

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

M 8

DATE: May 20, 2002

TO: Coastal Commissioners and Interested Parties

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

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

| | |
|---------------------|---------------------------------------------------------|
| PROJECT #: | ND-017-02 |
| APPLICANT: | Air Force |
| LOCATION: | Vandenberg Air Force Base, Santa Barbara Co. |
| PROJECT: | Liquid Propellant Missile Site preparation and launches |
| ACTION: | Concur |
| ACTION DATE: | 04/11/2002 |

| | |
|---------------------|------------------------------------------------------------------------------|
| PROJECT #: | ND-018-02 |
| APPLICANT: | National Park Service |
| LOCATION: | Channel Islands National Park |
| PROJECT: | Feasibility study of re-establishing bald eagles on northern Channel Islands |
| ACTION: | concur |
| ACTION DATE: | 4/18/2002 |

| | |
|---------------------|--------------------------------------------------------------------|
| PROJECT #: | ND-022-02 |
| APPLICANT: | BLM |
| LOCATION: | Mattole River, King Range National Conservation Area, Humboldt Co. |
| PROJECT: | Campground improvements |
| ACTION: | concur |
| ACTION DATE: | 4/30/2002 |

| | |
|--------------|----------------------------------|
| PROJECT #: | ND-024-02 |
| APPLICANT: | Bureau of Reclamation |
| LOCATION: | Montecito, Santa Barbara Co. |
| PROJECT: | Ortega Reservoir Upgrade Project |
| ACTION: | Concur |
| ACTION DATE: | 5/3/2002 |

| | |
|--------------|-----------------------------------------------|
| PROJECT #: | ND-026-02 |
| APPLICANT: | Corps of Engineers |
| LOCATION: | Santa Ana River, Orange Co. |
| PROJECT: | Removal of vegetation and sediment in Reach 2 |
| ACTION: | Concur |
| ACTION DATE: | 4/23/2002 |

| | |
|--------------|--------------------------------------------------------------|
| PROJECT #: | NE-027-02 |
| APPLICANT: | CALTRANS |
| LOCATION: | I-5 in the Cities of Oceanside, San Diego, and National City |
| PROJECT: | Minor repair and improvement projects |
| ACTION: | No effect |
| ACTION DATE: | 4/18/2002 |

| | |
|--------------|---------------------------------------------|
| PROJECT #: | ND-032-02 |
| APPLICANT: | Navy |
| LOCATION: | Offshore of several San Diego Co. locations |
| PROJECT: | Mine Countermeasure System tests |
| ACTION: | Concur |
| ACTION DATE: | 05/13/2002 |

| | |
|--------------|------------------------------------------------------|
| PROJECT #: | ND-034-02 |
| APPLICANT: | Navy |
| LOCATION: | Naval Station San Diego |
| PROJECT: | Construction of high-rise bachelor enlisted quarters |
| ACTION: | Concur |
| ACTION DATE: | 05/13/2002 |

CALIFORNIA COASTAL COMMISSION

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VANDERBERG TDD (415) 904-5200



April 11, 2002

Lt. Col. Scott Westfall
Department of the Air Force
30th Space Wing
30 CES/CEV
806 13TH Street, Suite 116
Vandenberg AFB, CA 93437-5242

RE: ND-017-02, Liquid Propellant Missile Site Preparation and Launch,
Vandenberg Air Force Base, Santa Barbara County.

Dear Col. Westfall;

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The U.S. Air Force proposes to launch two liquid propellant missiles from Vandenberg Air Force Base (Vandenberg), one during the day and one at night within a two- to three-week period. To support the proposed launches, the Air Force will construct a temporary launch site. The launch site includes a 984-foot radius dirt launch pad (no concrete, pavement, gravel, or other surfacing). In addition, the Air Force will install a temporary power pole, fiber optic cables, portable floodlights, locking entrance gates, and two 82-foot high towers. The Air Force will restore the site to its pre-project conditions at the completion of the test launches. The launch site is located inland of the state designated coastal zone on areas currently used for cattle grazing. After site preparation, the Air Force will launch two missiles that will follow a pre-programmed trajectory in a westerly direction and fall into the ocean approximately 190 miles offshore. The missiles will carry an inert payload that will not separate during the flight. The purpose of the project is to gather information on the missile's launch and flight capabilities and does not include the use of interceptors (other missiles to destroy another missile target).

The project will not significantly affect coastal uses or resources. The launch site is located on grazing areas inland of the state designated coastal zone. In addition, the site is not immediately adjacent to any coastal drainage, and thus construction and operation activities will not adversely affect coastal water quality. The proposed launches include missile flights over the coastal zone. However, because of the small size of the missiles and the short duration of the launches, launch and flight noise will not adversely affect habitat resources of the coastal zone. Although the project may result in closures to Point Sal State Beach, the closures will be within the limits agreed to in the consistency determination for the Theater Defense Missile Project, CD-6-99. In that consistency determination the Air Force agreed to limit the program to five beach

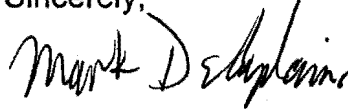
April 11, 2002

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closures per year. The proposed launches in combination with the Theater Defense Missile project will not cause more than five beach closures per year. Therefore, the project's effect on public access to the shoreline and recreational uses of the coast is the same as or similar to a previously review consistency determination.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources in manner different from similar projects that the Commission previously approved. We, therefore, concur with the negative determination made pursuant to 15 CFR § 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,


(for) PETER M. DOUGLAS
Executive Director

cc: South Central Coast District

PMD/JRR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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April 18, 2002

Tim Setnicka
Channel Islands National Park
1901 Spinnaker Drive
Ventura, CA 93001-4354

Attn: Kate Faulkner

RE: ND-018-02, Feasibility Study for re-introduction of Bald Eagles into the northern Channel Islands, Santa Barbara County.

Dear Mr. Setnicka:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The National Park Service proposes, in conjunction with five other agencies (collectively known as the Montrose Settlements Trustees), to study the feasibility of re-introducing bald eagles to the northern Channel Islands. The feasibility study consists of the release of twelve eagles annually over a five-year period. The Trustees will either use captive-bred birds or birds obtained from the wild from larger populations capable of absorbing the loss of a few individuals. The Trustees will monitor the re-introduced eagles to evaluate reproductive success and effects of hazardous chemicals that remain in the environment, mainly DDT and its derivatives, on the health and reproduction of these birds. The re-introduction feasibility study is a part of an effort to restore natural environments of the northern Channel Islands. The Park Service is implementing programs to remove golden eagles, which until recently did not nest on the islands, and feral pigs. The Park Service believes that the golden eagles are attracted to the Santa Cruz Island because the feral pig population provides a substantial food source. However, the golden eagles are also feeding on native island foxes, which are a sensitive species proposed for listing pursuant to the federal Endangered Species Act. The Park Service believes that if the re-introduction of bald eagles is successful, their territorial nature will prevent golden eagles from nesting on the islands. Since bald eagles forage mostly on fish and carrion, the Park Service does not expect this species to feed on the sensitive fox population. Thus, the bald eagles will have the beneficial effect of discouraging golden eagles from foraging on foxes without providing a significant risk to the foxes.

In conclusion, the Coastal Commission staff agrees that the proposed project will improve environmentally sensitive habitat by restoring native bald eagle populations on the northern Channel Islands and by reducing predation on sensitive island fox populations. Therefore, the Commission staff agrees that the

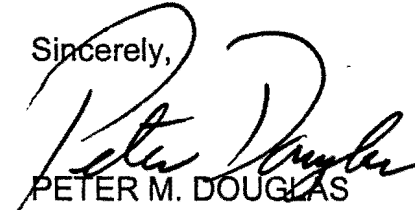
ND-018-02, National Park Service, bald eagle feasibility study

April 18, 2002

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proposed project will not adversely affect coastal zone resources and concur with the negative determination made pursuant to 15 CFR § 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



PETER M. DOUGLAS
Executive Director

cc: South Central Coast District

PMD/JRR

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
TELEPHONE AND TDD (415) 904-5200
(415) 904-5400



April 30, 2002

Lynda J. Roush
Arcata Field Manager
ATTN: Brad Job
Bureau of Land Management
1695 Heindon Road
Arcata, CA 95521-4573

Subject: Negative Determination ND-022-02 (Modifications to Mattole Campground Improvements).

Dear Ms. Roush:

The Commission staff has reviewed the above-referenced negative determination for proposed modifications to the Mattole Campground improvements project, specifically the potable water supply element of the project. In a letter dated September 20, 2001, the Commission concurred with a negative determination (ND-070-01) for improvements to the Mattole Campground in the King Range National Conservation Area, at Mattole Beach, five miles west of Petrolia in Humboldt County. That project included construction of a potable water system comprised of a stream diversion, packaged water treatment facility, two 1700-gallon storage tanks, and gravity flow lines to the campground. The Commission's concurrence letter states in part that:

The water treatment facility and storage tanks will be located on the top of the 300-foot-high bluff above Mattole Beach, will be set back 100 feet from the bluff edge, and will not be visible from the beach, the campground, or the dirt road traversing the top of the bluff. The BLM estimates that the project will divert between five and fifteen percent of the average June streamflow from the water source located above the bluff. The water storage tanks will be buried and the treatment facility will be placed within an eight-foot-high, 8x10 foot concrete block building screened by existing natural vegetation. Southward-facing photovoltaic solar panels will be installed on the roof to power the treatment facility. A water line (buried and above-ground, depending on the terrain) will run from the storage tanks down a vegetated gully to the campground.

The Bureau of Land Management now proposes to modify the proposed potable water plan as follows:

- The spring water source on the bluff top will be piped downhill to the campground to power a Pelton wheel electric generator. The electricity generated will be stored in

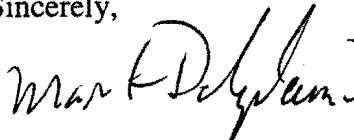
industrial batteries to provide power to pump water from a well to be drilled at a site adjacent to the campground.

- The Pelton wheel, water well, pressure tank, and batteries will be enclosed within a prefabricated concrete building similar to those installed for use as toilets at the campground.
- A small photovoltaic panel will be installed atop the well house to provide power in the event that summer flow from the springs is insufficient to power the well pump.

The BLM states that the proposed modifications will result in a safer and more reliable water supply system for the Mattole campground and negates the need for construction on the adjacent coastal bluff. However, BLM also notes that in the unlikely event that the well does not provide water suitable for human consumption, the well will be properly abandoned and the previously approved water system will be constructed.

All other project elements concurred with by the Commission in ND-70-01, including monitoring of riparian habitat at and downstream of the spring and limits on water diversion from the spring, remain in place and are not modified by the subject negative determination. Therefore, we **agree** with your conclusion that the proposed modified project would not adversely affect sensitive habitat or other coastal resources. We hereby **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(fdr) PETER M. DOUGLAS
Executive Director

cc: North Coast District Office
California Department of Water Resources
Governor's Washington, D.C., Office

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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May 3, 2002

Lynne Silva
South-Central California Area Office
Bureau of Reclamation
1243 N St.
Fresno, CA 93721-1813

Re: **ND-24-02** Negative Determination, Bureau of Reclamation, Ortega Reservoir
Upgrade Project, Summerland, Santa Barbara County

Dear Ms. Silva:

The Coastal Commission staff has received the above-referenced negative determination for the construction of a cover and other water quality improvement measures (the "project") at the existing uncovered Ortega Reservoir, located on a 13.98 acres parcel east of Ortega Ridge Rd. (and west of Hunt Dr. (a private road)) in Summerland. The Bureau of Reclamation's submittal includes an Environmental Assessment prepared by the Bureau under the NEPA, and a Mitigated Negative Declaration prepared by the Montecito Water District (MWD), the project proponent, under the CEQA. The Bureau owns and operates the water system (the Cachuma project), including the reservoir and the land on which it is located. Under the terms of a formal agreement signed in 1981 between the Bureau and the MWD, the Bureau has approval authority over the plans for the project and will own all project improvements, including the cover, once the MWD constructs them. According to the agreement, the MWD has elected to undertake the project in furtherance of its responsibility under state law for maintaining water quality in the reservoir. Under an April 16, 2002, amendment to the agreement, the MWD will have responsibility for operating and maintaining the reservoir cover. The Ortega reservoir is a 21 million gallon storage facility, constructed in 1956 as part of the Cachuma Project. The proposed cover would be constructed of aluminum, with a maximum height of 15 ft. above the top of the existing reservoir and surrounding perimeter road. The aerial extent of the cover would be 4 acres.

The project also includes a number of water quality-related and construction-related features. The perimeter road would be widened from its current 10-12 ft. width to 20 ft. along the north, east, and west sides, in order to accommodate construction equipment and cover sections. The existing reservoir would be reconfigured to create parallel walls,

a change which necessitates the construction of 8 ft. high retaining walls and a new storm drain to convey water away from the reservoir. Baffles would be installed within the reservoir to improve water circulation and eliminate dead zones.

The project would be constructed in two phases and would occur over two separate low demand (Nov. – May) periods. The first phase would be the reconfiguration and roof preparation tasks. The second phase would be roof construction, lasting 20 weeks and occurring the following year. To provide water during the construction period the project includes installation of a temporary storage tank (holding 0.3 to 0.5 million gallons) near the entry off Ortega Ridge Rd., behind the existing Control House. The temporary storage tank would be 40-60 ft. in diameter, and 20-24 ft. high (either gray- or rust-painted steel).

Due to the topography in the area, the reservoir is not visible from, and the proposed cover would not be visible from, any publicly accessible areas. The reservoir cover includes a landscaping plan relying on drought tolerant shrubs and vines to shield views of the cover from adjacent homes, which surround the reservoir on three sides (to the east, west, and south). The temporary storage tank would be downhill and to the west of the reservoir, and while it would be visible from Ortega Ridge Rd., it would be adjacent to existing Water District structures and would not alter any scenic coastal public views. Moreover, no grading would be needed for this tank, and any visual impacts would be temporary, as it would be removed once the reservoir cover is complete.

The project also includes a weir structure, to assure that post-project runoff does not exceed pre-project conditions. The MWD has submitted a letter from the Santa Barbara County Flood Control and Water Conservation District and Water Agency confirming that the project will not increase erosion compared to existing conditions. The project also includes an erosion and stormwater pollution prevention plan to address other water quality concerns. To the extent feasible, earthwork would avoid the rainy season and would occur between April 15 and November 1, disturbed areas would be revegetated as soon as is practical, and Best Management Practices (BMPs) would further minimize water quality impacts. The project also includes measures addressing noise, archaeological resources, geotechnical considerations, air quality/dust suppression, and construction traffic routing (to be reviewed by the County Transportation Department). Construction would not occur on weekends.

In conclusion, with the measures incorporated into it through the NEPA/CEQA documents and summarized above, the project will not adversely affect public access and recreation, environmentally sensitive habitat resources, water quality, scenic public views, or archaeological resources. The Coastal Commission staff agrees that, with respect to the involvement of the **federal** government (i.e., the Bureau of Reclamation) in this project, the mitigation measures incorporated into the project will enable the project to avoid causing adverse impacts to the coastal zone. We therefore concur in your negative determination issued pursuant to section 930.35 of the CZMA regulations (15 CFR Part 930).

At the same time, we believe that because of the significant degree of **non-federal** involvement in the project by the MWD as a project proponent, and as the entity that will construct, operate, and maintain the reservoir cover, the project is subject to the permit requirements of the California Coastal Act. Accordingly, the MWD should apply to Santa Barbara County for a coastal development permit for this project.

Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 should you have any questions regarding this matter.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

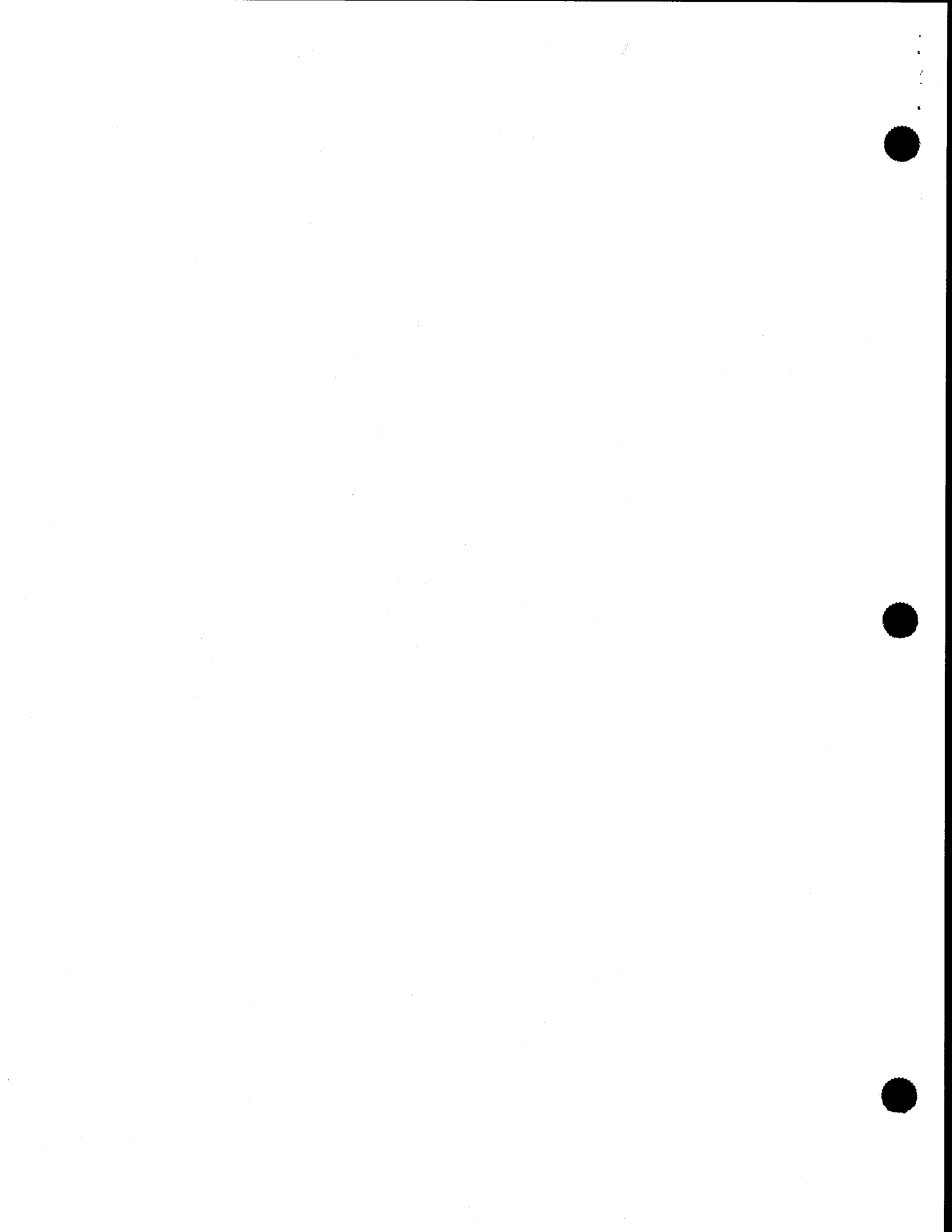
cc: Ventura Area Office
Santa Barbara County Planning and Development (John Patton)
Montecito Water District (Fred Adjarian)
Carpinteria Valley Water District (Charles B. Hamilton)

Addresses for cc's:

John Patton, Director
Santa Barbara County Planning and Development
123 East Anapamu St.
Santa Barbara, CA 933101-2058

Fred Adjarian, General Manager
Montecito Water District
583 San Ysidro Rd.
Montecito, CA 93108

Charles B. Hamilton
Carpinteria Valley Water District
11301 Santa Ynez Ave.
P.O. Box 578
Carpinteria, CA 93014



CALIFORNIA COASTAL COMMISSION

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



April 23, 2002

Ruth Villalobos
Chief, Planning Division
U.S. Army Corps of Engineers
Attn: Ms. Hayley Lovan
P.O. Box 532711
Los Angeles, CA 90053-2325

RE: ND-026-02, Army Corps of Engineers, sediment and vegetation removal,
Reach 2, Santa Ana River, Orange County.

Dear Ms. Villalobos:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Corps proposes a maintenance project in Reach 2 of the lower Santa Ana River, which includes removal of vegetation and excavation of approximately 40,000 cubic yards of sediment. In addition, the Corps proposes to dispose of vegetation and debris removed from the project site at an authorized landfill and place suitable sediment removed from the channel within the Newport Beach groin field. The Corps will conduct the proposed maintenance activities in conjunction with previously Commission authorized maintenance activities for Reach 1, ND-111-00. The proposed project will return the channel to its design configuration. The Commission reviewed and authorized the original project in 1988, CD-029-88.

The Corps believes and the Commission staff agrees that a negative determination is appropriate for this project because it is the same as or similar to projects previously authorized by the Commission. Specifically, as stated above, the Commission reviewed and authorized the original flood-control project, CD-029-88,§ and maintenance activities for Reach 1 of the lower Santa Ana River, ND-111-00. The authorized maintenance activities for Reach 1 included removal of vegetation and excavation of 460,000 cubic yards of material, with disposal of suitable sediments at the Newport Beach groin field. The proposed project includes similar mitigation measures to those included in the Reach 1 maintenance project, including measures to protect water quality resources. The water quality protection measures are as follows: 1) dewatering the site prior to construction; 2) maintenance of equipment to prevent fuel or other chemical leaks; 3) construction of a berm upstream of areas where the California least tern forages; and 4) preparation of a Spill Prevention, Containment and Countermeasures Plan.

April 23, 2002

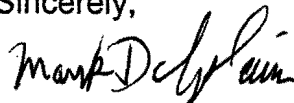
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The project also includes measures to prevent interference with California least tern (a federally listed endangered species) foraging during its nesting season. The maintenance activities proposed in this negative determination will occur upstream of tern foraging areas, and thus the proposed excavation will not directly affect terns. To prevent indirect effects, the Corps proposes to construct a berm upstream of the areas where the tern forages, which will prevent increased turbidity in that area. At the disposal site, consistent with previous negative determinations, the Corps will avoid impacts to the tern by either avoiding disposal in tern foraging areas or disposing after the tern-nesting season. Both the water quality and habitat protection measures are identical to those proposed and authorized in the previous negative determination.

In addition, since the Corps will place suitable sediment within the Newport Beach groin field, that material will stay in the littoral system and the project will not affect sand supply. Finally, the previous negative determination allowed for 460,000 cubic yards of excavation and the proposed project would add an additional 40,000 cubic yards. Since the proposed project will occur concurrently with the previously authorized project, the effect from the excavation and disposal of an additional 40,000 cubic yards will not substantially change the effects of the previously authorized project.

In conclusion, the Coastal Commission staff agrees that the proposed project and its effects on coastal zone resources are the same as or similar to previously authorized projects. We, therefore, concur with the negative determination made pursuant to 15 CFR Section 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: South Coast District

PMD/JRR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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April 18, 2002

Bruce April
California Department of Transportation
District 11, MS-46
2829 Juan Street
P.O. Box 85406
San Diego, CA 92186-5406

Attn: Mike Connelly and Gladys Baird

RE: NE-027-02, Caltrans, Minor repair and modifications to Interstate 5 at two locations: 1) National City/San Diego and 2) City of Oceanside.

Dear Mr. April:

The Coastal Commission staff has received and reviewed the above-referenced no-effects determination. Caltrans proposes minor repairs and improvements to Interstate 5 (I-5) at two locations within San Diego County. The first project is located in the cities of San Diego and National City and consists of the following activities:

- Rehabilitation of the existing roadway pavement from 24th Street undercrossing to the Route 209/5 separation;
- Replacement of overhead signs with signs of the same size to improve reflectivity and readability;
- Installation of closed circuit television at southbound I-5 offramp to 24th Street, southbound onramp at 8th street, and north bound onramp at 7th street; and
- Installation of Traffic Monitoring System at various locations.

The second project is located in the City of Oceanside and consists of the following:

- Rehabilitation of the existing roadway pavement of the following ramps:
 - Southbound I-5 from SR78/Vista Way;
 - Northbound I-5 offramp to eastbound SR-78/Vista Way;
 - Southbound I-5 offramp to Oceanside Boulevard; and

April 18, 2002

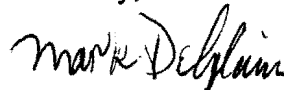
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- Northbound offramp to eastbound and westbound Mission Avenue;
- Replacement of overhead signs with signs of the same size to improve reflectivity and readability;
- Installation of closed circuit television at southbound I-5 offramp to Coast Highway and east of I-5 behind the sidewalk on the north side of Mission Avenue; and
- Installation of Traffic Monitoring System south of Neptune Way.

All of the activities described above will occur within the I-5 right-of-way and will not increase amount of paved area or traffic capacity of I-5. Any vegetation affected by these projects consists of ornamental landscaping within the road right-of-way. These projects will not alter any natural habitat or change the visual character of the area. Therefore, these projects will not affect any coastal use or resource.

In conclusion, the Coastal Commission staff concurs with the no-effects determination made pursuant to 15 CFR § 930.90. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

PMD/JRR

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May 13, 2002

Commander C. M. Maurer
Naval Station San Diego
3455 Senn Road
San Diego, CA 92136-5084

Attn: Grace Peñafuerte

RE: ND-034-02, Construction of one high-rise concrete bachelor enlisted quarters, Naval Station San Diego, City of San Diego.

Dear Commander Maurer:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to construct a 14-story high-rise building to provide quarters for bachelor enlisted personnel at the Naval Station San Diego. The Navy will construct the building in an area already developed with similar buildings. The proposed building will be adjacent to other high-rise structures, including a 12-story and eight-story building. From the information presented, the Commission staff concludes that the proposed project will not affect coastal uses or resources. The proposed project will not be between the first public road and the sea and is located on a military base, which is closed to public access for military security reasons. Therefore, the project will not affect access to the shoreline or recreational uses of the coastal zone. In addition, the building is visually consistent with the development in the vicinity of the project and will not interfere with public views of the coast. The project is located in an already developed area and that does not provide any environmentally sensitive habitat values. Finally, the Navy will construct the building using a Storm Water Pollution Prevention Plan, to minimize water quality effects from the construction.

In conclusion, the Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We, therefore, concur with the negative determination made pursuant to 15 CFR § 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,

A handwritten signature in cursive script that reads "Mark D. Douglas".

(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District
PMD/JRR



CALIFORNIA COASTAL COMMISSION

485 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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May 13, 2002

Robert T. Schnoor
Office of Naval Research
800 North Quincy Street
Arlington, VA 22217-5660

Attn: William Schopfel

RE: ND-032-02, Demonstrations of Mine Countermeasure Systems in waters offshore of San Diego

Dear Mr. Schnoor:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to conduct demonstrations of three mine countermeasure systems, which will show the capabilities of these systems to detect, locate, and identify mines in shallow coastal waters. The Navy will conduct the demonstrations between July 10 and August 10, 2002, in two separate regions of the San Diego coast: 1) offshore of Camp Pendleton, Oceanside, and Carlsbad; and 2) offshore of the Naval Air Station, North Island, Coronado. The mine countermeasure systems consist of small autonomous underwater vehicles. Each vehicle will undergo five 12-hour tests offshore of the Camp Pendleton area and several short-duration tests offshore of the Naval Air Station.

After evaluating the proposed project, the Commission staff concludes that it will not significantly affect coastal resources or uses. Because of the short duration of each of the tests and that all of the tests will occur within a 32-day period, the demonstrations will not significantly affect recreational uses of or commercial fishing activities within the coastal zone. In addition, the Navy will publish notice of its activities in the Coast Guard's Notice to Mariners and will not operate the vehicles within 0.6 mile of any dive flag. Therefore, project will not significantly affect any recreational use or commercial fishing activity. Although the underwater vehicles include equipment that produces sounds that may affect marine mammals or sea turtles, these devices are either of high enough frequency to not be audible by these species or the intensity is low enough that it would only affect organisms in the immediate vicinity of the vehicles. However, to avoid any possible impacts to marine mammals or sea turtles, the Navy proposes the following mitigation:

1. Monitor for marine mammals and sea turtles;
2. Avoidance of poor weather conditions;

May 13, 2002

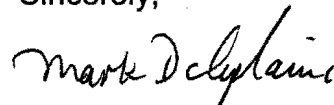
Page 2

3. Use of volume ramping up rather than switching on at high volumes; and
4. Publication of a follow-up report.

The Navy will not use any explosives during this operation and will remove all mine-like objects used for this operation at the end of the demonstrations. With these measures, the project will not significantly affect marine or biological resources of the coastal zone. Finally, the proposed operation is generally consistent with other operations in the area and specifically with a previous mine countermeasure operation approved by the Commission, ND-015-01.

In conclusion, the Coastal Commission staff agrees that the proposed project will not significantly affect coastal zone resources. We, therefore, **concur** with the negative determination made pursuant to 15 CFR § 930.35. If you have any questions, please contact James Raives of the Coastal Commission staff at (415) 904-5292.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: San Diego Coast District

PMD/JRR