9 CHAIR WAN: Okay, so it is clearly understood that
10 is the baseline, and from that, then, if there is a deviation
11 from that --

12 MR. HOGLE: Yes.

13 CHAIR WAN: -- we get reopening of consistency.

14 MR. HOGLE: Yes, we understand that.

15 CHAIR WAN: Okay, thank you.

16 Can I have Mr. Quaintance come up. I had a
17 question.

18 COMMISSIONER ESTOLANO: Sara, I have a question of
19 the Navy.

20 CHAIR WAN: Are we talking -- I had a question.
21 Let the gentleman from the Navy come back up again, because
22 one of the Commissioners had another question for you.

23 COMMISSIONER ESTOLANO: Yeah, just to clarify on
24 that last point, on the baseline table, we are talking about
25 the modified table you submitted, rather than --

1 I'm right here.

2 MR. HOGLE: Oh, I am sorry.

3 COMMISSIONER ESTOLANO: -- rather than the initial
4 table, which showed different parameters of operation,
5 correct? So, you would be holding yourself to the modified
6 operational constraints?

7 MR. HOGLE: Yes, that was an expanded table, that
8 can include additional information.

9 Just so that there is no misunderstanding on your
10 part, there were some areas on that table that are classified
11 that were not provided to all panel members. I don't want to
12 get tied up in that misunderstanding, again.

13 COMMISSIONER ESTOLANO: Okay, thanks.

14 COMMISSIONER NEAL: Sara, I have a question?

15 COMMISSIONER KRUEER: Sara, Sara.

16 CHAIR WAN: Commissioner Neal.

17 COMMISSIONER NEAL: On the comment about not
18 having a non-DOD person on the panel, would that be because
19 of security reasons?

20 MR. HOGLE: No, I don't think it is because of
21 security reasons, because there are people outside of DOD who
22 do have security clearance, as was evidenced by two of the
23 panel members that had -- well, actually, one of the non-DOD
24 panel members had a security clearance. There are other
25 issues that work here, I believe.

1 COMMISSIONER NEAL: Okay.

2 CHAIR WAN: Okay.

3 I just want to have Mr. Quaintance come up. You
4 want to comment on the four items? do those meet your major
5 concerns?

6 MR. QUAINTANCE: Certainly, the questions focus on
7 the main concerns. I am not entirely satisfied with the
8 answers.

9 Focusing on the one in which there is a
10 declination to go along at all, the non-DOD. It is my under-
11 standing -- and I am sure Mr. Delaplaine will correct me if I
12 am wrong -- that when the Commission staff pressed this
13 issue, the Navy advised that there was no legal restriction
14 on doing that, that this was something they did not want to
15 do. But, it was not something they were prevented from doing
16 by law, to have a non-DOD expert involved.

17 I do think it is of the essence. I think you have
18 nothing without it. And, I think that you should stick to
19 that requirement.

20 I found the response regarding the baseline still
21 rather vague. Is this recognized by the Navy, in fact, as
22 the baseline for this building, or not? I didn't think the
23 answer was entirely clear on that. I think the answer may
24 have been that you are recognizing it as the baseline. It
25 needs to be adopted and verified by the Navy.

1 The annual report requirement, as envisioned in
2 the recommendations made by the panel, was something that
3 would show all of the epics -- I think it is a good idea to
4 get the gross logs -- but why has this, as Mrs. Jordan
5 pointed out, the requirement for this report to verify that
6 at least in the opinion of the Navy they are following the
7 modifications they agreed to. Why has that been deleted? is
8 this, again, to be another game of hide and seek, where some-
9 body who takes the time to dig through the logs can find the
10 error, rather than the Navy affirmatively showing that it has
11 complied with the modifications it has agreed to?

12 CHAIR WAN: Commissioner Potter.

13 COMMISSIONER POTTER: We were going along quite
14 well there until we stumbled over this non-DOD member issue,
15 and I would be more comfortable -- I am not really prepared
16 to go anywhere until we get that issue resolved.

17 I would suggest we do as we have occasionally in
18 the past done, and that is to trail the item for a day or
19 two, so that the Navy can go back to the powers that be, and
20 speak with that, whatever force it is, to see why we can't
21 get this non-DOD person involved, so that we have the level
22 of comfort that I think we are all trying to get to.

23 COMMISSIONER ESTOLANO: Second.

24 CHAIR WAN: I have a motion, and a "second" to
25 trail this -- I guess I don't really need that, because

1 trailing is my decision.

2 [General Discussion]

3 There are two things: one -- well, there are a
4 couple of things here. The most important one is to get --
5 the Commission wants the study with a non-DOD person.

6 I think the point was well taken by Mr. Quaintance
7 that when we talked about the baseline, that the Navy
8 recognize that that is the baseline.

9 And, I think the final comment that he made, which
10 was to reinsert that final statement that says, in a positive
11 way, that they agree to this, as -- I don't have the two
12 letters in front of me, but, you know what I am talking
13 about.

14 COASTAL PROGRAM ANALYST DELAPLAINE: Yes, I think
15 we can't trail it to a future meeting without doing that.

16 CHAIR WAN: Yeah, but they have to certify that
17 they meet the baseline conditions.

18 COASTAL PROGRAM ANALYST DELAPLAINE: Excuse me,
19 talking to trailing it to this meeting, yes.

20 Just on the points of what the Navy agreed to, we
21 would certainly put in the report, and in the findings, those
22 statements made by Mr. Hogle, about the items that we did
23 agree to, so that there wouldn't be any lack of clarity, or
24 vagueness, over what is the baseline, and what standards we
25 would be --

1 CHAIR WAN: Go over the two, the difference
2 between the Navy's letter, briefly, that last sentence,
3 because I don't have it in front of me.

4 COASTAL PROGRAM ANALYST DELAPLAINE: There was a
5 sentence --

6 CHAIR WAN: There is so much paper here.

7 COASTAL PROGRAM ANALYST DELAPLAINE: -- there was
8 a sentence, page 23 of the VTC, consistency staff report,
9 there was a phrase that got deleted from a subsequent letter.

10 Mr. Hogle has assured me that there intent is not
11 to have that actually not be a part of the project, and so my
12 inclination is that what is in the staff report is still
13 accurate.

14 The phrase is:

15 "Verification that all operational
16 modifications agreed to, as a result
17 of this informal mediation, are being
18 followed."

19 And, I think the statements that Mr. Hogle made on
20 the record indicate that they are willing to do that.

21 CHAIR WAN: Well, he will have to come up at some
22 point and say that, okay, since it was deleted in the letter.

23 Mr. Hogle, do you want to come up and attest to
24 that, so that we can at least not deal with this one, again?

25 EXECUTIVE DIRECTOR DOUGLAS: And, Madam Chair,

1 while he is coming forward, you might also ask him if this
2 matter is trailed until Thursday or Friday, whether he can
3 get authorization from someone to agree to what the
4 Commission would like to see happen.

5 CHAIR WAN: Okay.

6 Mr. Hogle, would you come up here, please.

7 Would you, first of all, confirm your discussion
8 with Mr. --

9 MR. HOGLE: Yes, I --

10 CHAIR WAN: Okay.

11 MR. HOGLE: -- this is Chuck Hogle. I do confirm
12 the discussion I had with Mark Delaplaine --

13 CHAIR WAN: Okay.

14 MR. HOGLE: -- and that is correct.

15 CHAIR WAN: And, you are hearing the Commission
16 say that we would like you to check -- that we want to trail
17 this, rather than denying this, we would like to trail this
18 and have you check with whoever the powers that be are. Will
19 you be able to do that in the next couple of days?

20 MR. HOGLE: I would like to make just one short
21 comment, and that is that the report that we are talking
22 about making available would be a full assessment, and once
23 the report is made, and then the data is available, it would
24 be available for any person to review.

25 CHAIR WAN: The DO -- yes, go ahead, Mr.



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL

COUNSEL FOR THE
PORT HUENEME DIVISION
Naval Surface Warfare Center
Port Hueneme, California 93043-4307

5720
Ser 02L/ED/108
10 May 2001

Mr. John Buse
Environmental Defense Center
906 Garden Street, Suite 2
Santa Barbara, CA 93101

Subj: FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Buse:

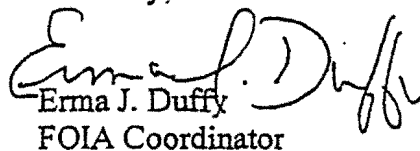
In further response to your Freedom of Information Act (FOIA) request of February 2, 2001, the following information is provided:

- (1) Appendix D - Fire Control System MK 74 Mod 14 TARTAR SM-2/NTU
General Operating Guidelines (4 pages)
- (2) Appendix E - Fire Control System MK 74 MOD 6/8
General Operating Guidelines (5 pages)
- (3) Figure E-2 (1 page)

These are changes made to the Standard Operating Procedures for radar systems.

Enclosed is a copy of the request documents(s). The fees associated with processing your request have been waived.

Sincerely,


Erma J. Duffy
FOIA Coordinator

cc: Lee Quaintance (Beacon Foundation)

EXHIBIT NO.	7
APPLICATION NO.	
Navy SWEF	

APPENDIX D

FIRE CONTROL SYSTEM MK 74 MOD 14 TARTAR SM-2/NTU GENERAL OPERATING GUIDELINES

1. DESCRIPTION. Fire Control System (FCS) MK 74 MOD 14 is a fire control radar used for acquisition, tracking, and illumination of air and/or surface targets. The MK 74 MOD 14 is a dual purpose radar using both G-band and J-band transmitters. The G-band transmitter is used for target tracking functions while an J-band Continuous Wave Illumination transmitter supports guidance of Standard Missiles. Transmitters use different transmission lines enroute to the antenna. A single antenna is used for both tracking and illumination functions. In addition, on board ship the MK 74 system interfaces with a MK 26 launcher. This capability does not exist at SWEF.

2. OPERATION. The MK 74 is operated primarily as a tracking radar. Live targets of opportunity and/or simulated targets are detected and tracked for system evaluations. Although available, the CWI is not used during standard modes of operation at SWEF. Under normal operating conditions, the transmitters are radiated into dummy load. When RF transmissions out the antenna are required, the radiation sectors are limited to open ocean only.

3. NUMBER OF RADIATING ELEMENTS. One director (antenna) installed on the roof of building 1384.

4. TRANSMITTER(S). Two (2) transmitters are installed inside building 1384 as follows:

- a. G-band pulse transmitter
- b. J-band CW transmitter

5. FIXED BEAM OR ROTATING ANTENNA. Fixed beam only for both track and CW.

6. USE AT SWEF. The MK 74 MOD 14 is used at SWEF for the following:

- a. Evaluation and debugging of engineering changes/Ordnance Alterations (ORDALTs)
- b. Direct fleet support by providing a stable platform for reference data/readings
- c. Evaluation of problems with system maintenance documentation/technical manuals

- d. Maintaining an operating system for use as a battle spare
- e. Training of NSWC personnel
- f. Computer program testing

7. SAFETY FEATURES.

a. The MK 74 system incorporates numerous safety features. Included are both personnel and equipment safety devices. Once the director on the roof is energized, an array of safety features are deployed to ensure personnel safety. To prevent any personal injury while performing work around the director, a safety cutout switch (located at the stairway to each director) is used. This switch will de-energize servo power and prevent the transmitter from radiating. The switch is used primarily during maintenance actions where personnel require access to the antenna.

b. The directors also have hardware/software interlocks to restrict radiation via radiation cutout switches. The switches are manually adjusted then secured to prevent radiating into structures or over populated areas. The computer operational program also contains the radiation sectors that are displayed on the operating console. This display is used to verify that the directors stop radiating when the director approaches the cutout zones. Additionally, the MK 74 contains hardware and software that may be used to restrict RF transmission into a dummy load.

c. Personnel safety interlocks are also installed in the transmitter cabinets to prevent the transmitters from radiating when the cabinet doors are opened.

8. AUTHORIZED USERS. Unauthorized personnel are not permitted to operate the system. Under no circumstance will the MK 74 antenna be rotated or transmitters commanded to radiate by personnel not familiar with system operation and the operating procedures of either the equipment or the SWEF site. Unqualified personnel entering each test site will be supervised by the authorized bay manager or military assigned to MK 74. Authorized users must be familiar with the system operation, test site restrictions, SWEF procedures and restrictions, and all system and building safety features incorporated to ensure personnel safety. Cognizant equipment managers and/or authorized personnel are responsible for ascertaining the qualifications of systems operators.

9. SAFETY TESTING. Safety features installed in the MK 74 are tested at regular intervals per technical procedures maintained by equipment users. Included are radiation cut out switches, and transmitter interlocks. RF emission sectors are checked in dummy load prior to radiating out the antenna each time the system is radiated live.

10. LAST RADHAZ SURVEY. Conducted by Naval Command, Control and Ocean Surveillance Center In-Service Engineering Center, East Coast Division (NISE East) in October 1996.

11. OPERATING RESTRICTIONS. Based on the most recent RADHAZ survey, MK 74 operating restrictions are as follows:

NOTE: BELOW 5 DEGREES IN ELEVATION, THE MK 74 CWI AND TRACK TRANSMITTERS CANNOT OPERATE SIMULTANEOUSLY (ONE OR THE OTHER CAN OPERATE BUT NOT BOTH BELOW 5 DEGREES ELEVATION)

a. RADIATE SECTORS

- (1) Elevation: 0.0 to +83 degrees
- (2) Bearing: 138 TO 263 degrees (TRUE)

b. TRANSMITTER POWER LEVEL(S)

- (1) G-band Track:
 - (a) 1,600 watts max
- (2) J-band CWI:
 - (a) 1,500 watts max

12. SWEF RADIATION SAFETY REQUIREMENTS. System operators are required to obtain authorization to radiate out the antennas into space. Operators must obtain authorization from the central SWEF building manager (building 1384), who checks a roof activity log to ensure no personnel are on the roof. The central SWEF complex building manager is also aware of other activities that may prevent users from operating equipment. In addition, the Interference Control Center at Point Mugu must be informed when radiating into space. The area must be surveyed visually prior to radiate. When determined that the area is clear, the equipment operator is required to set a radiation alarm toggle switch which triggers both audible and visible roof top alarms to alert personnel that a radiation hazard may exist on the roof. There is also an indicator panel at all rooftop access points displaying system radiation status. Testing blanking sectors for compliance with this handbook must also be performed prior to radiating out the antenna.

13. GENERAL SWEF OPERATING PROCEDURE. The pre-radiate checklist consists of:

- a. Notifying the SWEF front desk prior to bringing the radar to radiate

- b. Notifying the Interference Control Center
- c. Visual surveillance of area (area clear)
- d. Enabling the topside alarm system
- e. Check blanking sectors in dummy load prior to radiating out the antenna. Ensure blanking sectors conform to restrictions contained in this handbook.
- f. Monitor radiation sector and transmitter output power for compliance with requirements
- g. Maintain log of radiate times

APPENDIX E

FIRE CONTROL SYSTEM MK 74 MOD 6/8 GENERAL OPERATING GUIDELINES

1. DESCRIPTION.

a. MK 74 MOD 6/8 MFCS radar uses two different transmitters operating at different frequencies. One radar/transmitter is a G-band frequency pulse doppler radar used for tracking targets. The second transmitter supplies J-band frequency continuous wave illumination (CWI) used for missile homing on target. The transmitters can be operated to radiate either through the antenna into the atmosphere or into a load that is located within the equipment. The load confines Radio Frequency (RF) power to the equipment and is used to prevent radiation through the antenna. As an example of how these transmitters are used aboard ship, the G-band tracking radar is radiated into space and is used to acquire and track a target (threat). When an engagement against the threat is imminent, a missile is loaded and assigned to the threat. During missile launch, the J-band CW illumination is activated to guide the missile to the target. Following the missile/target intercept, the CW is turned off.

b. Fire Control System (FCS) MK 74 MOD 6/8 is a fire control radar used for acquisition, tracking, and illumination of air and/or surface targets. The FCS is a dual purpose radar using both G-band and J-band transmitters. The G-band transmitter is used for target tracking functions while an J-band CWI transmitter supports guidance of Standard Missiles. A single antenna is used for both tracking and illumination functions.

2. OPERATION. The MK 74 is operated primarily as a tracking radar during training. Tracking is primarily limited to simulated targets with RF routed into the dummy load. The MK 74 system installed at the Surface Warfare Engineering Facility complex in building 5186 is used primarily for operation and maintenance training. The scheduled training course focuses on troubleshooting techniques, scheduled maintenance, and operation.

3. NUMBER OF RADIATING ELEMENTS. One director (antenna) is installed on the roof of building 5186.

4. TRANSMITTER(S). Two (2) transmitters are installed inside building 5186 as follows:

- a. G-band tracking transmitter
- b. J-band CW transmitter

5. FIXED BEAM OR ROTATING ANTENNA. Fixed beam only for both track and CW.

6. USE AT SWEF. The MK 74 MOD 6/8 is used at SWEF for the following:

- a. Training FMS Naval personnel
- b. Evaluation and debugging of engineering changes/Ordnance Alterations (ORDALTs)
- c. Direct fleet support by providing a stable platform for reference data/readings
- d. Evaluation of problems with system maintenance documentation/technical manuals
- e. Computer program testing

7. SAFETY FEATURES. The MK 74 system incorporates numerous safety features. Included are both personnel and equipment safety devices. Once the director on the roof is energized, an array of safety features are deployed to ensure personnel safety. To prevent any personal injury while performing work around the director, a safety cutout switch (located at the stairway to the director) is used. This switch will de-energize servo power and prevent the transmitter from radiating. The switch is used primarily during maintenance actions where personnel require access to the antenna. Personnel safety interlocks are also installed in the transmitter cabinets to prevent the transmitters from radiating when the cabinet doors are opened.

8. AUTHORIZED USERS. No unauthorized personnel are permitted to operate the system. Under no circumstance will the MK 74 antennas be rotated or transmitters commanded to radiate by personnel not familiar with system operation and the operating procedures of either the equipment or the SWEF site. Unqualified personnel entering each test site will be supervised by the authorized bay manager or personnel assigned to MK 74. Authorized users must be familiar with the system operation, test site restrictions, SWEF procedures and restrictions, and all system and building safety features incorporated to ensure personnel safety. Cognizant equipment managers and/or authorized personnel are responsible for ascertaining the qualifications of systems operators.

9. SAFETY TESTING. Safety features installed in the MK 74 are tested at regular intervals per technical procedures maintained by equipment users. Included are radiation cut out switches, and transmitter interlocks. Radiation cut-out zones have already been established and mechanically set in the radar to allow

Changes paragraph 11.a.(1)(b) and 11.b.(2)(b) to read: "NO POWER MAY BE EMITTED OUT THE ANTENNA IN J-BAND CWI TRANSMITTER MODE"

radiation toward the sea only. This value is verified monthly using technical procedure - Maintenance Requirement Card 5BBC000/006-32 M-6. Thus, testing remains an integral part of training and maintenance. RF emission sectors are checked in dummy load prior to radiating out the antenna each time the system is radiated live.

10. LAST RADHAZ SURVEY. Conducted by Naval Command, Control and Ocean Surveillance Center In-Service Engineering Center, East Coast Division (NISE East) in December 1996.

11. OPERATING RESTRICTIONS. Based on the most recent RADHAZ survey, the MK 74 MOD 6/8 MFCS operating restrictions are as follows:

a. RADIATE SECTORS

(1) Elevation:

(a) 0.0 to +83 Degrees (G-Band Track Power)

(b) NO POWER MAY BE EMITTED OUT THE ANTENNA IN J-BAND
CWI MODE

(2) Bearing: 133 - 184 Degrees (TRUE)

b. TRANSMITTER POWER LEVEL(S).

(1) G-Band Pulse Transmitter: 550 Watts max

(2) NO POWER MAY BE EMITTED OUT THE ANTENNA IN J-BAND CWI
MODE

12. SWEF RADIATION SAFETY REQUIREMENTS. System operators are required to obtain authorization to radiate out the antennas into space. Operators must obtain authorization from the central SWEF building manager (building 1384), who checks a roof activity log to ensure no personnel are on the roof. The central SWEF complex building manager is also aware of other activities that may prevent users from operating equipment. In addition, the Interference Control Center at Point Mugu must be informed when radiating into space. The area must be surveyed visually prior to radiate. When determined that the area is clear, the equipment operator is required to set a radiation alarm toggle switch which triggers both audible and visible roof top alarms to alert personnel that a radiation hazard may exist on the roof. Testing blanking sectors for compliance with this handbook must also be performed prior to radiating out the antenna.

13. GENERAL SWEF OPERATING PROCEDURE. The pre-radiate checklist consists of:

a. Notifying the SWEF front desk prior to bringing the radar to radiate

b. Notifying the Interference Control Center

c. Visual surveillance of area (area clear)

d. Enabling the topside alarm system

e. Checking blanking sectors in dummy load prior to radiating out the antenna. Ensure blanking sectors conform to restrictions contained in this handbook.

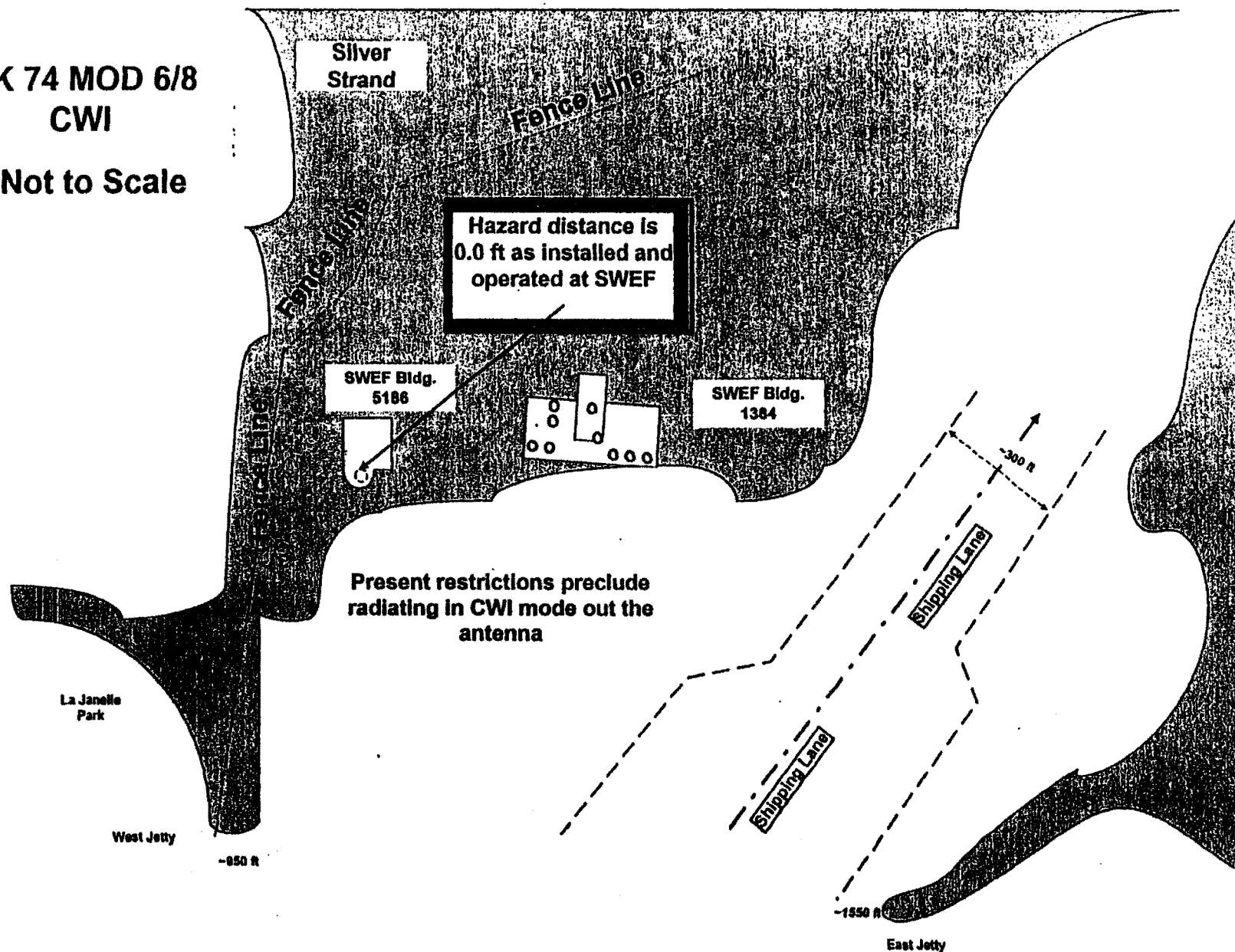
f. Monitoring radiation sector and transmitter output power for compliance with requirements

g. Maintaining log of radiate times

Changes paragraph 11.a.(1)(b) and 11.b.(2)(b) to read: "NO POWER MAY BE EMITTED OUT THE ANTENNA
IN J-BAND CWI TRANSMITTER MODE"

**MK 74 MOD 6/8
CWI**

Not to Scale



**Figure E-2. Operational Safe Separation Distances for SWEF Building 5186
Shown for TARTAR Fire Control System MK 74 MOD 6/8/A/N/SPG-51C CWI With Emission Sectors
(Uncontrolled "Public" Environment)**

Technical parameters for SWEF emitters

18 February 2000

SWEF EMITTER NAME	ANTENNA GAIN (dBi)**	SYSTEM LOSS(GAIN) INCLUDES COUPLING FACTOR LOSS (dB)	APPROXIMATE TRANSMITTER PEAK POWER (WATTS)	POWER USED IN CALCULATION (AVERAGE-WATTS)	RANGE OF TRANSMITTER PULSE REPETITION FREQUENCIES (PULSES PER SECOND)	Antenna Sidelobe Levels (dBi - referenced to mainbeam) Angle from Boresight Elevation	Antenna Sidelobe Levels (dBi - referenced to mainbeam) Angle from Boresight Azimuth	Beam Width (Degrees)	Antenna Dimensions (Feet)	COMMENTS
FCS MK 92 CAS-CWI	35.5	8.73	5000	5000	N/A-CW SYSTEM	Less than -13 $0^\circ \leq 0 \leq 6^\circ$	Less than -13 $0^\circ \leq 0 \leq 6^\circ$	2.4	4 ft-diameter	Sidelobe data from sample antenna pattern
FCS MK 92 CAS-Track	35	4	400,000	400	2210-2770	-20 $0^\circ \leq 0 \leq 10^\circ$	-20 $0^\circ \leq 0 \leq 10^\circ$	2.4	4 ft-diameter	
FCS MK 92 CAS Search	35	3	1,000,000	1000	2210-2770	-18 $0^\circ \leq 0 \leq 30^\circ$	-24 $0^\circ \leq 0 \leq 10^\circ$	1.4-horiz 4.7-vert	5 ft-horiz 3 ft-vert	ROTATING SYSTEM DUTY CYCLE = 0.0039
FCS MK 92 STIR-CWI	42	6.52	5,000	5000	N/A-CW SYSTEM	Less than -15 $0^\circ \leq 0 \leq 6^\circ$	Less than -15 $0^\circ \leq 0 \leq 6^\circ$	1.0-horiz/vert	7 ft-diameter	Sidelobe data from sample antenna pattern
FCS MK 92 STIR-Track	41.5	7	1,000,000	1000	1105-1385	-16 $0^\circ \leq 0 \leq 6^\circ$	-20 $0^\circ \leq 0 \leq 6^\circ$	1.2-horiz/vert	7 ft-diameter	
MK 86 SPG-60	41	2.2	5,500	825	25K - 35K	CLASSIFIED	CLASSIFIED	1.2-horiz/vert	7 ft-diameter	
MK 86 SPQ-9A	37.5	0	1,200	57.6	3K	CLASSIFIED	CLASSIFIED	1.5 horiz 0.75-vert	6.8 ft-horiz 2.7 ft-vert	ROTATING SYSTEM DUTY CYCLE = 0.0042
MK 74 MOD 14 (TARTAR SM2/NTU)-CWI	42.5	1.82	1,500	1500	N/A-CW SYSTEM	***Not spec'd for maximum sidelobes	***Not spec'd for maximum sidelobes	1-horiz/vert	9 ft-diameter	
MK 74 MOD 14 (TARTAR SM2/NTU)-Track	39.6	2.27	50,000*	1600	4.1K Surface 9.5 K- 18.1 K Air	CLASSIFIED	CLASSIFIED	1.6-horiz/vert	9 ft-diameter	
MK 23 TAS	21	0	200,000	5600	636.5 - 749.4	Gain vs Elevation 18.4dBi @ -6° 20.0dBi @ 0° 21.0dBi @ 10°	CLASSIFIED	3.3-horiz -6 to +75 -vert	2 ft-vert 14 ft-hriz	ROTATING SYSTEM DUTY CYCLE = 0.0092
MK 57 NSSMS Radar A	36.5	0	1,800	1800	N/A-CW SYSTEM	-23 $6^\circ < 0 < 12..0^\circ$	-23 $6^\circ < 0 < 12..0^\circ$	2-horiz/vert	3 ft-diameter	
MK 57 NSSMS Radar B	36.5	0	1,800	1800	N/A-CW SYSTEM	-23 $6^\circ < 0 < 12..0^\circ$	-23 $6^\circ < 0 < 12..0^\circ$	2-horiz/vert	3 ft-diameter	
TARTAR MK 74 MOD 6/8/AN/SPG-51C-Track	39.5	(1.87)	25,000	550	4.1K Surface 9.5 K- 16.7 K Air	-20 $0 > 0.8^\circ$	-20 $0 > 0.8^\circ$	1.6-horiz/vert	9 ft-diameter	

EXHIBIT NO. 8

APPLICATION NO.

Navy SWEF

Technical parameters for SWEF emitters

18 February 2000

TARTAR MK 74 MOD 6/8/A/N/SPG-51C-CWI	45	0.68	4,000	4000	N/A-CW SYSTEM	-20 0<2.5°	-20 0<2.5°	0.8-horiz/vert	9 ft-diameter	
AN/SPQ-9B	43	0	10,000	300	2660 - 35K	-15 0°≤0≤2.5°	-15 0°≤0≤2.5°	1.5-horiz 1.0-vert	9 ft-horiz 6.75 ft-vert	ROTATING SYSTEM DUTY CYCLE = 0.0042
FCS MK 99	43	2.48	12,000	12000	N/A-CW SYSTEM	-20 0°<0<6.0°	-20 0°<0<6.0°	1-horiz/vert	7.9-diameter	

* Peak power is reduced significantly due to an imposed power restriction on this transmitter.

** dBi is antenna gain in decibels referenced to an isotropic radiator

*** Antenna sidelobes are not specifically addressed in specification. Specification for these systems focuses on nulls ('holes') in the spectrum rather than maximum sidelobe levels.

General Note: Peak power is equivalent to average power for continuous wave (CW) systems.

Effective Radiated Power (ERP) is Equal to transmitter output power minus system losses (or plus system gains) x antenna directive gain

Total radiate time for all radar systems in Fiscal Year 98 is approximately 214 hours

Mainbeam Safe Separation Distances and technical parameters for SWEI' radars in Controlled and Uncontrolled Environments

SYSTEM	SAFE SEPARATION DISTANCES	EMISSION SECTORS		FREQUENCY and POWER	
	UNCONTROLLED ENVIRONMENT				
SWEF RADAR NAME Height above Water used in Calculation (ft)	SWEF RADAR (feet)	Approximate bearing (degrees true)	Approximate lower antenna elevation (degrees relative)	FREQUENCY BAND	TRANSMITTER MAXIMUM POWER (AVERAGE)
FCS MK 92 CAS-CWI (95 ft)	<173	142 - 92	0	J-BAND 10-20 GHZ	5000
FCS MK 92 CAS-Track (95 ft)	<87	142 - 92	0	I-BAND 8-10 GHZ	400
FCS MK 92 CAS Search (85 ft)	<1	360	+1.4	I-BAND 8-10 GHZ	1000
FCS MK 92 STIR-CWI (80 ft)	<462	151 - 257	0	J-BAND 10-20 GHZ	5000
FCS MK 92 STIR-Track (80 ft)	<190	151 - 257	0	I-BAND 8-10 GHZ	1000
MK 86 SPQ-60 (65 ft)	<303	152 - 261	0	I-BAND 8-10 GHZ	825
MK 86 SPQ-9A (65 ft)	<1	360	0	I-BAND 8-10 GHZ	58
MK 74 MOD 14 (TARTAR SM2/NTU)-CWI (65 ft)	<457	138 - 263	0	J-BAND 10-20 GHZ	1500
MK 74 MOD 14 (TARTAR SM2/NTU)-Track (65 ft)	<465	138 - 263	0	G-BAND 5-6 GHZ	1600
MK 23 TAS (117 ft)	<2.5	117 - 269	0	D-BAND 1-2 GHZ	5600
MK 57 NSSMS Radar A (65 ft)	<321	137 - 255	0	J-BAND 10-20 GHZ	1800
MK 57 NSSMS Radar B (95 ft)	<321	117 - 260	0	J-BAND 10-20 GHZ	1800
TARTAR MK 74 MOD 6/8/A/N/SPG-51C-Track (40 ft)	<486	133 - 184	0	G-BAND 4-6 GHZ	550
TARTAR MK 74 MOD 6/8/A/N/SPG-51C-CWI (40 ft)	IS NOT OPERATED OUT ANTENNA	133 - 184	0	J-BAND 10-20 GHZ	0
AN/SPQ-9B (70 ft)	<1	360	0	I-BAND 8-10 GHZ	300
FCS MK 99 (65 ft)	<1320	360	+5	J-BAND 10-20 GHZ	12000

Table 1

**Figure D-2. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 92 CAS Search
With Emission Sectors (Uncontrolled "Public" Environment)**

**MK 92 CAS
Search**

Not to Scale

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used in
Calculations For The High Gain Fire
Control Track/CWT Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.

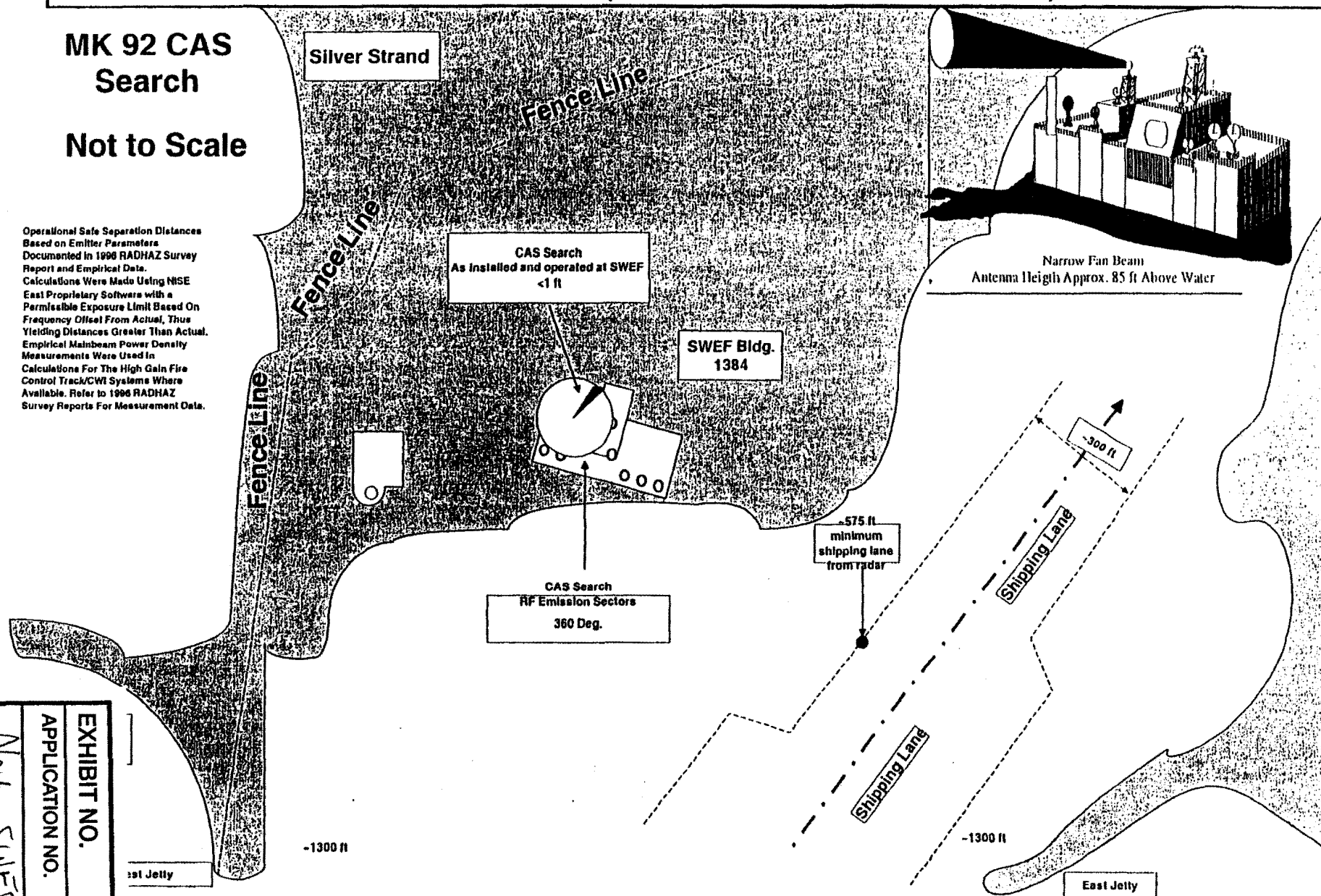
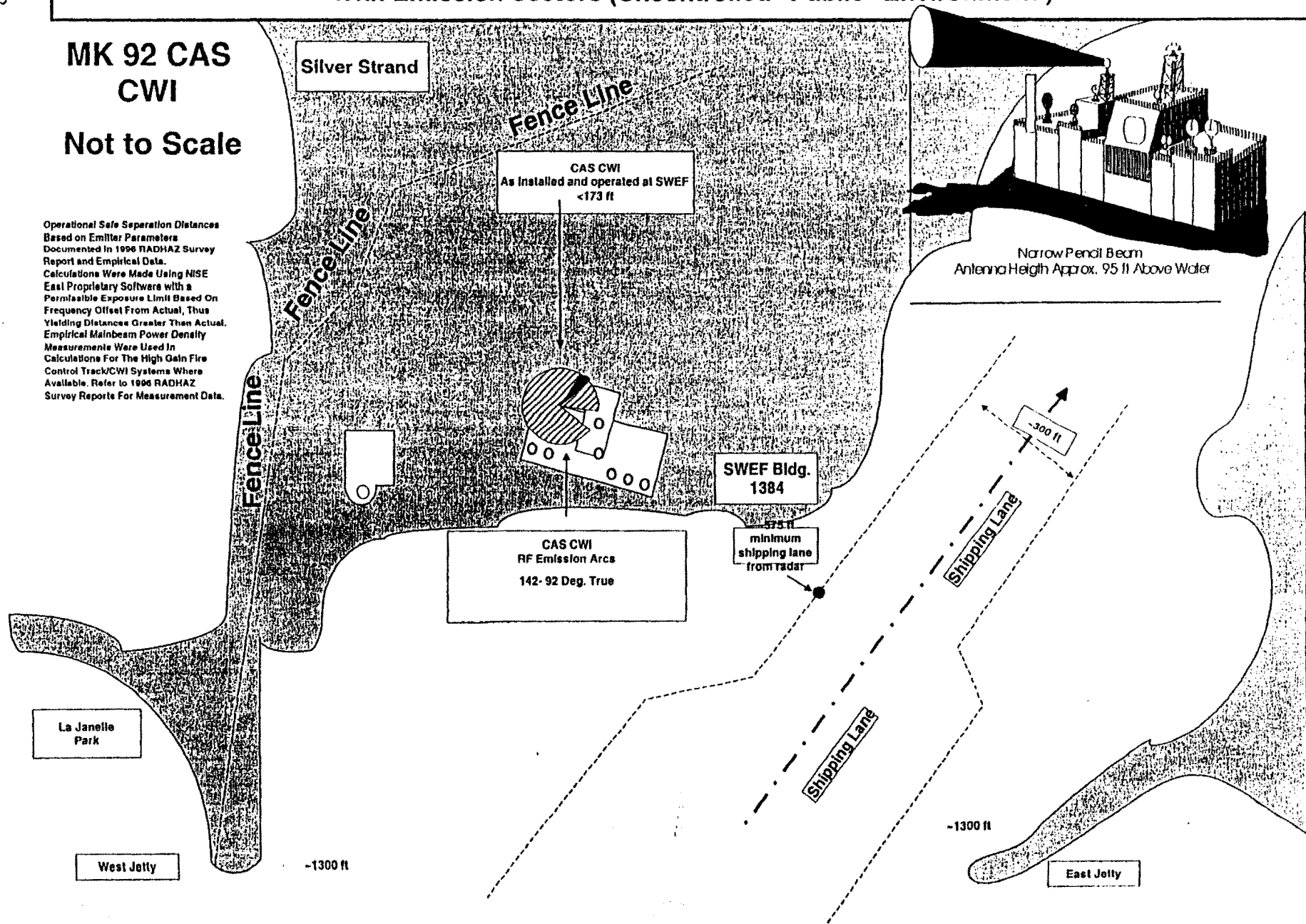


EXHIBIT NO. 9

APPLICATION NO.

Navy SWEF

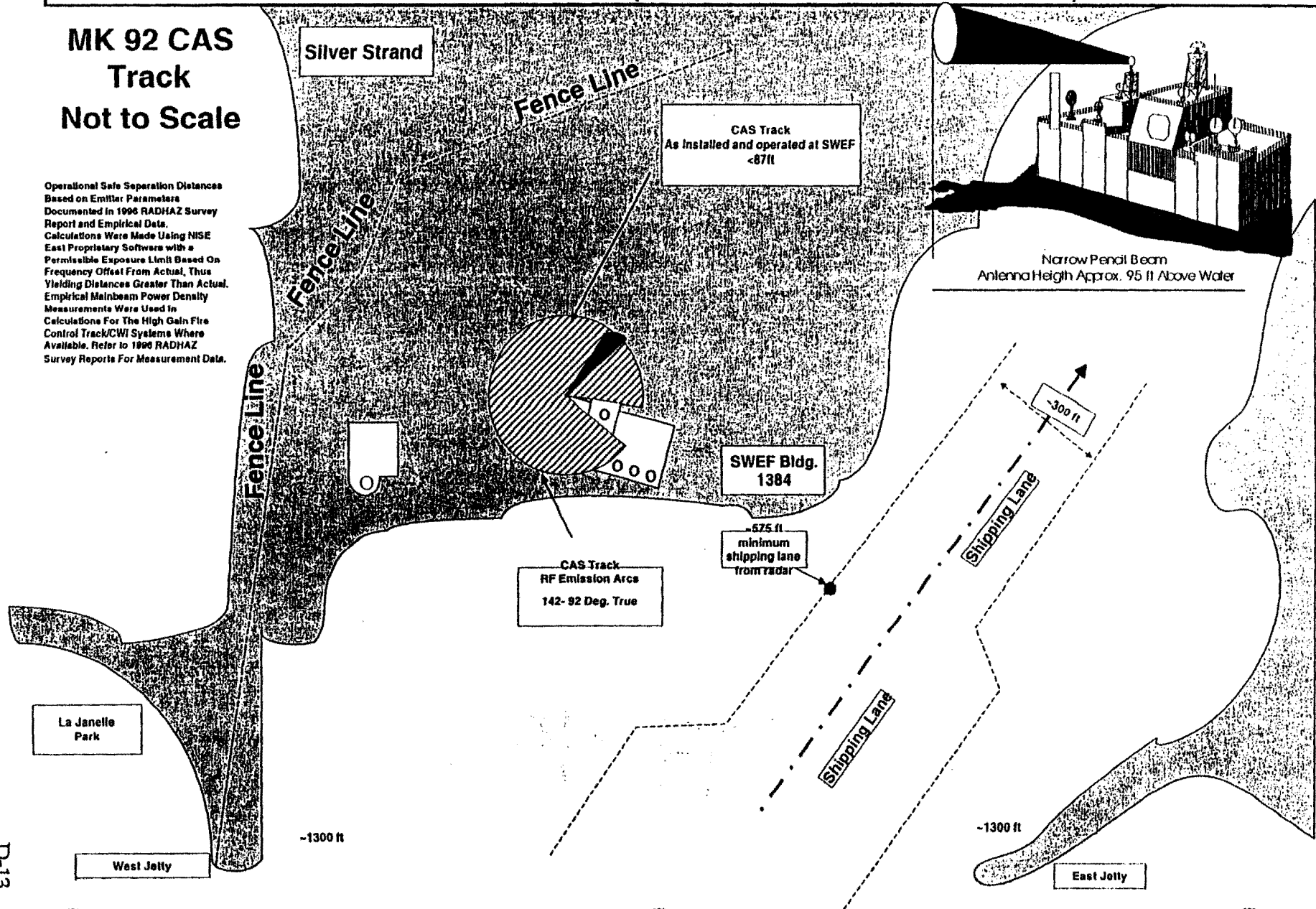
**Figure D-3. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 92 CAS CWI
With Emission Sectors (Uncontrolled "Public" Environment)**



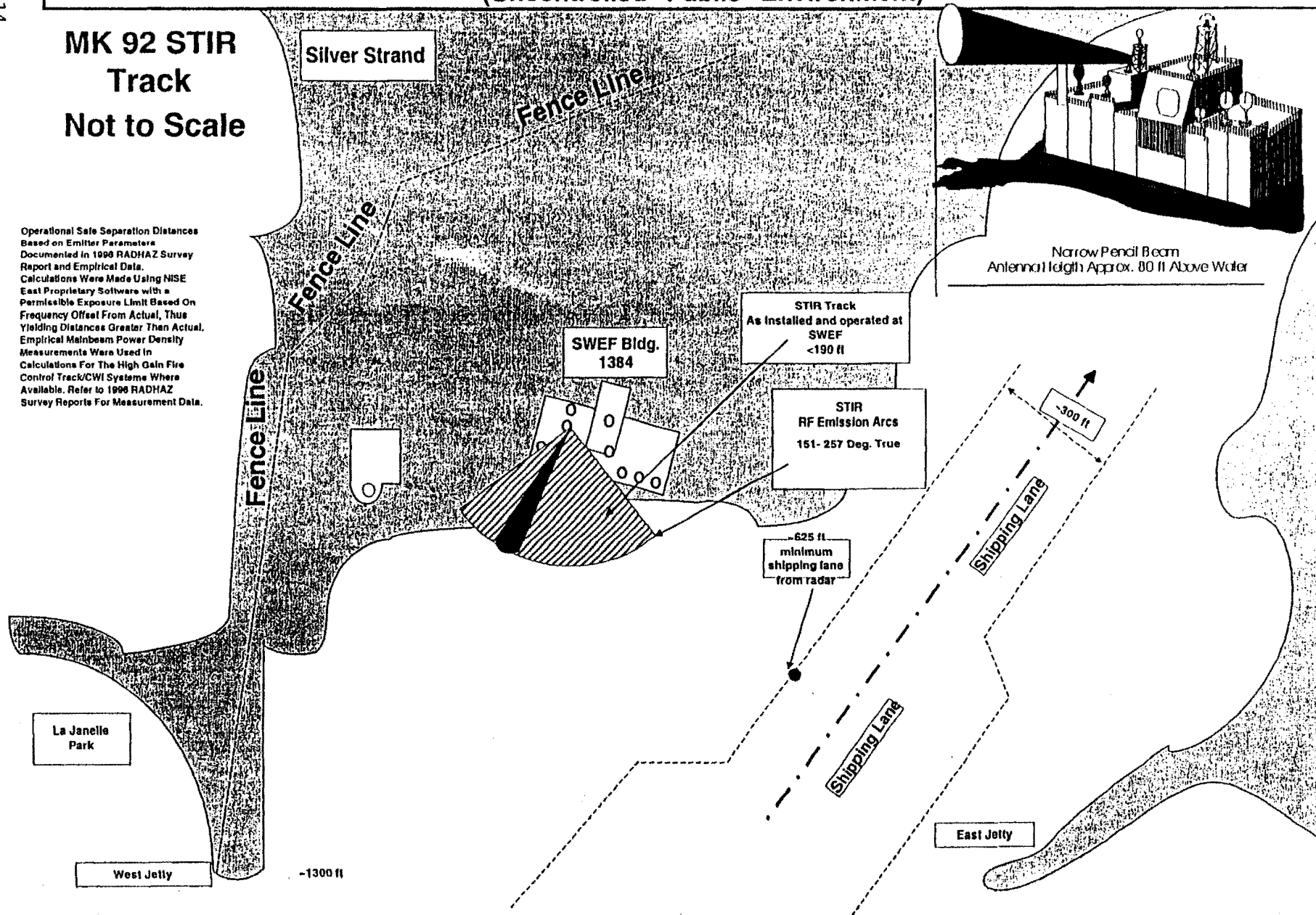
**Figure D-4. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 92 CAS Track
With Emission Sectors (Uncontrolled "Public" Environment)**

**MK 92 CAS
Track
Not to Scale**

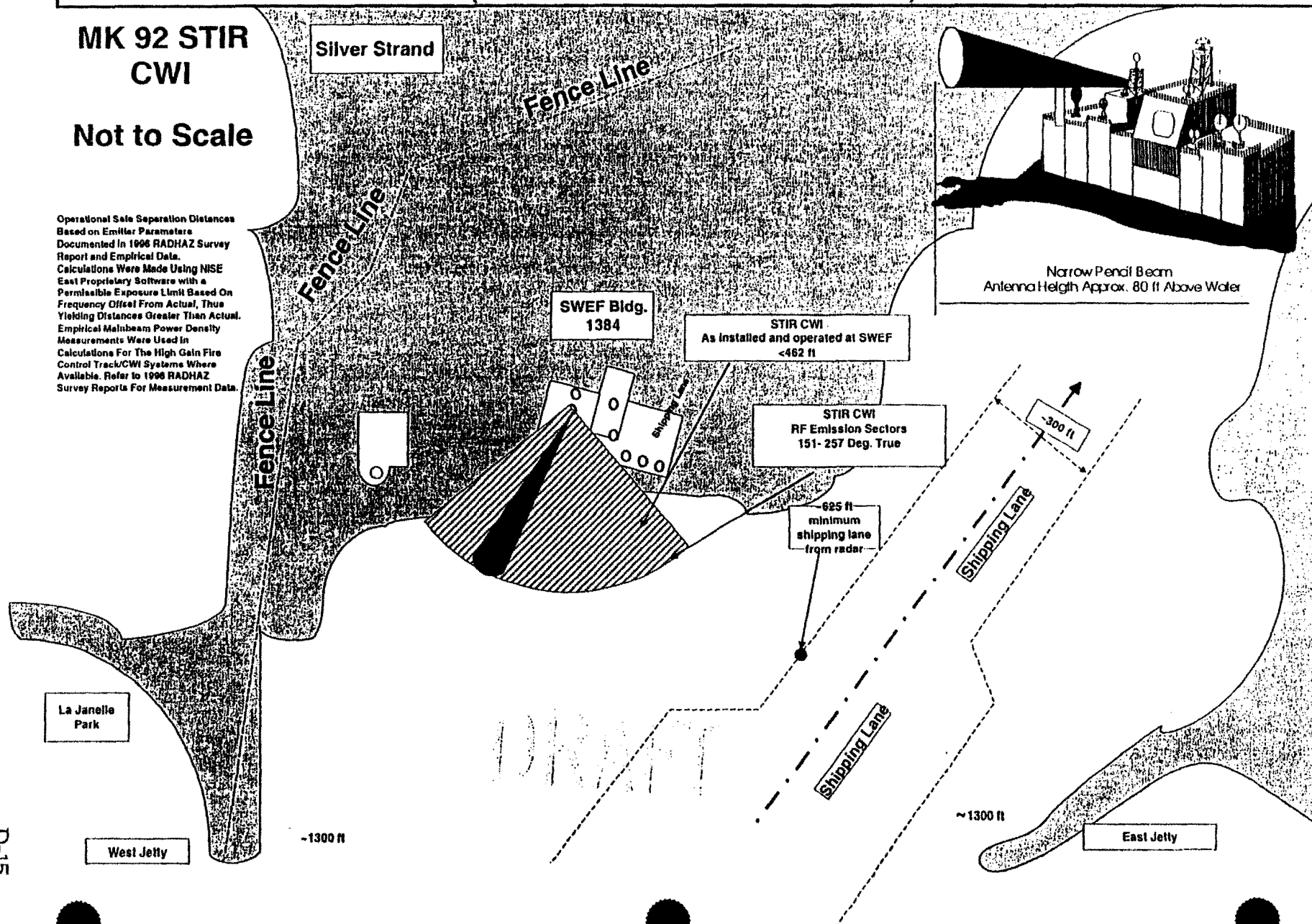
Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used In
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.



**Figure D-5. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 92 STIR Track With Emission Sectors
(Uncontrolled "Public" Environment)**



**Figure D-6. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 92 STIR CWI With Emission Sector
(Uncontrolled "Public" Environment)**



**Figure D-7. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 99 Illuminator With Emission Sectors
(Uncontrolled "Public" Environment)**

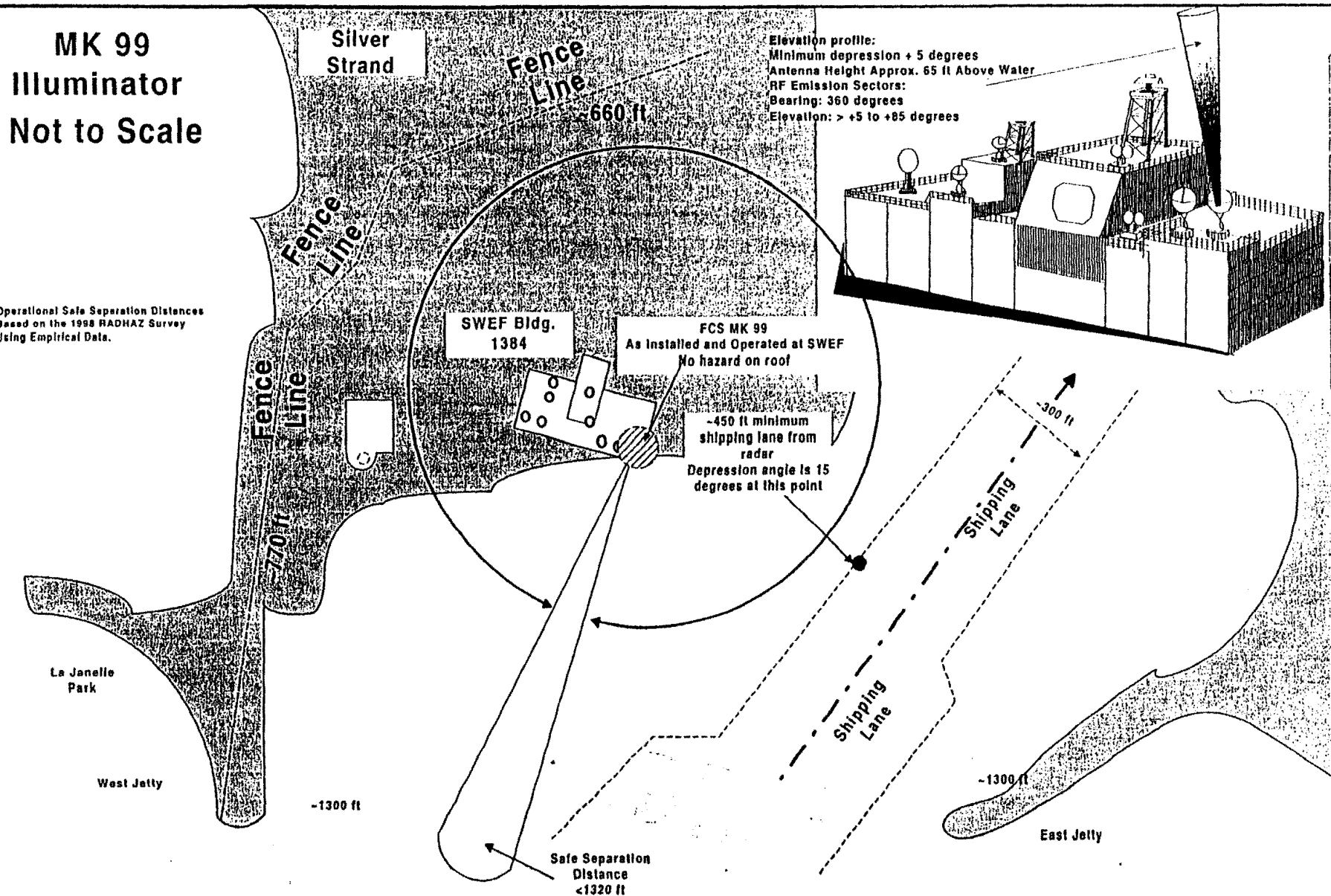
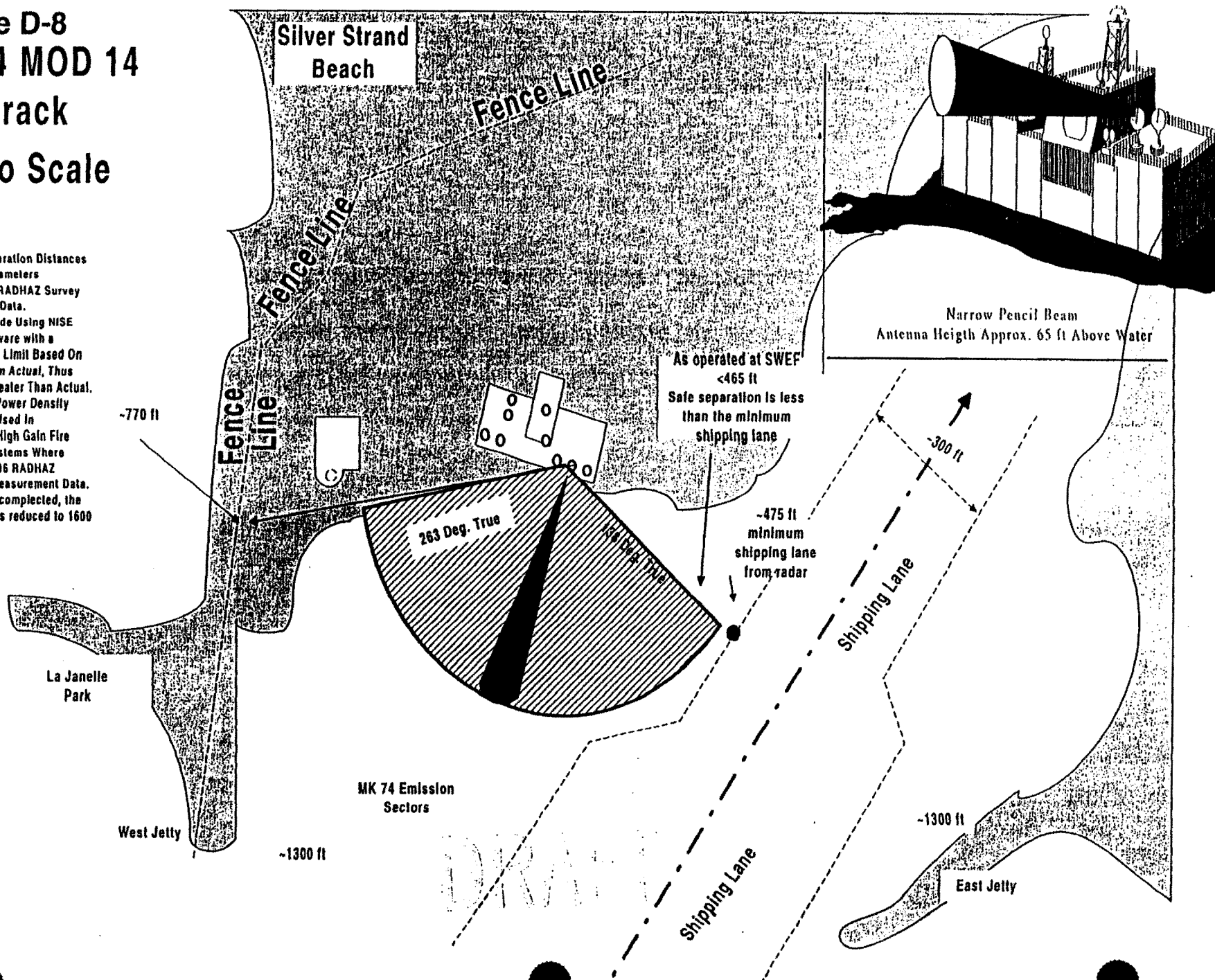
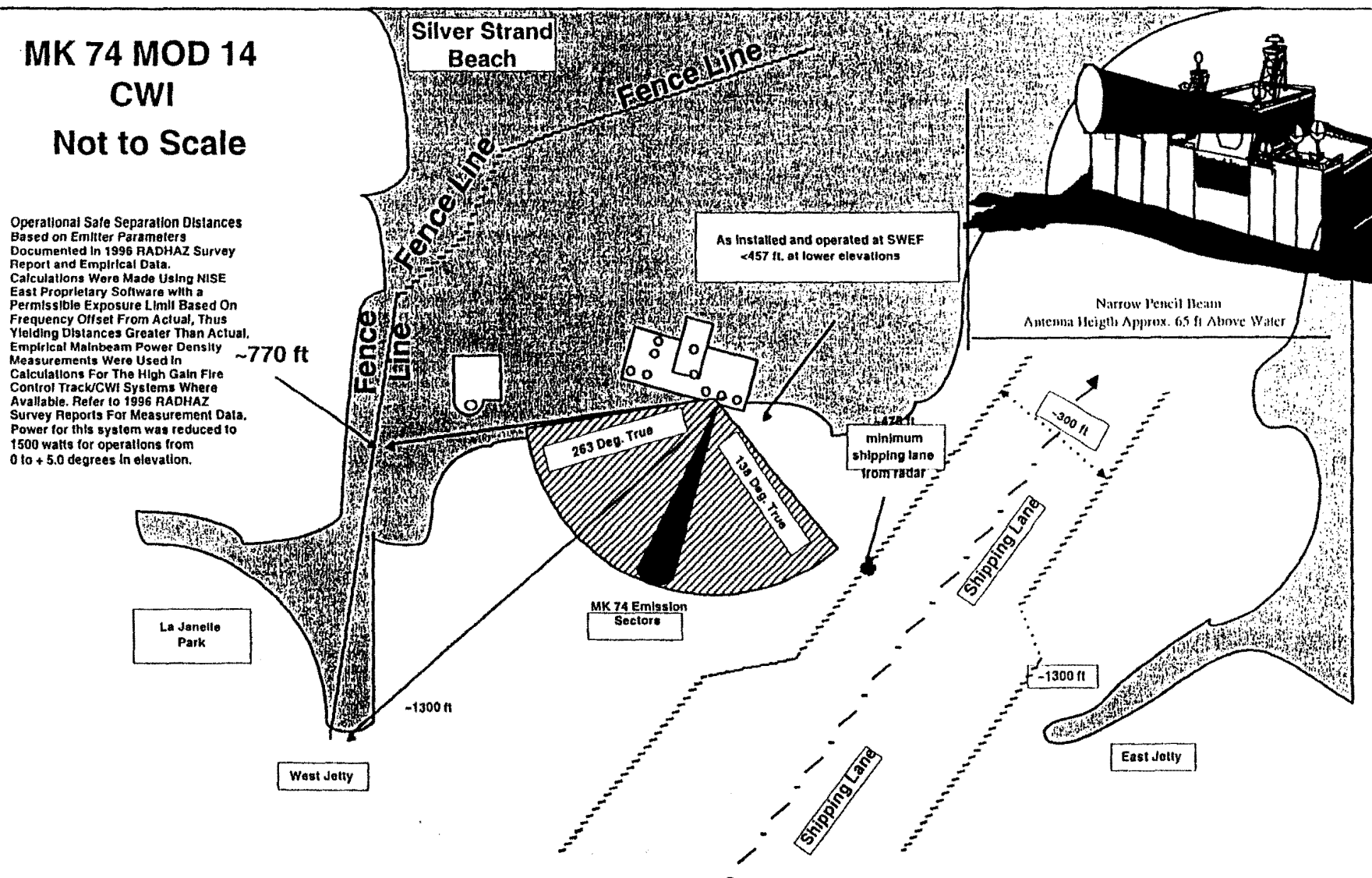


Figure D-8 MK 74 MOD 14 Track Not to Scale

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used In
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.
Since the survey was completed, the
MK 74 track power was reduced to 1600
watts.



**Figure D-9. Operational Safe Separation Distances for SWEF Building 1384
Shown for TARTAR Fire Control System MK 74 MOD 14 (TARTAR SM2/NTU) CWI
With Emission Sectors (Uncontrolled "Public" Environment)**



**Figure D-10. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 86 AN/SPG-60 With Emission Sectors
(Uncontrolled "Public" Environment)**

**MK 86
AN/SPG-60**

Not to Scale

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used In
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.

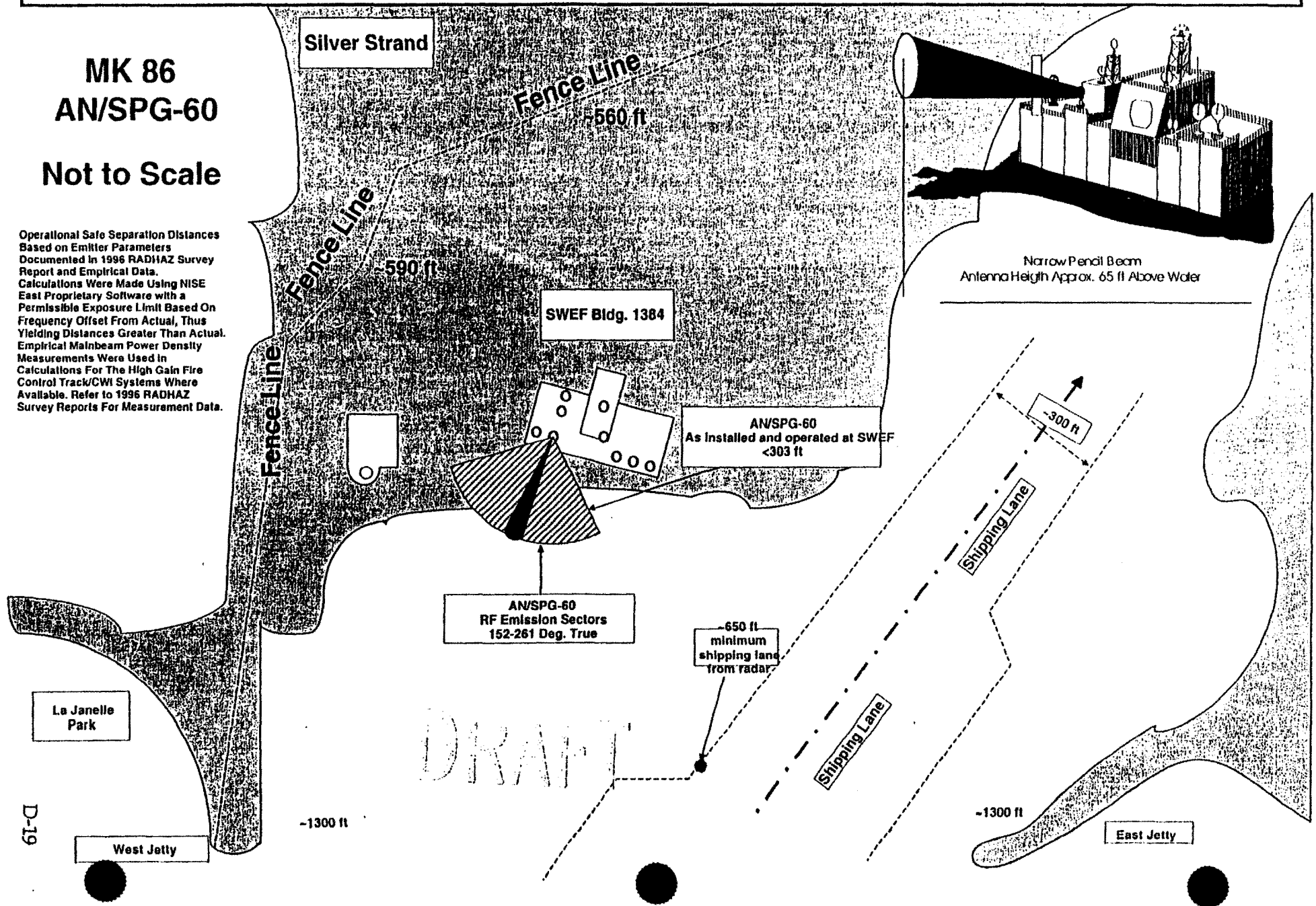
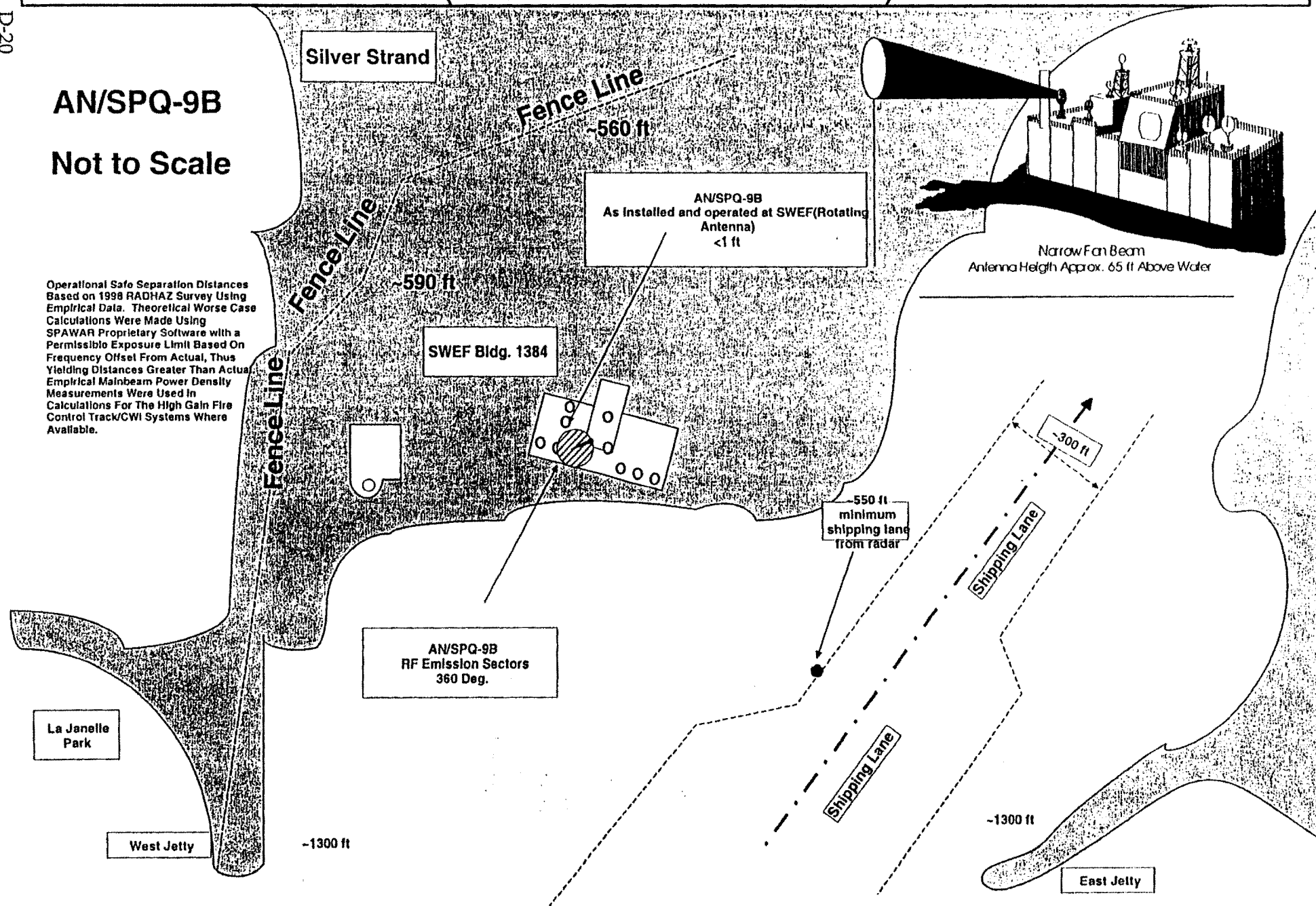


Figure D-11. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System AN/SPQ-9B With Emission Sectors
(Uncontrolled "Public" Environment)

D-20

AN/SPQ-9B
Not to Scale

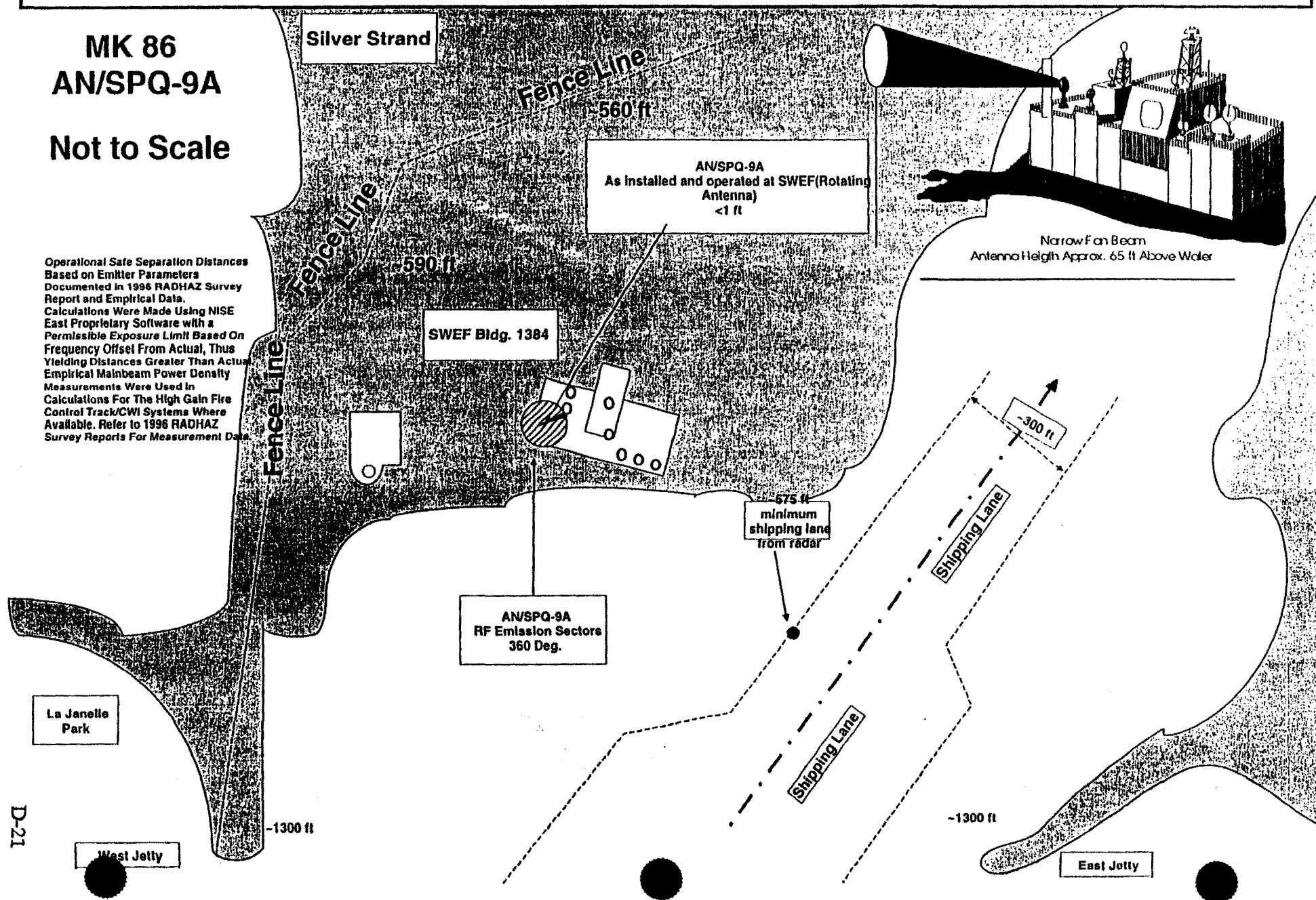
Operational Safe Separation Distances
Based on 1998 RADHAZ Survey Using
Empirical Data. Theoretical Worst Case
Calculations Were Made Using
SPAWAR Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual
Empirical Mainbeam Power Density
Measurements Were Used in
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available.



**Figure D-12. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 86 AN/SPQ-9A
With Emission Sectors (Uncontrolled "Public" Environment)**

**MK 86
AN/SPQ-9A
Not to Scale**

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used In
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.

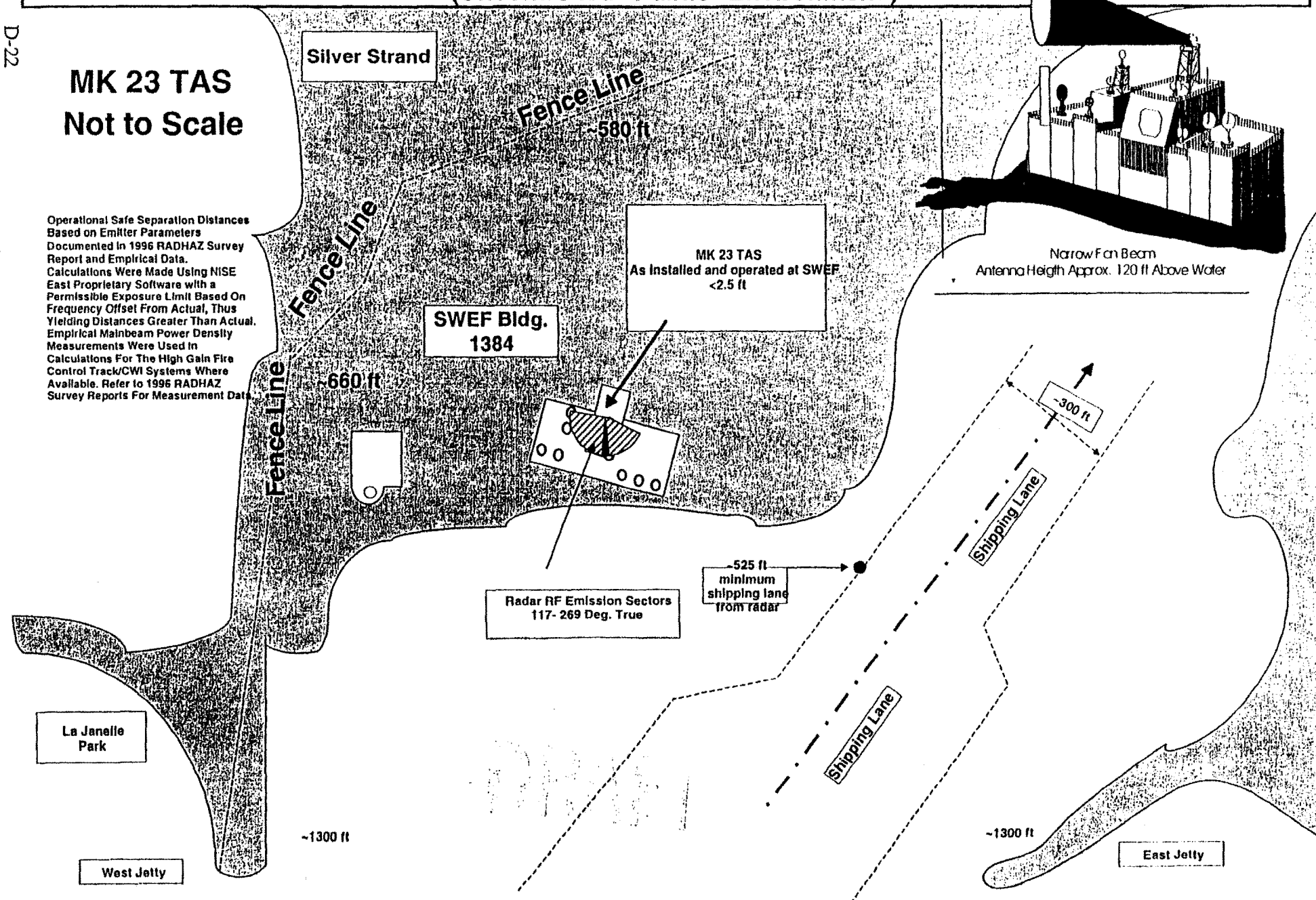


**Figure D-13. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 23 TAS With Emission Sectors
(Uncontrolled "Public" Environment)**

D-22

**MK 23 TAS
Not to Scale**

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used In
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.

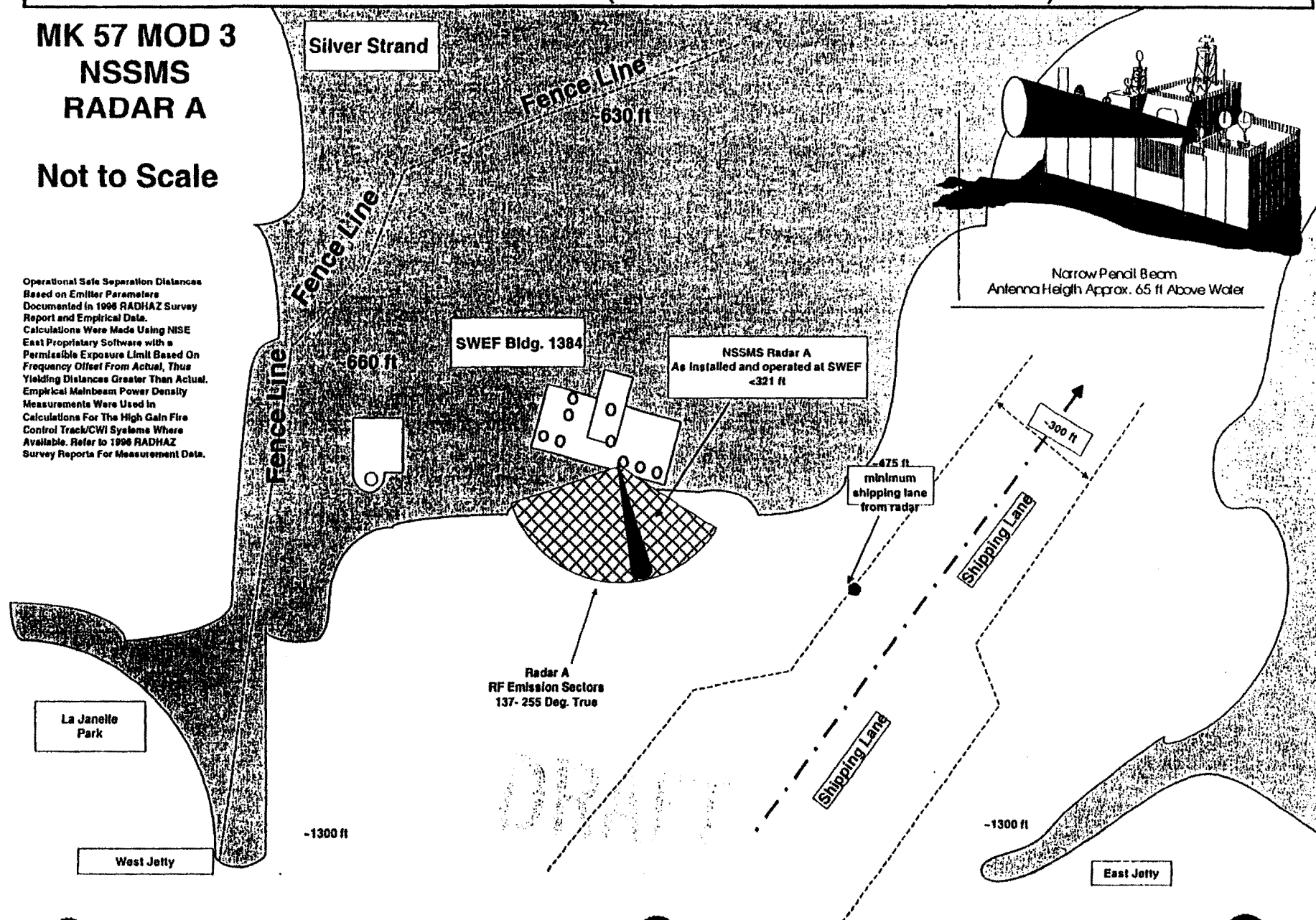


**Figure D-14. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 57 Mod 3 NSSMS Radar A
With Emission Sectors (Uncontrolled "Public" Environment)**

**MK 57 MOD 3
NSSMS
RADAR A**

Not to Scale

Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1996 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used in
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1996 RADHAZ
Survey Reports For Measurement Data.

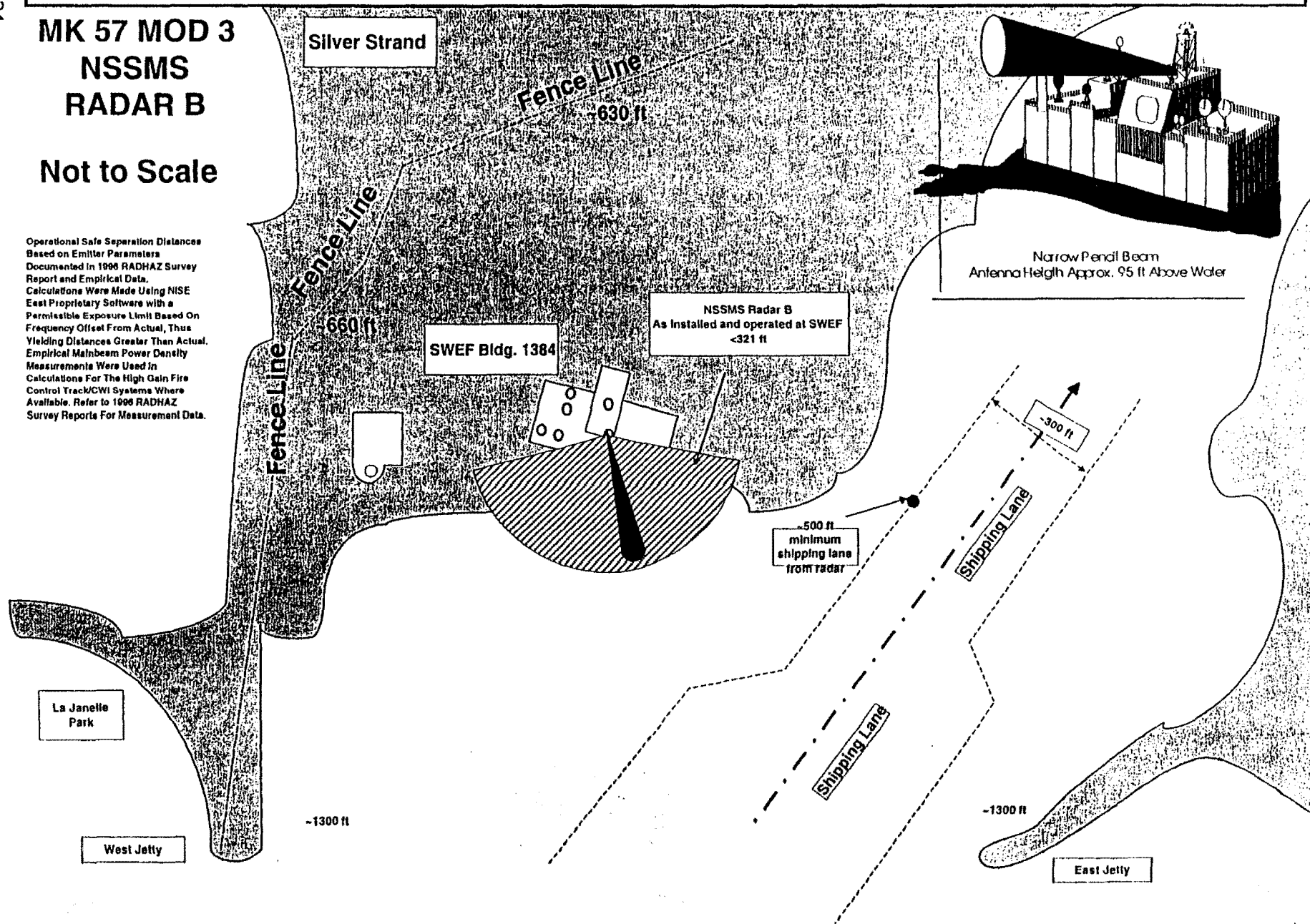


**Figure D-15. Operational Safe Separation Distances for SWEF Building 1384
Shown for Fire Control System MK 57 Mod 3 NSSMS Radar B
With Emission Sectors (Uncontrolled "Public" Environment)**

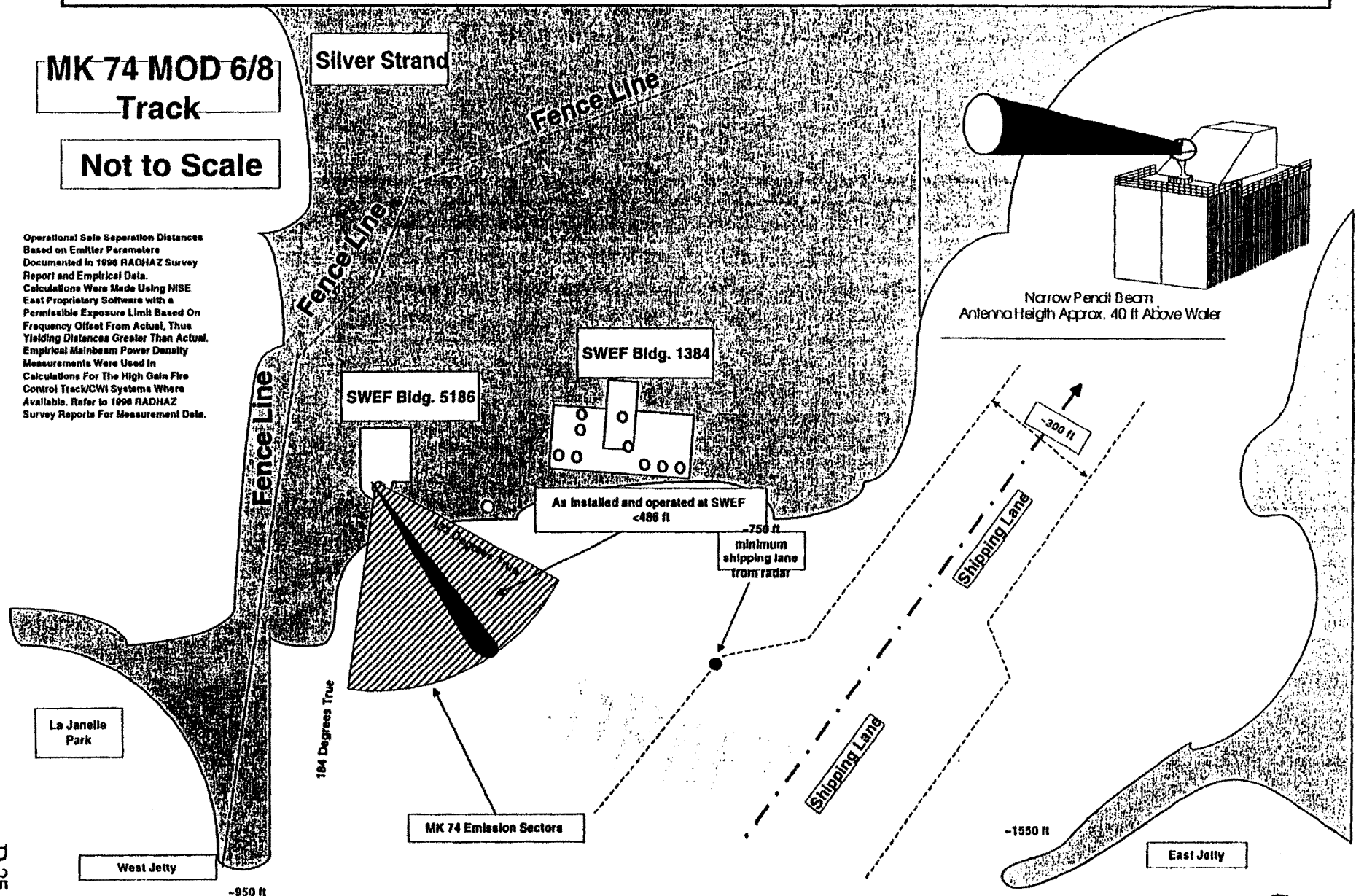
**MK 57 MOD 3
NSSMS
RADAR B**

Not to Scale

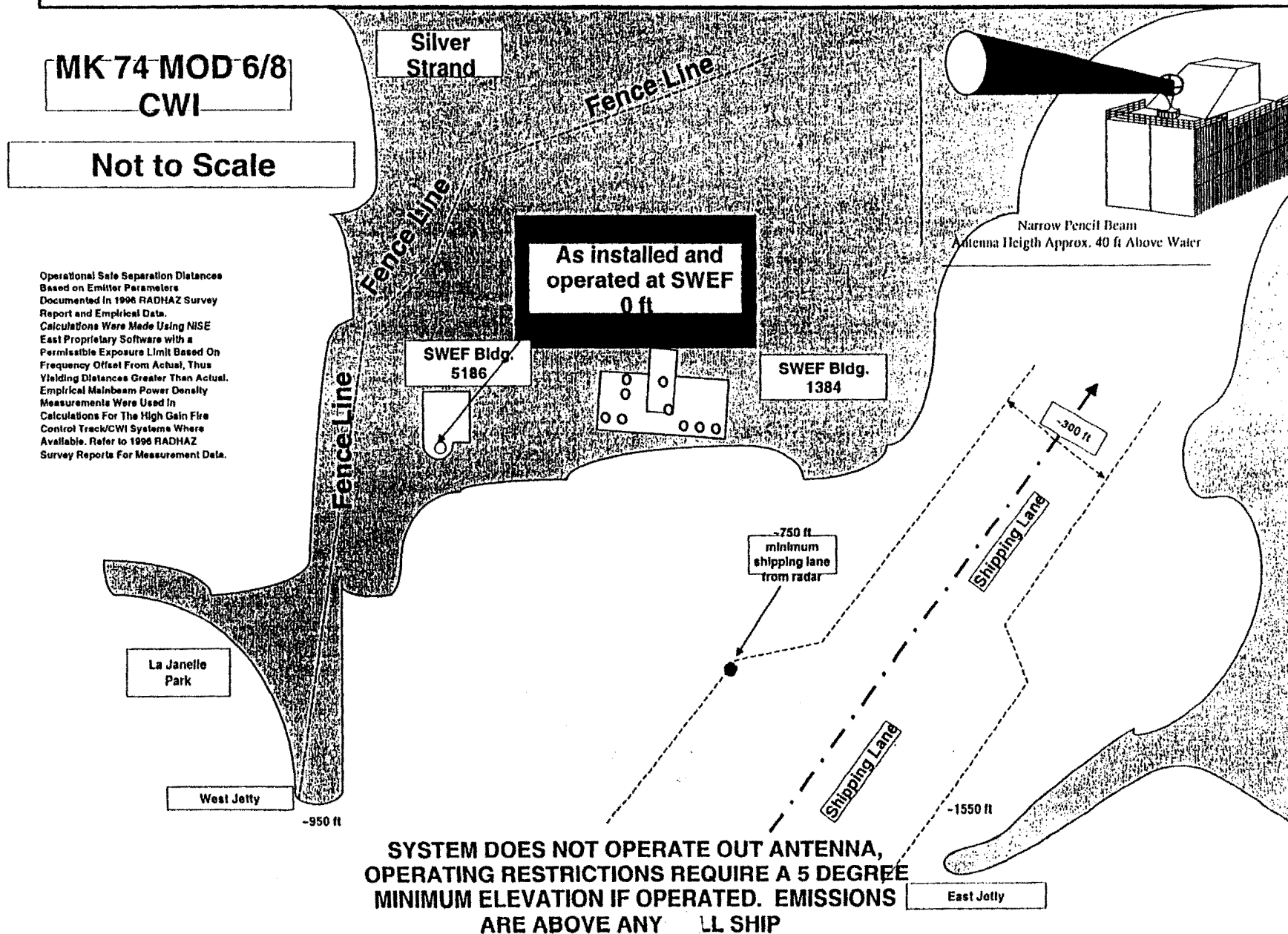
Operational Safe Separation Distances
Based on Emitter Parameters
Documented in 1998 RADHAZ Survey
Report and Empirical Data.
Calculations Were Made Using NISE
East Proprietary Software with a
Permissible Exposure Limit Based On
Frequency Offset From Actual, Thus
Yielding Distances Greater Than Actual.
Empirical Mainbeam Power Density
Measurements Were Used in
Calculations For The High Gain Fire
Control Track/CWI Systems Where
Available. Refer to 1998 RADHAZ
Survey Reports For Measurement Data.



**Figure D-16. Operational Safe Separation Distances for SWEF Building 5186
Shown for TARTAR Fire Control System MK 74 MOD 6/8/A/N/SPG-51C Track
With Emission Sectors (Uncontrolled "Public" Environment)**



**Figure D-17. Operational Safe Separation Distances for SWEF Building 5186
Shown for TARTAR Fire Control System MK 74 MOD 6/8/A/N/SPG-51C CWI
With Emission Sectors (Uncontrolled "Public" Environment)**





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

IN REPLY REFER TO:

5090.1B
Ser 4C42-GV/072
09 FEB 01

RECEIVED
FEB 15 2001

CALIFORNIA
COASTAL COMMISSION

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

Dear Mr. Delaplaine:

In our correspondence to you on 6 April 2000, the Navy agreed to provide you with a year-end report covering specific operations at the Surface Warfare Engineering Facility (SWEF). In addition, the Navy reported that video cameras would be installed at the SWEF complex for monitoring shipping in front of the SWEF complex, as well as for monitoring bird activity near the radar systems. All video cameras are installed and fully operational at the SWEF complex. Cameras are staged to monitor all radar systems and shipping traffic in front of the SWEF complex.

Requirements for the year-end report include: The number of hours the radars radiated out the antennas, the number of times radiation was halted due to ships or roosting birds, the number of aircraft events flown off the Sea Range, and verification that all safety guidelines and operational constraints continue to be followed.

In our letter to the Commission dated 02 February 2001, we included the number of hours the radars radiated out the antennas, the number of times radiation was halted due to ships or roosting birds and copies of equipment logbooks depicting system radiation activity. The remainder our year-end report to the Commission is included below.

Number of aircraft events flown off the Sea Range:

The Navy has conducted no scheduled aircraft events off the Sea Range during calendar year 2000.

EXHIBIT NO.	10
APPLICATION NO.	
Navy SWEF	

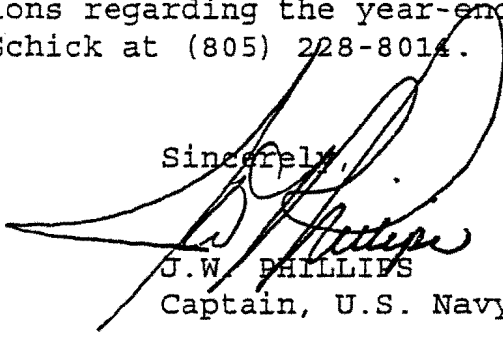
5090.1B
Ser 4C42-GV/072
09 FEB 01

Verification that all safety guidelines and operational constraints continue to be followed.

Verification that safety guidelines and operational constraints are followed is an ongoing process with oversight by our Radiation Safety Officer. The enclosed validation summary report is provided for your information, and shows that SWEF operators are in compliance with established Navy policies governing operations at the SWEF complex.

If you have any questions regarding the year-end report, please contact Ms. Jeanne Schick at (805) 228-8014.

Sincerely,



J.W. PHILLIPS
Captain, U.S. Navy

Enclosure: 1. SAFETY COMPLIANCE VERIFICATION of Surface Warfare Engineering Facility Operations

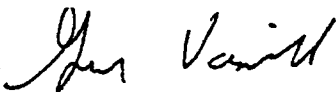
5 Feb 01

SAFETY COMPLIANCE VERIFICATION
OF
SURFACE WARFARE ENGINEERING FACILITY OPERATIONS

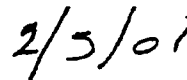
In a letter to the California Coastal Commission on 6 April, 2000 the Navy agreed to provide verification that radar systems and high power emitters are operating under approved guidelines and under specific operational constraints (Ser 02-CH/12 dtd. 6 April, 2000). In response to this request by the Commission, the Radiation Safety Officer has verified the safety of operations of all high power emitters and radar systems installed at the Surface Warfare Engineering Facility (SWEF).

Radio Frequency emission safety and compliance with guidelines is monitored continuously by the RSO through the review of weekly activity reports and review of all upcoming events requiring the use of RF emitters. Overall operational compliance was verified by the RSO during the recent RF survey completed 2 October, 2000, and through the review equipment logs maintained by operators as well as operating procedures. Results of the RF survey demonstrated safety of operations to the general public as well as SWEF personnel. During the survey it was verified that equipment operators were operating under all constraints and safety guidelines established within the Navy's operating procedures. These operating procedures were reviewed and validated during the last RF survey. The most recent review of equipment logs by the RSO in January, 2001 indicates full compliance with operational guidelines.

In conclusion, operations of emitters at the SWEF complex are in compliance with operational guidelines and operational constraints set forth in the Navy's operational procedures.



Gary Vasiloff
RF Radiation Safety Officer



Date

Enclosure (1)

Navy Response to SWEF Radar Concerns
July 24, 2001

The questions presented by the Beacon and those expressed by Commission Staff indicate that PHD NSWC could have better explained the relationship between the power levels reviewed by the Technical Panel and the operational limits defined in the Environmental Assessment (EA). It has also become clear that the raw RF logs are confusing and difficult to interpret without supplemental information from the Radiation Safety Officer (RSO). In an effort to better explain the data previously provided and to improve future data submissions, the following information is provided:

In response to the concerns expressed regarding the operational logs, PHD NSWC has developed a standard form (sample attached) that will replace the raw operational logs for all systems. This new form will also facilitate the submission of a clear concise annual report for 2001. PHD NSWC also recognizes that reporting changes to the technical parameters of the SWEF radars need to be provided in a single report that explains the changes relative to the technical parameters reviewed by the Technical Panel. A sample of this new chart containing information that explains changes to the SWEF radars since the technical panel review is also attached. This chart will also become part of the PHD NSWC annual report in 2001.

We believe several of the Beacon's questions need a more detailed response. The following additional information is provided.

BEACON Comment: MK 74 operated outside of transmission sectors (two occurrences) and therefore inconsistent with established Operating Procedures.

Response: As with all radars at SWEF, during normal operation the MK 74 radar is operated within the operational parameters of the Standard Operating Procedures (SOP). The only instance where the MK 74 radar was operated outside of the SOP parameters occurred on October 3, 2000 in order to accomplish the objective of the enhanced RADHAZ survey. The enhanced RADHAZ survey required measurement of the mainbeam power density of all SWEF radars. Because of the elevation, location on the building, and proximity of the water, the RADHAZ test engineers were unable to safely reach the mainbeam on the MK 74 with the test equipment to measure its power density. In order to collect these data safely, the RSO authorized the test engineers to temporarily adjust the transmission sector to establish line-of-sight with a tower within SWEF complex where the test equipment was placed. The RSO supervised the test to ensure that no people, ships, or birds were exposed to the RF from this radar. At the completion of this test on October 3rd, the equipment was immediately reconfigured to the parameters in the Standard Operating Procedures (SOP).

EXHIBIT NO.	11
APPLICATION NO.	
Navy SWEF Radar	

The other instance cited was an annotation error in the raw log. The RSO has verified the employee entering the data in the logbook copied values recorded in the log by the last event. This previous event was the Enhanced RADHAZ Survey measurement taken on October 3, 2000. This was simply clerical error and does not represent the transmission sector on that day.

BEACON Comments: (1) The Annual Report handwritten page for the AN/SPG-60 and SPQ-9A shows entries for peak power in excess of those provided to the Technical Panel. (2) The MK 92 CAS Track power level provided in the December 2000 baseline RADHAZ report is different than that provided in the Technical Parameters Table provided to the Technical Panel for this system.

Response: The SOP for the SWEF radars provides the operational parameters which are consistent with the operational limitations documented in the EA and the Consistency Determination. Through the National Environmental Policy Act (NEPA) process, the Navy evaluated the potential environmental impact from implementing the Virtual Test Capability (VTC) at SWEF. All aspects of the VTC including emitter power levels were evaluated and a Finding of No Significant Impact (FONSI) was issued. Copies of the EA and FONSI are available from NSWC Port Hueneme by calling (805) 228-7984. The enhanced RADHAZ Survey further verified SWEF emitter power levels were compliant with DoD guidelines for safe operations.

During the informal mediation process, the Navy provided the Technical Panel the technical parameters for all of the SWEF radars as they were measured at the time the table was developed (February 2000). The technical parameters of some of the radars have since changed, but all are still well within the authorized limits. The radars continue to be operated with the same constraints in emission sectors, bearings, and elevations as reviewed by the Technical Panel. The radars with safe separation distances that extend beyond the fence line continue to be restricted to only radiate seaward or at high elevations not below the horizon. Radars with safe separation distances that extend into the shipping channel continue to be restricted to radiate at elevations 5 degrees above the horizon and are required to operate with elevations above 30 degrees while tall ships are present in the Tall Ship Exclusion Zone.

The enhanced RADHAZ survey report of December 2000 confirmed that the AN/SPQ-9A radars' safe separation distance is still within the Navy fence line and the safe separation distance for the AN/SPG-60 does not extend into the harbor shipping channel. The power levels for radars in RADHAZ tests may be lower than that previously reported in either earlier RADHAZ tests or the data provided to the Technical Panel. This is the result of equipment failures resulting in low power output during the test. In the case of the MK 92, an equipment failure at the time of the enhanced RADHAZ survey prevented the MK 92 from operating at its full-authorized power. Rather

than delaying the tests and potentially missing the agreed upon timeline, the test was completed with the lower power levels for the MK 92. However, during the 1998 RADHAZ survey the MK 92 radar was tested at full power and authorized to operate at this power level. No changes have been made to the MK 92 that would have resulted in an increased in power level and therefore the earlier RADHAZ survey power level is still authorized.

It should also be noted that all of the changes to the SWEF radars' power levels in the uncontrolled areas are still below the FCC standards and within the limitations described in the EA.

PHD NSWC welcomes the opportunity to provide any additional information that would help the California Coastal Commission (CCC) verify that the Navy has fulfilled its commitments to the CCC and plans to continue to work with CCC staff to make certain that operations continue to be consistent with the enforceable policies of the Coastal Zone Management Program.

Date/Time and System Parameters			Pre-Radiate Check List						Comments
Date	System	Transmit time	Power check	Front Desk Notified (check roof activiey log)	Point Mugu Notified (Freq. Mgr)	Area Checked -Personnel -Ships -Birds (Man Aloft Check)	Alarm Set	Emission Sectors Check	Interruptions while transmitting (e.g., shipping traffic, roosting birds)

Figure N-1.
Equipment Log Entries When Radiating Out Antennas
At Surface Warfare Engineering Facility

EXHIBIT NO. 12
APPLICATION NO.
Navy Radar, SWEF

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
FCS MK 92 CAS-CWI	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 8.7	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 5.4	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <173	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <256	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.
FCS MK 92 CAS-Track	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 4	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 3.2	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <87	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <96	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar's mainbeam Safe Separation Distance does not extend beyond Navy property.

EXHIBIT NO. 13
APPLICATION NO.
Navy Radar SWEF

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
FCS MK92 STIR-Track	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 7	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 4.1	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <190	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <283	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.
MK-86 SPG-60	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 2.2	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 3.4	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	TRANSMITTER PEAK POWER (WATTS) approx. 5,500	TRANSMITTER PEAK POWER (WATTS) approx. 10,000	Power increase resulted from engineering efforts to replace transmitter components with more reliable components.
	POWER USED IN CALCULATION (AVERAGE WATTS) 825	POWER USED IN CALCULATION (AVERAGE WATTS) 1500	Power increase resulted from engineering efforts to replace transmitter components with more reliable components.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK-86 SPG-60	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <303	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <361	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar's mainbeam does not extend into the shipping lane. In addition, this system is subject to the RF exclusion zone (i.e., radar will not transmit RF at lower elevations when tall ships are present).
AN/SPQ-9A	TRANSMITTER PEAK POWER (WATTS) approx. 1,200	TRANSMITTER PEAK POWER (WATTS) approx. 2,500	System power was increased following transmitter adjustment. There is no change to the Safe Separation Distance as a result of a power increase for this system (remains less than 1 foot from the antenna). This is because this system has a rotating antenna, and transmitted power is averaged over the time it takes the antenna to rotate through 360 degrees. Thus, the power out the antenna at any point is reduced by the rotational duty cycle of the antenna (i.e., amount of actual on time Vs. off time). Since the rotational duty cycle is small, a small power increase will have no impact Safe separation Distance.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
AN/SPQ-9A	POWER USED IN CALCULATION (AVERAGE WATTS) 57.6	POWER USED IN CALCULATION (AVERAGE WATTS) 120	System power was increased following transmitter adjustment. There is no change to the Safe Separation Distance as a result of a power increase for this system (remains less than 1 foot from the antenna). This is because this system has a rotating antenna, and transmitted power is averaged over the time it takes the antenna to rotate through 360 degrees. Thus, the power out the antenna at any point is reduced by the rotational duty cycle of the antenna (i.e., amount of actual on time Vs. off time). Since the rotational duty cycle is small, a small power increase will have no impact Safe separation Distance.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK 74 MOD 14 (TARTAR SM-2/NTU) - Track	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 2.27	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 0.06	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <465	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <543	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK 74 MOD 14 (TARTAR SM-2/NTU) - CWI	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 1.82	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 0.6	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <457	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <530	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK-23 TAS	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <2.5	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <1	Uncontrolled Safe Separation Distance changed based on measurements collected at the antenna (lower power than predicted previously). Lower power equates to a shorter Safe Separation Distance.
MK 57 NSSMS Radar A	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 0.0	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 2.7	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique. System loss for this system was not previously measured.
	TRANSMITTER PEAK POWER (WATTS) approx. 1,800	TRANSMITTER PEAK POWER (WATTS) approx. 2,000	Power increased following transmitter adjustment.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <321	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <247	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK 57 NSSMS Radar B	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 0.0	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 4.6	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique. A system loss for this system was not previously measured.
	POWER USED IN CALCULATION (AVERAGE WATTS) 1,800	POWER USED IN CALCULATION (AVERAGE WATTS) 2,000	Power will increase or decrease by adjusting certain parts of the transmitter. This slight increase in power was achieved by adjusting the transmitter power before the last RADHAZ test. Since the transmitter can achieve this power, the baseline has changes to reflect a new power level. Note that with this increase in power, the system's Safe Separation Distance still went down (i.e., got shorter). The shorter Safe Separation Distance is due to the new system loss measurement (more loss means a shorter Safe Separation Distance). Therefore, this change has no adverse affect on RF hazards.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
MK 57 NSSMS Radar B	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <321	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <199	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
	RF CUTOUT BEARING (degrees true) 117 to 260	RF CUTOUT BEARING (degrees true) 91 to 262	RF Cutout Bearing modified to support operational requirements (extended tracking of aircraft beyond previous cutout). The system was assessed at these new cutouts during the 2000 RADHAZ survey. Results from the survey indicate that there is no safety issue as a result of the change. The system remains safe because it is located approximately 95 feet above the water and the lowest point of elevation depression is 0 degrees (which places the mainbeam above shipping). Therefore, the mainbeam does not point where people could be located. In the area of 91 degrees, the Safe Separation Distance does not extend beyond Navy property (remains overland and doesn't extend into the shipping lane).
TARTAR MK 74 MOD 6/8 (AN/SPG-51C) - Track	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) (1.87)	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) (0.95)	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
	TRANSMITTER PEAK POWER (WATTS) approx. 25,000	TRANSMITTER PEAK POWER (WATTS) approx. 32,000	Power increase resulting from transmitter component replacement following casualty.
	POWER USED IN CALCULATION (AVERAGE WATTS) 550	POWER USED IN CALCULATION (AVERAGE WATTS) 700	Power increase resulting from transmitter component replacement following transmitter casualty.
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <486	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <493	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.
TARTAR MK 74 MOD 6/8 (AN/SPG-51C) - CWI	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 0.68	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 2.3	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) Not Radiated	UNCONTROLLED SAFE SEPARATION DISTANCE (FT) <966	Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously). There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does not extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.
	ANTENNA ELEVATION (Degrees) 0	ANTENNA ELEVATION (Degrees) +5	Antenna elevation modified to ensure safety to shipping because of the extended safe separation distance. This system did not radiate out the antenna previously. In addition, the RF exclusion zone remains in effect for this system.
AN/SPQ-9B	ANTENNA ELEVATION (Degrees) 0	ANTENNA ELEVATION (Degrees) -0.7	Antenna Elevation modified to support system design requirements (i.e., elevation is set at -0.7 degrees onboard ship). This change has no impact on RF safety because the Safe Separation Distance for this system is less than one foot from the antenna.
FCS MK-99	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) 2.48	SYSTEMS LOSS (GAIN) COUPLING FACTOR LOSS (dB) (0.3)	System losses/gains were remeasured during the 2000 RADHAZ survey. Change in loss is due to a more accurate measurement technique.

**SWEF TECHNICAL PARAMETER CHANGES TO THE
BASELINE
(July 2001)**

SWEF EMITTER NAME	PREVIOUS BASELINE PARAMETER	CURRENT PARAMETER	COMMENTS
	<p style="text-align: center;">UNCONTROLLED SAFE SEPARATION DISTANCE (FT)</p> <p style="text-align: center;"><1320</p>	<p style="text-align: center;">UNCONTROLLED SAFE SEPARATION DISTANCE (FT)</p> <p style="text-align: center;"><1815</p>	<p>Uncontrolled Safe Separation Distance changed based on new system loss measurement (i.e., lower loss than previously) and calculation at baseline power level of 12,000 watts average/peak. There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone, and the new mainbeam Safe Separation Distance does not extend into the shipping lane where tall ships would be affected. This system has a requirement to transmit no lower than +5 degrees. When this occurs, all mainbeam energy is transmitted well above any tall ship that may be present. There is no safety issue with the extended Safe Separation Distance because the radar is subject to the RF exclusion zone and the new Safe Separation distance does extend into the shipping lane. Within guidelines established for the RF exclusion zone, the radar will not operate below +30 in elevation when tall ships are present. This further ensures no mainbeam energy will be impact a tall ship within the harbor shipping lane.</p>

EXHIBIT NO.	14
APPLICATION NO.	
Ship Exclusion Zone	
Navy SWEF	

HATCHED AREA REPRESENTS
VESSEL NON-RADIATE AREA

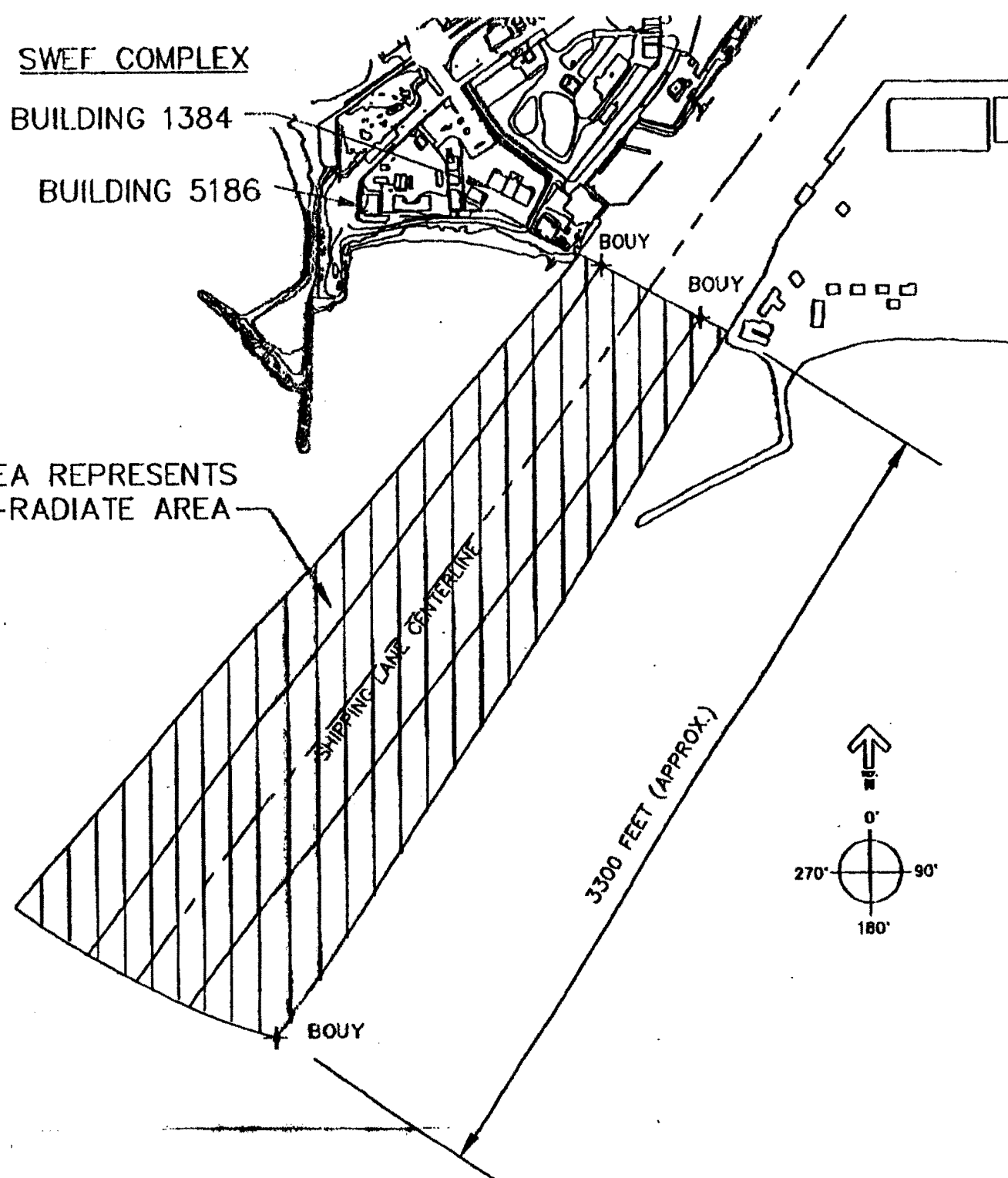


Figure 3.1-1. Example of RF beam position for the MK 99 at the minimum depression angle of 5.0 degrees

Beam Diameter ~ 9 ft. @ 500 ft. and 11 ft at 650 ft.

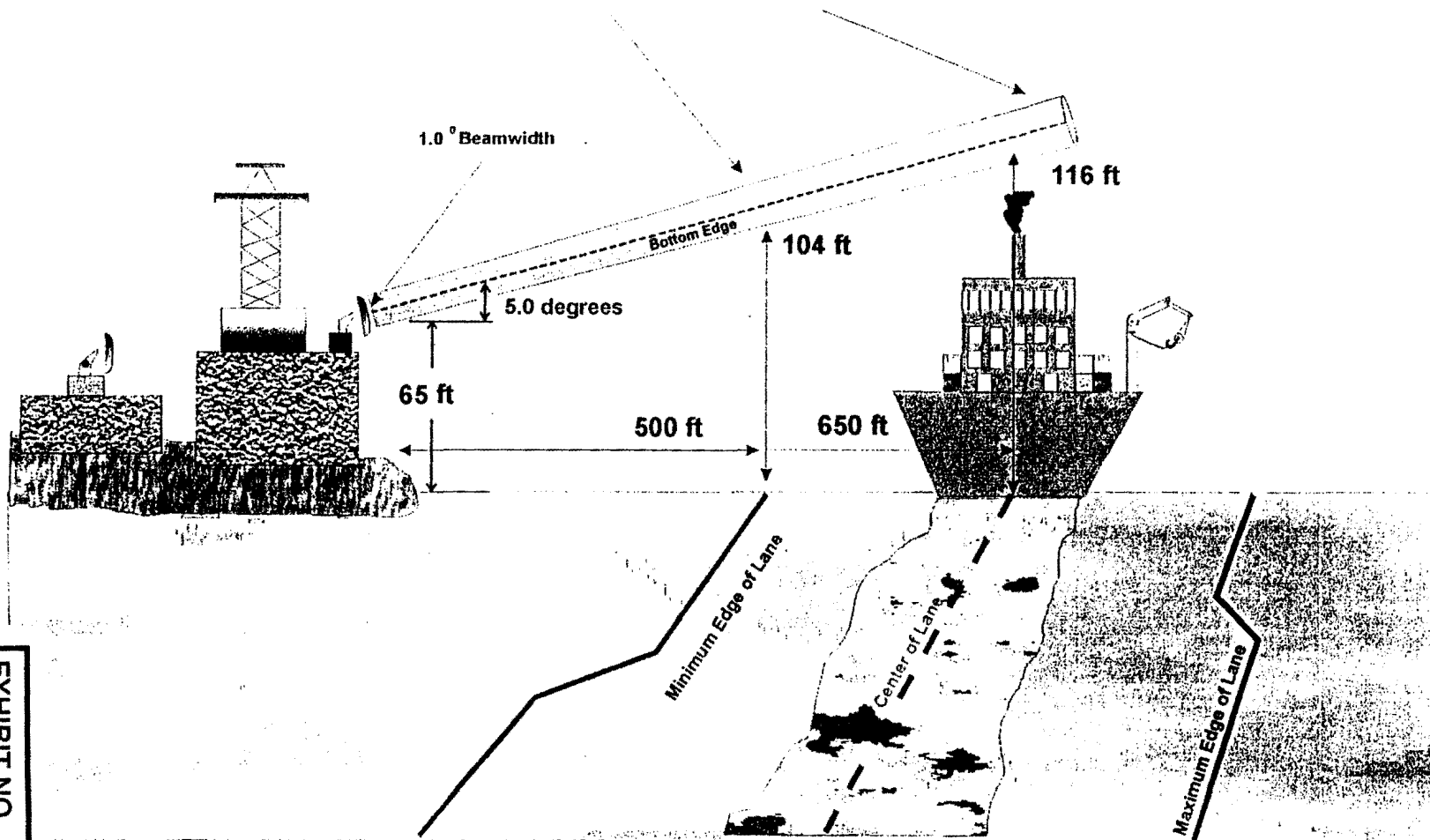


EXHIBIT NO.	14.2
APPLICATION NO.	NAVY SIDE
Schematic	
radar / ship	

System	Distance from Radar to Tower (feet)	Measured Power Density (mW/cm ²)	Predicted Power at Shipping Channel (mW/cm ²)	UnCont PEL (mW/cm ²)	Note
MK 86 AN/SPG-60	414	2.3	0.9	5.3	
MK-92 (CAS) CWI	186	10.8	0.9	6.7	
MK-92 (CAS) TRACK	186	0.2	0.01	5.3	
MK-92 (STIR) CWI	429	7.5	3.5	6.7	
MK-92 (STIR) TRACK	429	0.4	0.2	5.3	
MK 57 (NSSMS A) CWI	171	9.2	0.6	6.7	
MK 57 (NSSMS) B CWI	174	14.0	1.0	6.7	
MK 74 MOD 14 CWI	462	8.7	4.5	6.7	
MK 74 MOD 14 TRACK	462	4.6	2.3	3.3	
FSC MK 99 CWI	477	72.0	0.17	6.7	(1)
MK 74 AN/SPG-51C CWI	588	16.3	5.9	6.7	
MK 74 AN/SPG-51C TRACK	588	1.9	0.7	2.7	

Table 2 — Collimation Tower Measurement Data (Main Beam)

Note (1): Operationally, the MK-99 radar system has its elevation fixed at +5.0 degrees in its emission sector (165 - 232 degrees) that covers the shipping channel area. Because of this, the MK-99 will never illuminate the shipping channel with its main beam, but could illuminate the shipping channel with one of its sidelobes. In order to accurately predict sidelobe power in the shipping channel, the test team was required to temporarily lower the MK-99's antenna to an elevation of 0.0 degrees to allow the team to measure the MK-99's main beam that would allow an accurate calculation of sidelobe power in the shipping channel. After completion main beam measurement, the MK-99 system was reconfigured back to its operational 5.0 elevation.

The main beam power density of 72.1 mW/cm² was measured at 0.0 degrees elevation at a distance of 477 feet. With the MK-99 operating at a nominal 5.0 degree elevation, it is predicted that a sidelobe illuminating the shipping channel will be 20 dB lower than the main beam power. The Table 2 entry for the MK-99 reflects the predicted sidelobe power density (0.17 mW/cm²) in the shipping channel.

Power density measurements made with the 100 ft collimation tower of the MK-99's antenna fixed at 5.0 degrees elevation showed a level that was below the sensitivity of the instrumentation. This measurement proves that ships traversing the shipping channel that are 100 feet or less above the water will not encounter any main beam illumination. As a result, there are no RF hazards in the uncontrolled environment from the MK-99, either from its main beam or sidelobes.

Source: Space and Naval Warfare Systems Center
Electromagnetic Radiation Hazard Survey Final Report
Surface Warfare Engineering Facility (SWEF)
Port Hueneme Division, Naval Surface Warfare Center
Report Date: December 2000
Page 25

EXHIBIT NO.	15
APPLICATION NO.	
Navy SWEF	
Table 2	



DEPARTMENT OF THE NAVY

PORT HUENEME DIVISION
NAVAL SURFACE WARFARE CENTER
4363 MISSILE WAY
PORT HUENEME, CALIFORNIA 93043-4307

IN REPLY REFER TO:

5090.1B
Ser 4C42-GV/050
02 FEB 01

RECEIVED
FEB 07 2001
CALIFORNIA
COASTAL COMMISSION

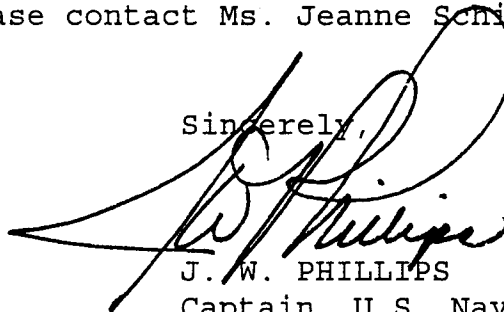
Mr. Mark Delaplaine
Federal Consistency Coordinator
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Delaplaine:

The enclosed copies of transmitter radiation logs are provided for your information as agreed to by the Navy. System logbook entries show the quantity of time, high power emitters, and radar systems installed at the Surface Warfare Engineering Facility (SWEF) radiated out the antenna during calendar year 2000. Entries in all logs have been summarized in a matrix for your convenience.

If you have any questions concerning information contained within logbooks, please contact Ms. Jeanne Schick at (805) 228-8014.

Sincerely,



J. W. PHILLIPS
Captain, U.S. Navy

- Enclosures: 1. Summary Matrix of Radiation Times for Calendar Year 2000
2. System Logbook Entries for Calendar Year 2000

EXHIBIT NO.	16
APPLICATION NO.	
Navy SWEF	

Summary Matrix of Radiation Times
for
Calendar Year 2000

SUMMARY MATRIX OF SWEF RADIATE TIMES FOR CALENDAR YEAR 2000

SYSTEMS											
Year	AEGIS	NATO A	NATO B	MK-86 GFCS			MK-92 FCS	TARTAR	TARTAR	TAS	COMMENTS
{2000}	MK-99	MK-57	MK-57	SPG-60	SPQ-9A	SPQ-9B	CAS/STIR	MK-74 MOD6/8	MK-74 MOD14	MK-23	
Sub-Total	23:55	59:14	85:27	253:31	97:40	118:46	84:10	32:30	83:10	42:27	
Total	23:55	144:41		469:57			84:10	32:30	83:10	42:27	TOTAL HRS {880:50}
Transmission Times During Survey Only	23:55	61:16		120:14			84:00	30:30	83:10	26:40	SURVEY HRS (429:45)
Percentage of Total Performed During Survey	100.00%	42.30%		25.60%			99.80%	93.90%	100.00%	62.80%	Survey Percentage 48.8%

Note 1: RADHAZ Survey hours reflect transmissions out the antenna that occurred during the Enhanced RF Radiation Survey recommended by the California Coastal Commission. Therefore, RF transmission times are approximately twice that expected during a typical year of operations at the Surface Warfare Engineering Facility Complex. The percentage of the total attributable to conduct of the Enhanced RF survey is approximately 48.8%.

Note 2: During the Enhanced RF Radiation Survey, RF transmissions were interrupted on September 26 for approximately 30 minutes between 1800 and 1830 while a ship transited the harbor in front of the SWEF Complex.

Note 3: No interruptions occurred as the result of bird activity at the SWEF complex.

System Logbook Entries for Calendar Year 2000 (Radio Frequency Radiate Times)

Systems Included:

Fire Control System MK 92 (CAS/STIR)
MK 99 Fire Control System
Fire Control System MK 74 MOD 6/8
Fire Control System MK 74 MOD 14
MK 57 Nato SeaSparrow Missile System (Nato systems A and B)
MK 23 Target Acquisition System
MK 86 Gun Fire Control System (SPQ-9A, SPQ-9B, SPG-60)

FCS HK 92

Bay 311

TIME	SYSTEM	ACTIVITY	DATE	HOURS
	CAS/STIR	TESTING	13 FEB 97	0.34
	CAS/STIR	TESTING	3 JUN 97	1.20
	CAS/STIR	TESTING	1 AUG 97	0.25
	CAS/STIR	TESTING	30 OCT 97	0.35
	CAS/STIR	TESTING	16 SEP 97	3:33
	CAS/STIR	URMATT	9 DEC 97	0.30
	CAS/STIR	TESTING	30 JUN 98	5 MIN
	CAS/STIR	WILLARD TESTING	11 NOV 99	1.0
	CAS	CASPET TESTING	9 FEB 00	0.10
0730-1930	CAS/STIR	RAD HAZ SENS	26 SEP 00	2.0
	CAS/STIR	" " "	27 Sep 00	5.5
	CAS/STIR	" " "	28 Sep 00	5.0
	CAS/STIR	" " "	29 Sep 00	3.0
	CAS/STIR	" " "	2 Oct 00	4.5
	CAS/STIR	" " "	3 Oct 00	1.0

AEGIS FCS MK-99

[illegible]

EXTERNAL RADIATE LOG

MK99 FCS

NAME	DATE	TIME ON	TIME OFF	REASON
RAY MINIER	14 DEC 97	0915	0930	VERIFY WAVEGUIDE INTEGRITY ELEV 80° TRAIL 180°
L. Lovelace	27 Sep 00	1310	1700	RAD SURVEY (ON/OFF ALL DAY)
L. Lovelace	28 SEP 00	0800	1645	RAD SURVEY (ON/OFF ALL DAY)
R. Couch/B. Woods	29 SEP 00	1045	1600	RAD SURVEY (ON/OFF ALL DAY)
L. Lovelace / C. Bacchus	02 Oct 00	0935	1500	RAD SURVEY (ON/OFF ALL DAY)
L. Lovelace	03 Oct 00	1530	1610	RAD SURVEY

Bearing
Elev
Dist

Updated 1/08/2001

SWEF RADIATE TIMES REPORT

[illegible]

Updated 1/08/2001

[illegible]

MK 14 MOD 14

LE RARIO

5	6	7	8

DATE	NAME	MODE	ON TIME	OFF
6/17/	GAINTANT	RADIATE	10:00	16:00
6/18/	GAINTANT	ROTATE	09:20	11:30
6/18/	GAINTANT	RADIATE	13:15	13:45
6/20/	GAINTANT	RADIATE	14:30	15:03
12/12/99	GAINTANT	ROTATE	11:00	11:10
09/25/00	GAINTANT	RADIATE CWI	11:05	11:07
9/25/00	GAINTANT	RADIATE DIL	11:20	14:50
9/26/00	GAINTANT	RADIATE CWI/PURSE	08:30	16:35
9/27/00	GAINTANT	RADIATE CWI/PURSE	09:00	17:00
9/28/00	GAINTANT	RADIATE CWI/PURSE	08:00	17:00
9/29/00	GAINTANT	RADIATE CWI/PURSE	09:00	16:05
10/02/00	GAINTANT	RADIATE CWI/PURSE	09:36	14:57
10/03/00	GAINTANT	RADIATE CWI/PURSE	13:30	15:48

[illegible]

DATE	RADAR		CALL IN START TIME	CALL IN STOP TIME	PURPOSE	INITIALS
	A	B				
11 JAN 00		✓	9:00	11:30	VMR	
13 JAN		✓	9:00	15:00	VMR	
14 JAN		✓	8:30	11:52	VMR	
28 JAN		✓	10:15	10:25	VMR	
10 FEB	✓		10:00 (10:16)	10:25 (11:25)	XMR TESTS	
29 FEB	✓	✓	10:00 (10:00)	14:20	BEACH	
4 MAY	"	✓	10:00 (10:00)	15:30	RAM DECK ON	
1 JUN	✓	✓	10:00	12:30	RAM DECK ON	
2 JUN	✓	✓	9:30	13:00	VMR	
13 JUN		✓	09:45	12:45	VMR	
14 JUN		✓	09:05	10:30	"	
20 JUN	✓	✓	09:00	14:50	"	
21 JUN		✓	09:00	12:00	"	
6 July	✓		00:30	00:10	RAM DECK ON	
26 July		✓	9:25	14:00 (11:00)	" "	
27 July	✓	✓	10:45	17:00	RAD HAZ CHECKS	
29 Aug	✓	✓	09:45	10:15	" "	
29 Sept	✓	✓	17:30	19:00	RAD JULY	
26 Sept	✓	✓	1:00 (10:02)	11:00	" "	
27 Sept	✓	✓	10:15	15:00	" "	
28 Sept	✓	✓	08:19 (8:19)	16:15	" "	
29 Sept	✓	✓	10:41	16:15	" "	
2 Oct	✓	✓	09:25	16:10 (16:10)	" "	
3 Oct	✓	✓	14:00	17:10 (17:10)	" "	
15 Nov	✓		10:00	15:00 (15:30)	RAD TRACKING	
10 Jan	✓		10:25	10:25	RAD TEST/TSS	

SWEF RADIATE TIMES REPORT

[illegible]

AK-23

TAS Radiate Log

[illegible]

SWEF RADIATE TIMES REPORT

[illegible]

SWEF RADIATE TIMES REPORT

MK-86 GFCS			
Page 2			
Date	System	Times (hrs:min)	Activity
1-Aug	SPQ-9B	2:00	Radiate test
2-Aug	SPQ-9B	3:00	Radiate test
16-Aug	SPG-60	7:25	Radiate test
18-Aug	SPG-60	2:48	Radiate test
21-Aug	SPG-60	6:00	Radiate test
22-Aug	SPG-60	11:00	Radiate test
23-Aug	SPQ-9B	4:30	Radiate test
25-Aug	SPG-60	2:45	Radiate test
28-Aug	SPG-60	8:40	Radiate test
29-Aug	SPQ-9A/SPQ-9B/SPG-60	1:00/1:00/1:00	Radiate test
8-Sep	SPQ-9A/SPG-60	8:00/8:00	Radiate test
13-Sep	SPG-60	6:35	Radiate test
19-Sep	SPQ-9A/SPG-60	4:29/4:29	Radiate test
22-Sep	SPQ-9A	7:07	Radiate test
25-Sep	SPQ-9A/SPQ-9B/SPG-60	10:00/10:00/10:00	Radhaz Test
26-Sep	SPQ-9A/SPG-60	7:44/7:44	Radhaz Test
27-Sep	SPQ-9A/SPG-60	0:05/0:05	Radhaz Test
27-Sep	SPQ-9A/SPQ-9B/SPG-60	0:10/0:10/0:10	Radhaz Test
27-Sep	SPG-60	1:20/1:20	Radhaz Test
28-Sep	SPQ-9B/SPG-60	7:07/7:07	Radhaz Test
28-Sep	SPQ-9A	10:17	Radhaz Test
29-Sep	SPQ-9A	8:45	Radhaz Test
29-Sep	SPQ-B/SPG-60	5:20/5:20	Radhaz Test
2/3-Oct	SPG-60	27:30	Radhaz/Radiate Test
2/3-Oct	SPQ-9A	7:15	Radhaz Test
2-Oct	SPQ-9B	6:30	Radhaz Test
4-Oct	SPQ-9B	2:15	Radiate test
05/06-Oct	SPG-60	30:55	Radiate test
11-Oct	SPQ-9A	6:02	Radiate test
12-Oct	SPQ-9B	1:55	Radiate test
31-Oct	SPQ-9B	6:00	Radiate test
1-Nov	SPQ-9A	:20	Radiate test
2-Nov	SPQ-9B	6:05	Radiate test
02/03-Nov	SPG-60	21:40	Radiate test

SWEF RADIATE TIMES REPORT

[illegible]

Date	Radar	Who?	UP	Down
9/7/99	SPG-60	Tim	1050	1200
9/7/99	SPQ-9B	Tim	1050	1200
9/8/99	SPG-60	Tim	1200	1400
9/8/99	SPQ-9A	Tim	1200	1400
9/22/99	SPQ-9A	Tim	1300 1530	1800
9/23/99	SPQ-9B	Tim	1030	1200 noon
9/23/99	SPG-4B	Tim	1200	1500
9/24/99	SPQ-9B	Tim/KC	1010	
9/30/99	SPQ-9B	JOE STIGLBAUM	1100	1515
10/5/99	SPQ-9A	Tim King	0930	1600
10/6/99	SPQ-9A	Tim King	1230	1500
10/25/99	SPQ-9B	GTRESE	1430	1500
11/9/99	SPQ-9A	Tim King	1100 1054	1200
11/16/99	SPQ-9B	JOE STIGLBAUM	0800	1700 (INTERMITTENT)
11/17/99	SPQ-9B	JOE STIGLBAUM	0800	1700 (INTERMITTENT)
12/1/99	SPQ-9B	Greg Treese	0950	0955
12/1/99	SPQ-9A	Garry Edgar	1645	1835
12/5/99	SPQ-9B	Kate	1015	1220
1/5/00				
1/5/00	SPQ-9B	Tim	1430	1700
1/7/00	SPQ-9B	Vin	1630	1700
1-8-00	SPQ-9A	John	1600	1730
1-8-00	SPQ-9B	John	1730	1745
1-11-00	SPQ-9B	G Edgar	1343	1425
1-11-00	SPQ-9A	G Edgar	1425	1445-1459
2/17/00	SPQ-9A	Tim	0935	0935 0938
2/18/00	SPQ-9A	Tim	1015	1235

Date	Radar	Who?	Up	Down
2/25/00	SPQ-9A	Gar	1020	1130
2/29/00	SPQ-9B	STIGLBAUER	1150	1630
3/1/00	SPQ-9B	STIGLBAUER	1120	1125 1125
3/3/00	SPQ-9B	Jim Koss	1300	1430
3/6/00	SPQ-9B	JOE STIGLBAUER	0830	1330
3/14/00	SPQ-9B	Jim Koss	0700	1130
3/24/00	SPQ-9A	Koss	1200	2145 15
3/23/00	SPQ-9B	Jim	1130	1430
3/27/00	SPQ-60	Jim	1200	1430
3/30/00	SPQ-60	Jim	1150	1230
4/2/00	SPQ-9B	Koss	1230	1300
4/4/00	SPQ-9B	Koss	1600	1630
4/8/00	SPQ-9B	Cannick	1420	
4/19/00	SPQ-9B	Truse	1400	1500
4/28/00	SPQ-9A	Tim	1130	1500
5/4/00	SPQ-60	Tim	1107	1800
5/5/00	SPQ-60 (Chal 6)	Tim	10:30	1900
5/5/00	SPQ-9A (Chal 6)	Tim	10:30	1900
5/5/00	SPQ-9B	Tim	10:30	1900
5/10/00	SPQ-60	Tim	1300	1500
5/10/00	SPQ-9A	Tim	1300	1500
5/10/00	SPQ-9B	Tim	1300	1500
5/13/00	SPQ-9A	Tim	11:15	1400
5/18/00	SPQ-9A	G. Edgar	15:00	15:30
6/3/00	SPQ-9B	JOE S.	1430	COULD NOT
6/14/00	SPQ-9B	JOE S.	1235	1635
6/15/00	SPQ-9B	JOE	0845	1600 ^{INTER}
7/1/00	SPQ-9B	JOE	1500 1500	1700 ^{MITE}
8/1/00	SPQ-9B	JOE	1500	1800

DATE	Radar	Who	UP	Down
8-16-00	SPG 60	Murray / Chapman	0705	1430 7.25
8-18-00	SPG 60	" / "	1532	1720 3
8-21-00	SPG-60	" / "	0920	15:20 4.6
8-22-00	SPG-60	" / "	0815	1865 11
8-23-00	SPG-9B	JOHN CUNNICK	0900	1300
"	"	" "	1445	1515
8-25-00	SPG-60	Chapman	1030	1315 2-3
8-28-00	SPG-60	Chapman	0730	1610 8.5
8-29-00	SPG 9A 9B SPG-60	KING COOLEY	1220	1320 1.0
9-03-00	SPG 9A SPG 60	CHAPMAN	0905	1705 8.0
9-13-00	SPG-60	CHAPMAN	0925	1600 7.30
9-18-00	SPG-60	COOLEY	0950 1030	1600
9-19-00	SPG 60/SPG 9A	COOLEY	0930 0911	1600 1340 4.8
9-22-00	SPG-9A	COOLEY MARLIN SITES	0853	1600 1.5
9-25-00	SPG-9B SPG-9A/SPG 60	COOLEY / STIGLBAUER KING KOSS	0800	1800 15 min
9-26-00	SPG-9A SPG-60	COOLEY KING	Rediate 2 times ✓ 0903	(60 LEFT IN ENGINE OVERNIGHT) 1647 7:45
9-27-00	SPG 9A	COOLEY	1105	(60 LEFT IN ENGINE OVERNIGHT) 1110
9-27-00	SPG-60	COOLEY	1105	1110 5 min
9-27-00	SPG 9A	COOLEY	1318	1328
9-27-00	SPG-60	COOLEY	1318	1328 10 min
9-27-00	SPG-9B	COOLEY	1318	1328
9-27-00	SPG 60	COOLEY	1540	1700 1:20
9-27-00	SPG 9A	COOLEY		1647
9-27-00	SPG 9B	COOLEY		1647
9-28-00	SPG 9B	COOLEY	0940	1647
9-28-00	SPG-9A	COOLEY	0940 0630	1647
9-28-00	SPG-60	COOLEY	0940	1647
9-29-00	SPG-9A	COOLEY	0730	1615
9-29-00	SPG-9B	COOLEY	1055	1615

*SPG-60 REQUIRES CUT-OUT-ZONES CHECKED & ANNOTATED.

DATE	RADAR	WHO	UP	DOWN	PWR	GROUP/
09-29-00	SPG-60 *	COOLEY	1055	1615	6KW	6/6
10-2-00	SPG-60 *	Tim K.	0900	1230 AM	6KW	6/6
10-2-00	SPQ-9A	Tim K.	0900	1615	2KW	3/6-
10-2-00	SPQ-9B	Jim Koss	0900	1530		
10-2-00						
10-4-00	SPQ-9B	GREG TRESSE	0945	1700	6-0	
10-5-00	SPG-60 *	COOLEY	0905	1600	6KW	6/6
10-11-00	SPQ-9A	Joe Martin	10:28	1630	2KW	
10-12-00	SPQ-9B	JOE STIBLBAUM	1410	1605	280W(AVG)	1/1
10/31/00	SPQ-9B	Koss	1000	1600	RU	1/1-10
11/1/00	SPQ-9B	COOLEY	0800	0820		ALL
11/1/00	SPQ-9A	COOLEY	10:40	11:00	2KW	ALL
11/2/00	SPQ-9B	JOE STIBLBAUM	1055	1700	300W(AVG)	ALL
11/2/00	SPG-60	COOLEY	1220	1700	6KW	6/6
11/2/00	SPG-60	Tim King	1630	1800	6KW	6/6
11/6/00	SPG-60	Tim King	1500	1800	6KW	6/6
11/08/00	SPG-60	COOLEY	1600	1000	6KW	6/6
11/14/00	SPQ-9B	KOSS/STIBLBAUM	1300	1500	340W(AVG)	1/1-15
11/27/00	SPG-60	COOLEY	1315	1500	6KW	6/6
11/27/00	SPG-60	Chapman	0920	1000	3.2	6
30NOV00	SPG-60	COOLEY	0900	1600	3.2	6/6
01DEC00	SPG-60	COOLEY	0830	1600	3.2	6/6
12-4	SPG-60	Chapman	0930	1600	3.2	6
12/8/00	SPQ-9B	Koss	1100	1600	1.2KW	1/1-12
12/13/00	SPQ-9A	COOLEY	0925	1000	2KW	ALL
8 JAN 01	SPQ-9B	STIBLBAUM	1340	1530		1
18 JAN 01	SPQ-9A	COOLEY	1120	1220	1.5KW	ALL
24 JAN 01	SPG-60	COOLEY/MURRAY	0952	1600	6KW	6



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

RECEIVED
OCT 09 2001
CALIFORNIA
COASTAL COMMISSION

IN REPLY REFER TO:

28 September 2001

Peter R. Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Douglas,

The Navy has been happy to cooperate with Commission staff in answering questions that have been raised about the radar facilities at the Surface Warfare Engineering Facility (SWEF) as well as the related reports and submissions that the Navy provided fulfilling the Navy commitments. The Navy intends to continue to cooperate with Commission staff concerning the submission of the annual reports in the future. However, based upon some of the concerns raised by the Commission a review of the events is in order.

In 1998, the Navy voluntarily entered into informal mediation with the California Coastal Commission (CCC) to resolve the disagreement on consistency issues related to the potential impact of SWEF radar operations on the resources of the coastal zone. As part of the informal mediation that was overseen by the National Oceanic and Atmospheric Administration's (NOAA's) Office of Coastal Resources Management (OCRM), a technical panel including four non-DoD members was selected and charged with providing the CCC and the Navy their independent and objective scientific evaluation on whether SWEF operations impact the resources of the coastal zone. The Navy worked with CCC and OCRM to select the panel members. The Navy agreed to the late addition of a fifth panel member as well as allowing a citizen observer to participate in the process, all as urged by the Commission.

The technical panel reviewed the SWEF Radiation Hazard (RADHAZ) surveys and other information on the SWEF operations. The panel indicated that the SWEF was generally being operated safely with no impacts to the coastal zone. The panelists verified that SWEF is operated in compliance with DoD Standards and that SWEF Radio Frequency (RF) emissions in the uncontrolled areas surrounding the facility are even within the more restrictive limits of the Federal Communications Commission (FCC) Guidelines.

The panel identified only two areas of concern. These areas were potential exposure of RF energy to personnel on tall ships and potential exposure to roosting birds at the SWEF. The Navy has incorporated enhancements to the SWEF operations to eliminate these potentialities. These enhancements were based on the recommendations of the panel. The Navy agreed to install video cameras to monitor for tall ships and roosting birds and has instituted a tall ship exclusion zone to prevent the potential for exposure to ship personnel. The video cameras and associated procedures were put in place on 21 April 2000.

EXHIBIT NO. 17
APPLICATION NO.
Navy SWEF

In recognition of a panel member's recommendation and to further the public understanding of the Navy's RF safety program, the Navy designated a RF Safety Officer on 24 April 2000. In support of another recommendation, the Navy has committed to provide the CCC an annual report on SWEF RF emissions and operations. The Navy has also committed to informing the CCC and the public about changes to the DoD Standards that may effect SWEF operations.

Finally, in recognition of the technical panel's recommendation for a better radar survey (referred to as a public exposure assessment study), the Navy committed to enhancements to the RADHAZ Surveys of SWEF. These improvements included at least doubling the number of test points in the uncontrolled areas, describing the test equipment and its sensitivity and accuracy, performing a worst case test scenario, and incorporating an executive summary to facilitate the public's understanding of the document. Furthermore, to improve information exchange and communication with the public, the Navy identified a point of contact to answer any questions from the CCC or the public about the results.

At the 11 April 2000 CCC public meeting ("April meeting"), the CCC staff concluded that the Navy "had adequately responded to the panel members' recommendations and has included commitments that enable the Commission and its staff to agree that these radar modifications would not adversely affect coastal zone resources." The staff report also agreed that the Navy's consistency determination for the proposed Virtual Test Capability was "consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program." The staff report then urged that the Navy consider doing a public exposure assessment study and also having a non-DoD member participate on the study and report-writing team. Commission staff explained that these were issues for the Navy to consider and were not necessary for the Commission to support the consistency determination.

The Navy reconsidered its position on the public exposure assessment and announced at the April meeting that a comprehensive RF survey would be conducted. The survey incorporated the process improvements to the RF studies described above. This study established an accurate baseline of current operations and provided CCC and the public with useful safety data. This comprehensive RF survey and the Plain English Executive Summary were provided to the Commission by letter dated 22 January 2001. At the CCC's urging at the April meeting, the Navy also agreed to provide equipment operational logs with the annual reports on radar operations. The equipment operational logs and a Summary Matrix of radiation time for calendar year 2000 including data on the number of times radiation was interrupted due to tall ship or roosting birds were provided via letter dated 02 February 2001. The verification from the RF Safety Officer that all safety guidelines and operational constraints continue to be followed, including the information about the number of times events were flown off the Sea Range, was provided by letter dated 09 February 2001.

Despite the recommendations of its staff, the Commissioners at the April meeting and again in the CCC's 17 April 2000 correspondence, made the addition of a non-DoD member to the survey a condition precedent to the CCC's approval of the consistency determination. The Commissioners stated that they based their action on the trustworthiness of the data in our study

and the objectivity of the survey panel. This request was not tied, however, to a specific enforceable policy of the CCMP.

By letter dated 13 April 2000, the Navy stated its position that having a non-DoD person participate in the new RF survey is not required to achieve federal consistency under CZMA. The issue of the participation of a non-DoD representative on a radar survey study voluntarily undertaken by the Navy was not an appropriate condition precedent to the CCC's approval of the consistency determination. This issue was not tied to an enforceable policy of the CCMP of which the Navy is aware nor did the CCC's 17 April 2000 disapproval letter identify how the proposed action would be "inconsistent with specific elements of the management program," as required under the CZMA regulations.

The Commission has failed to recognize the Navy's extensive and repeated efforts to achieve a successful conclusion to this issue. As was recognized during the informal mediation by Mr. Kaiser of OCRM and your staff, at the April meeting, the Navy has been very cooperative and has consistently provided additional information requested by the CCC and the public. Prior to the April meeting, the Navy conducted extensive discussions with CCC and OCRM regarding the panel's recommendations and believed that all parties were satisfied that the proposed enhancements would support approval of the Navy's consistency determination. For a single reason unrelated to the effect of the SWEF operations upon the coastal resources, the Commission ignored the findings of the technical panel and the recommendations of Commission's staff and disagreed with the consistency determination.

The Navy has been cooperating with Commission staff and has agreed to use a more detailed equipment log format, and to provide information concerning changes to radar operating parameters in a format that can easily be compared to the baseline used by the technical panel. The Navy agreed that these changes will be part of the annual reporting and additionally, that changes to equipment operating parameters (if any) will also be reported in a mid-year update.

The Navy has fulfilled all of the commitments and is cooperating with Commission staff to address questions raised and to improve the Navy reporting process. The Navy has responded to all questions that Commission staff has raised about the various Navy submissions and is not aware of any other questions that the Commission may have. The Navy has done everything necessary, and more, to address the Navy commitments and to cooperate with the Commission and hopes that with this summary, we can move forward in a cooperative manner.


A. G. MAIORANO
Captain, U.S. Navy



City of Port Hueneme

CITY COUNCIL

RECEIVED
OCT 09 2001

Agenda Item: W 8a
City of Port Hueneme

CALIFORNIA
COASTAL COMMISSION

October 4, 2001

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco CA 94105-2219

REF: Item W 8a - CD-4-00 Navy, Virtual Test Capability, Port Hueneme

Dear Chair and Members of the Commission:

The Port Hueneme City Council is voicing its unanimous support for the Navy's compliance with commitments made during the Commission's review of the radar facilities at the Surface Warfare Engineering Facility (SWEF) in Port Hueneme.

In order to promote a balanced discussion concerning the operation of the SWEF, the following information is provided:

- The Navy has been fully compliant with its commitments concerning the operation of the SWEF. The Navy has been open, proactive, and forthcoming with information.
- The Navy has been responsive to requests for information and modified its SWEF operating logs to enhance clarity.
- The Navy has in place multiple, effective safeguards including formal, written Standard Operating Procedures, mechanical safety features, software safety mechanisms, and cameras as well as safety features incorporated into the SWEF design and building orientation.
- The Navy has regularly engaged in an open and constructive dialogue with community members and community groups concerning SWEF and other Navy activities ongoing at Port Hueneme.

EXHIBIT NO. 18

APPLICATION NO.

Navy SWEF


CALIFORNIA COASTAL COMMISSION
OCTOBER 4, 2001
PAGE 2

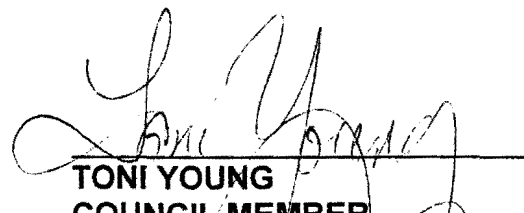
The Port Hueneme City Council urges the Commission to support the Navy's efforts.

Sincerely,


DR. ROBERT E. TURNER
MAYOR


ANTHONY C. VOLANTE
MAYOR PRO TEMPORE


JONATHAN SHARKEY
COUNCIL MEMBER


TONI YOUNG
COUNCIL MEMBER


MURRAY ROSENBLUTH
COUNCIL MEMBER

c: City Manager



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

RECEIVED

OCT 16 2001

CALIFORNIA
COASTAL COMMISSION

November Agenda Item

October 12, 2001

Re: SWEF Compliance With Commitments

Complete Document Has Been Transmitted to Staff

To: Members and Alternate Members of The California Coastal Commission

We are a nonprofit environmental organization focused on coastal Ventura County. The Beacon Foundation seeks Coastal Commission action to require a comprehensive consistency determination on current operations of the Naval Surface Warfare Engineering Facility (SWEF) at Port Hueneme.

The latest event in six years of proceedings was a Commission hearing on August 9, 2001. The Navy chose not to attend but requested and received a tape recording. We too have listened to the tape. It strongly communicates the Commission's questions and concerns. It reveals the Commission's sense of obligation to require Navy compliance with the law and adherence to Navy commitments made to the Commission.

Subsequent to August 9th Redondo Beach hearing, the Navy has provided only a letter dated September 28, 2001, copy enclosed. The letter claims the Navy was responsive to questions asked prior to the hearing but it replies to none of the concerns stated on August 9th. The last paragraph of the letter concludes that the Navy "... is not aware of any other questions that the Commission may have." It is as though the Navy were unaware of the August 9th hearing or believes it can simply stonewall the Commission.

The enclosed article of August 10, 2001, reports a spokesperson told The Los Angeles Times the Navy did not attend the Redondo hearing "...because no specific action has been requested" The specific action that needs to be requested is a complete and comprehensive **consistency determination on current SWEF operations**. In April 2000, the Commission received Navy commitments as a substitute for a consistency determination. Key among the commitments was adherence to an agreed baseline and an Annual Report including a log of actual parameters of operations that would provide data needed for third party verification of compliance with the baseline. As fully detailed in our memorandum and matrix of July 28, 2001, copy enclosed, the Navy has broken nearly all of its commitments to the Commission. The substitute process didn't work.

The September 28, 2001 Navy letter makes blanket assertions of compliance with all commitments. Except for these assertions, **the new September 28th letter is a word-for-word copy of the prior Navy letter to the Commission of May 23, 2000**. This replay of the May 23, 2000 letter ignores Navy non-compliance with commitments made to the Commission in April 2000.

The few words in the September 28th letter devoted to post-April 2000 compliance do not respond to the concerns raised. Its only specific claim is that a newly proposed log format "can easily be compared to the baseline used by the technical panel." The testimony of Gordon Birr at your August 9th hearing demonstrated that the new form

EXHIBIT NO. 19

APPLICATION NO.

Nov SWEF

is just a pre-operational checklist that actually would provide less information and is designed to exclude data needed for baseline compliance verification. Mr. Birr's testimony is enclosed.

The September 28th letter says "The Navy has responded to all questions that Commission staff has raised...." This comment relies on the lack of a formal set of staff questions created after the August 9th hearing. This is not an acceptable Navy excuse for ignoring the issues raised in public testimony and in comments by members of the Commission – all heard by the Navy on the tape. **However, to dispel any uncertainty, we suggest staff immediately formulate the compliance questions from the hearing, from our July 28th submission, and from its own analysis and provide these questions in writing to Captain Maiorano.**

More than eight months have passed since the non-complying first "Annual Report" was delivered by the Navy. The Commission's first compliance hearing on August 9th was deflected from a vote by staff announcement that you could not act that day. This surprised us. The Notice for the hearing described it as "a public hearing and vote." It is apparent from comments made on the record by many Commissioners that there is a will to act. It is also apparent that your staff is reluctant to proceed with a formal request for SWEF compliance with Coastal Zone Management Act requirement for a consistency determination. Ultimately, the decision is the Commission's, not staff's.

Commission staff has properly advised that legal options will need to be discussed in executive session. Obvious areas for consideration are the following — none of which in our opinion validly stand in the way of Commission action:

- Statute of Limitations – the fact that the **SWEF building** was constructed long ago does not affect pursuit of a consistency determination for the present and ever changing **SWEF operations** that are not being conducted in compliance with promises made to the Commission.
- Coastal Zone Impact – This is amply demonstrated in the RF exposure of persons on vessels in excess of the Department of Defense standard as found by four of the five expert panelists and also panelist findings regarding harm to persons and natural resources unless all operations complied with strict restraints. Additionally, in its December 2000 RADHAZ report, the Navy reveals exposures in the uncontrolled environment at levels in excess of the FCC standard. Exceeding the FCC standard is recognized by the Commission as a coastal zone impact that triggers a consistency determination.
- Virtual Test CD – Denial of the "Virtual Test" consistency determination has nothing to do with now requiring a comprehensive consistency determination in the new circumstance of Navy violation of its commitments. The Navy commitments are wholly independent of the Virtual Test CD. They were a response to the expert panel concerns about SWEF operations. The experts never saw the virtual test proposal. After denial of the Virtual Test CD the Navy reaffirmed its commitments in letters of May 23, 2000 and September 28, 2001.

In response to Commissioner requests on August 9th to know action options, Mr. Douglas remarked he would "bring back the tape" from an earlier executive session.

We assume Mr. Douglas refers to the executive session on June 13, 2000. After that session it was announced that the Commission was not taking action on the Navy decision to proceed with Virtual Test activities. On reflection we trust the Executive Director will recognize that the circumstances are now different and that a fresh and affirmative consideration of Commission options is needed.

At the time of the June 2000 executive session, the Commission had in hand Navy commitment to an array of safeguards, modifications, and promised reporting on SWEF operations. There was an impasse on only one, albeit very important, additional step the Commission desired the Navy to undertake.


The impasse was over a comprehensive public exposure study that would include in all aspects a non-Department of Defense expert. Even as to that disagreement, the Navy promised a vastly improved study to satisfy Commission and public concerns. Now, some seventeen months later, it is clear that the Navy did not live up to its commitments to the Commission and does not intend to do so. It is now also known that the Navy substitute for an objective and comprehensive public exposure study is just one more deficient in house RADHAZ study. **The changed circumstances brought on by Navy violation of its commitments to the Commission require a wholly new consideration of Commission powers and, indeed, its responsibilities to uphold the law.**


We ask the Commission at its November meeting to take action and to request a comprehensive consistency determination filing on all current SWEF operations.

For The Beacon Foundation



Vickie Finan


Gordon Birr


Ellen Spiegel


Lee Quaintance


Don Dodd


Jean Rountree

End: 8/10/01 Los Angeles Times, "Navy Withholding Information on Radar Facility, Panel Says."
9/28/01 letter from Captain A.G. Maiorano to Executive Director Peter Douglas.
7/28/01 Beacon Foundation memorandum to the CCC.
8/09/01 testimony of Mr. Gordon Birr to the CCC.

Navy Withholding Information on Radar Facility, Panel Says

By MATT SURMAN
TIMES STAFF WRITER

State coastal commissioners chided Navy officials Thursday for what they said was a lack of cooperation with the state panel over a controversial radar-test facility at Port Hueneme.

Opponents of the facility contend the Navy hasn't kept an agreement to disclose some of the operations at the building, including detailed information on how much microwave radiation the facility emits.

The Navy did send a letter to the Coastal Commission on Wednesday, answering a series of questions from commission staff, and agreeing to supply additional data in future reports to the board.

But, there were no Navy representatives present at a hearing Thursday in Redondo Beach, which irritated many on the panel.

"I think the commission is reaching the end of its patience," said Commissioner Pedro Nava. "I would have expected them to show good faith and participate. It's clear that we've been getting incomplete information" on their radiation-monitoring efforts.

A Navy spokeswoman said a representative was not sent because no specific action had been requested of them.

The commission asked its staff to research whether it can perform another review of the radar facility—in essence, conduct a full environmental review.

Last year, the Navy chose to

move ahead with a plan to expand the radar building, formally known as the Surface Warfare Engineering Facility, despite a Coastal Commission ruling that the military could not proceed with the project.

Spokeswoman Jeanne Schick said the Navy is operating within the law.

An independent panel of scientists that reviewed the federal proposal last year said that though the facility would pose no risk to people or wildlife, some precautions—including better communication with the commission and residents—were required to ensure safety.

The Navy agreed to most of the conditions, but neighbors have complained that it is not living up to its promise.

Some neighbors say they are

concerned that warship radar and high-energy radio waves beamed during tests could damage their health. And they say the Navy has been arrogant in its dealings with them and the Coastal Commission.

"You can't cooperate with someone who doesn't want to cooperate," said Lee Quaintance, a member of the Beacon Foundation, which opposes the facility. "There's no way to evaluate how they are operating this building."

Local business leaders and politicians have supported the Navy in the past, saying it has been a good neighbor, and is important as the county's largest employer. They argue that its coastal neighbors are just trying to wear the Navy down.

The facility "has been tested, tested and tested, and I'm willing to

accept it," said Ross Olney, president of the Oxnard Chamber of Commerce. "The Navy has families right there they don't want hurt either."

Last year, Supervisor Frank Schillo spearheaded a letter-writing campaign, arguing that the Coastal Commission should back down and that the opposition is limited to a small number of vocal neighbors in Oxnard's Silver Strand neighborhood.

Quaintance said Thursday's hearing was about more than the radar facility.

"It's about the overall relationship of the Coastal Commission and the Navy," he said. If they "just ignore [the commission], what precedent does that set for other dealings with the Navy?"

LATIMES 8/10/01



City Of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

Office of the City Council

(805) 388-5307

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October 10, 2001

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CALIFORNIA
COASTAL COMMISSION

Chairperson Sara Wan
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Virtual Test Capability, Port Hueneme, California

Dear Chairperson Wan:

The City of Camarillo supports the Navy's compliance with commitments made during the Commission's review of the radar facilities at the Surface Warfare Engineering Facility (SWEF) in Port Hueneme.

We understand that the Navy has been fully compliant with its commitments concerning the operation of the SWEF, and has been open and forthcoming with information. The Navy has been responsive to requests for information, and has regularly engaged in an open and constructive dialogue with community members and community groups concerning SWEF and other Navy activities ongoing at Port Hueneme.

We also understand that the Navy safeguards in place include formal, written Standard Operating Procedures, mechanical safety features, software safety mechanisms, cameras, as well as safety features incorporated into the SWEF design and building orientation.

The City of Camarillo hopes the Commission will support the Navy's efforts.

Sincerely,

Michael D. Morgan
Mayor

MM:ko
VTC:ltr

cc: City Council
City Clerk

EXHIBIT NO. 20

APPLICATION NO.

Navy SWEF



Board of Directors

ELLEN SPIEGEL, President
VICKIE FINAN, Vice-President
MARCIA MARCUS
ANNE SPANOPOULOS
HARVEY PASNOWITZ

BILL MCCOY, General Manager

353 Santa Monica Drive • Channel Islands Beach, CA 93035-8598 • (805) 985-6021 • FAX (805) 985-7156
A PUBLIC ENTITY SERVING CHANNEL ISLANDS BEACHES AND HARBOR

October 1, 2001

Tu 7a

Sara Wan, Chairperson
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA. 94105-2219

RECORD PACKET COPY**SUBJECT: Surface Warfare Engineering Facility (SWEF)-Port Hueneme, CA**

Dear Chairperson Wan and Members of the California Coastal Commission,

As per previous correspondence and presentations to the California Coastal Commission (CCC), the Channel Islands Beach Community Services District (CIBCSO) reaffirms its supports of the CCC's efforts toward resolving the outstanding environmental issues relating to the Surface Warfare Engineering Facility (SWEF) located in Port Hueneme, California. The District's Board Members and staff have attended numerous Coastal Commission Meeting on this issue over the last 6 years. Our District Board has continuously supported your Commission efforts to bring the operations of the SWEF into compliance with the Coastal Zone Management Act (CZMA).

The Channel Islands Beach CSD is an Independent Government Agency organized under the authority of California Municipal Code section 61000 *et seq.* The SWEF is located on a contiguous boundary with our District. The District Board of Directors has supported The BEACON Foundation's and local private citizen's efforts in providing information to the CCC and staff on this issue for over six years. The District has also presented testimony and other information during the numerous hearings on this matter.

When we last wrote of our support, the CCC was in negotiations with the SWEF representatives regarding Secretarial Mediation chaired by OCRM. It was our understanding that the process would lead to a base line of operations for the SWEF and certain operational requirements, which would ensure the safety of the uninformed public and the surrounding environment. We understood at the conclusion of the mediation process that the SWEF would submit annual reports to the Commission, which would document their operations within the base-line limits, a comprehensive public exposure study and the RF emission logs which could be independently verified for compliance. This agreement was obtained with the volunteer support of four internationally recognized RF experts.

CCC-SWEF

October 1, 2001

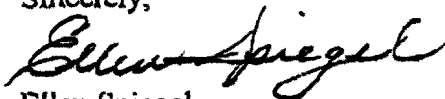
Page 2

At the conclusion of the SWEF's first year of operations, an annual report was submitted by SWEF staff to the Coastal Commission. The following is a list of non-compliance issues that the SWEF representative's committed to correct:

- The report submitted documents RF levels in excess of the agreed to base-line.
- It documents the activation of powerful radars at the SWEF site without Coastal Commission review or approval.
- The current Standard Operating Procedures Manual (SOP) for the facility allows for full peak loads of the radars on site. The SWEF representatives committed to the OCRM and the expert RF panel members that the SOP would be modified to reflect the base line output limits presented to the panel members.
- The operational logs submitted with the report are not complete or in a format that allows any independent verification on the safety of the SWEF operations.

The Board of Directors of the Channel Islands Beach CSD urges the California Coastal Commission's actions to bring the SWEF operations into compliance with the Navy's agreements which was the outcome of the OCRM Mediation process. We urge you to take the necessary actions to require that all environmental and health and safety issues relating to the SWEF operations be brought into conformance with the intent of the Coastal Zone Management Act.

Sincerely,



Ellen Spiegel
President

C: Board of Directors

Tu 7a

Channel Islands Beach, CA
October 26, 2001

Mark Delaplaine
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105-2219

RECORD PACKET COPY

RE: SWEF Radar Facility, Port Hueneme

Dear Mr. Delaplaine,

In the November 2000 General Election, I was elected to a Director position on the Channel Islands Beach Community Services District. The agency was chartered by the State of California to manage potable water supply, sewer service and trash collection for our small community. The agency has also become involved in other community issues such as remediation of Kiddie Beach pollution and site selection for the Harbor Boating Instruction Center. I have come up to speed on both of these issues and taken strong positions that are similar to the positions taken by our unified Board Majority. In mid August the Board took a position on the SWEF controversy and voted to write an anti-Navy letter to your commission. I abstained from the vote because I had little information on the issues and the Director who proposed the motion (President of the Beacon Foundation) supplied no background material.

I requested informational materials from many sources including CIBCSO, Beacon, Navy, CCC, and various individuals. Although I have received and studied the items that I received, I know that some documents exist that I have not seen and I cannot obtain. I wish to thank you, Mr. Delaplaine, for e-mailing some material to me. I have studied the issues for the past few weeks. I have also spoken with a number of people whose views on the SWEF controversy are similar to mine. You will hear from some of them at the next CCC public meeting.

By cunningly twisting the burden of proof, the Beacon Foundation leadership has managed to convince the California Coastal Commission (CCC) that the Navy has a duty to prove that the SWEF operation is safe for people in the adjacent uncontrolled environment. We all know that this is impossible. Nothing can ever be proven to be safe but with sufficient evidence collected and presented by the anti-Navy group, the SWEF may be proven to be unsafe. They have not done this. The propagandists behind Beacon (a lawyer, assisted by an engineer) have intentionally obfuscated the duty of proof and the CCC has bought into their absurd position. Beacon should be required to

prove that the facility is not safe if that is their belief. Besides, every time that the Navy agrees to do something to satisfy their requests, more demands are made. Beacon is more interested in embarrassing the Navy and driving out the ugly SWEF building than in the possible adverse health effects of radar transmissions. Under American jurisprudence the accused is afforded the presumption of innocence and the prosecutor/accuser is required to prove guilt beyond a reasonable doubt or with a preponderance of evidence. Why should the CCC not give the Navy the same courtesy and protections?

Many people, including me, think that the SWEF building is too large, too ugly, and too intrusive on the beauty of our beach and community. I really do not like its appearance. The Navy should have been more sensitive to community reaction before it was built. Someone should have anticipated an organized resistance. Interestingly, not much opposition was evident until about 1994 when Beacon was formed over a totally different issue. The building exists and they need to get over it and move on to other issues to improve our state, coastal resources, harbor and beach.

The issues of Radio Frequency Radiation (RFR) and electromagnetic fields (EMF) have been researched for many years by government, university and private investigators with no conclusive results. Many sources of RFR and EMF exist in our environment but only the big, ugly SWEF is under attack. How about cell phones (handsets and base stations), microwave ovens, communications transmitters, large motors, weather radars, TV receivers, smoke alarms, overhead power lines, electric vehicles, etc. The answer is simply that the CCC and Beacon leadership is less interested in the adverse health effects from radiation than in getting rid of the big, ugly SWEF.

Beacon has made a huge issue of a minor comment made by one of the Expert Panel members (selected by the Navy and CCC) that "the SWEF is not intrinsically safe". That statement may be true but the same can be said for automobiles, pharmaceuticals, tools, hamburgers, playground equipment, sports activities, etc. It may be true for almost any product that we use or activity in which we all engage. The issue of safety should be judged by the "reasonable person" standard.

Several members of the Beacon leadership live in close proximity to the SWEF. They have claimed, for several years, that the RFR may be a serious health risk. They have had plenty of time to sell their houses and move to a safer location. They have chosen to remain close to the SWEF and complain. Any reasonable person, who believes that their health, or the health of their children and grand-children, may be at risk, would move further from the source of claimed danger. This tells me that despite their crying, hand wringing and other histrionics, they do not really believe what they say. Beacon leadership is playing mind games. The Commission should take this into consideration when evaluating the honesty of belief that Beacon leadership has in their stated position that the SWEF may be dangerous. Incidentally, several high level SWEF technical people also live in the community.

The radar systems installed at SWEF serve both defensive and offensive military missions. An enemy will have a great advantage in a combat situation if they can jam our radars or transmit false radar returns. The CCC (to satisfy Beacon) wants the Navy to permit a non-DoD person to serve on the transmission pattern/power survey team. This person would need access to sensitive information such as power, frequency, pulse width, pulse rate, etc. Without this information, an independent evaluation of the data might not be possible. With this information, our national security could be at risk. My informed opinion is that very few SWEF people know all of the sensitive information about more than a few radars. The reasons for limiting the distribution of sensitive data are classified status, Need-To-Know, and common sense. Lets not insist on designating a Beacon-approved civilian with need-to-know status and possibly put our country at additional risk.

I recently read a "Plain English Executive Summary" of a report describing a radiation survey conducted by the Navy between 9/25/00 and 10/4/00. The report said, in part, that there are no RF hazards to people in any location. If a new survey team that included a disinterested non-DoD expert, selected by both the CCC and the Navy, came to the same conclusion, would the CCC cease their challenges to the SWEF operation?

One person with whom I recently spoke said that, "The military has lied in the past so why should we believe them when they say that the SWEF is safe?" We all know that some Presidents, clergymen and congressmen have lied to their families, friends and to the public. Should we never trust any future President, Clergyman or Congressman? Certainly not. Should we not believe any member of a group if a few have been dishonest?

I herewith request the California Coastal Commission to ignore the paranoia and irrational ravings of the Beacon Foundation leadership, and to support our brave military personnel who will be the first to risk their lives when called upon to keep our great nation strong and free.

Thank you for your attention.

Harvey Paskowitz

August 9, 2001

Navy Compliance with Commitments to the Coastal Commission

Good morning Madam Chair and Commissioners,

I am Gordon Birr, a Board Member and technical analyst for The Beacon foundation.

The SWEF's radar concerns presented by Beacon and those expressed by Commission Staff prompted the Navy responses that offers to bring their reporting process into compliance by promising to do more to improve future data submissions, but this offer will actually provide less to the Commission than what was received earlier this year.

The "standard form" offered to replace the "raw operational logs for all systems" is merely a "Pre-Radiate Check List" void of any technical parameters on how any given system was operated when it was radiating. Absent from this proposed list are the actual radiation modes, power levels used, radiated sectors, elevations, time of day, type of operation; be it aircraft or ship targets, test and evaluation, or in concert with the Sea Test Range, Vandenberg or Point Mugu. In the Navy's view, less seems to be more because a new abbreviated substitute form is offered. This form tells you only what was checked before an operation and not an inkling of information is offered about what actually took place during the operation.

The Navy states in their response that (*quote*) "It has also become clear that the raw RF Logs are confusing and difficult to interpret without supplemental information from the Radiation Safety Officer (RSO)" (*unquote*). Its obvious that the Navy should not be submitting confusing and difficult to interpret data, but should be providing clear, concise data that anyone who has learned to spell Radar backwards can understand. Good, concise data isn't that difficult to interpret, but by providing less information it becomes impossible to interpret. Give me a break?, maybe, you and I should be given factual and interpretable reports, not some excuses.

In April of last year, your Commission made a very reasonable and simple request. The Chair identified a key purpose of the annual report was to provide the operating data needed for a third party review of SWEF operations. Mr. Hogle in speaking for the Navy, stated that (*quote*) "we have no problem with providing the detailed logs" (*unquote*), what you got was less, much less, and now your being offered even less than that.

Compliance to the agreed upon baseline of operations for the SWEF is why we're here. Adherence to the baseline can only be determined by verifying that all of the operational restrictions placed upon the emitters are being followed. This level of detail is also mandatory to determine compliance with the Commission's policy position of adherence to the more protective nature of the FCC's safe radiation levels. This can only be derived from the detailed logs you were promised. This requested information is simple and understandable and must be provided.

Thank you,

Gordon W. Birr