

CALIFORNIA COASTAL COMMISSION

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

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REPORT ON**NAVY NEGATIVE DETERMINATION**

DATE: January 15, 2003

TO: Coastal Commissioners And Interested Parties

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

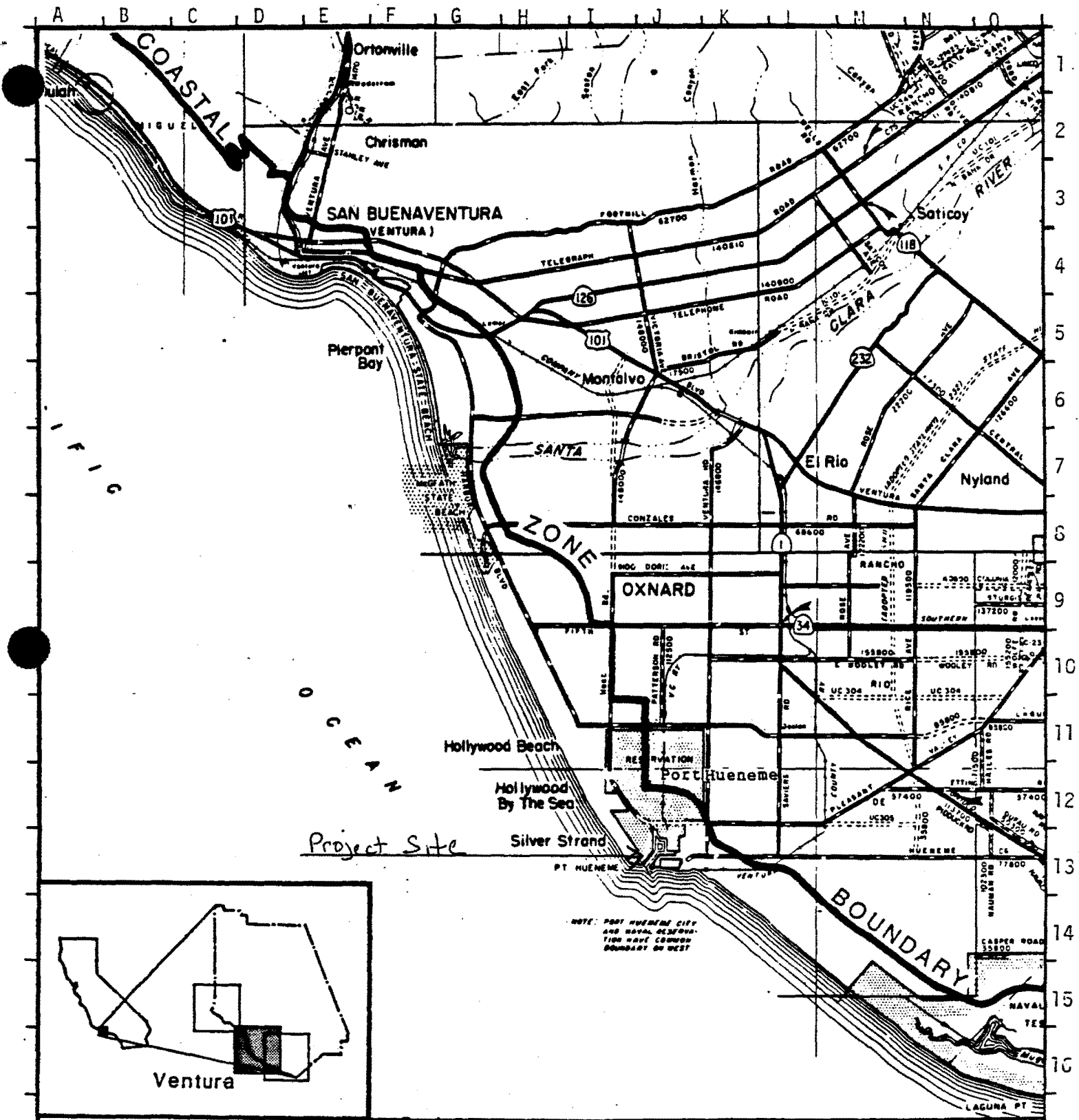
RE: **ND-002-03**, Pending U.S. Navy Negative Determinations for Repair and Maintenance Activities at an existing wharf, Naval Base Ventura County, Port Hueneme (Exhibits 1 and 2)

On December 20, 2002, the Commission staff objected to a negative determination for wharf repairs at Port Hueneme (Exhibits 1 and 2), because the proposed project has the potential to add plastic debris to the marine environment. (The Navy's original negative determination and the Commission staff's objection letter are enclosed as Attachments 1 and 2, respectively.) The presence of plastics in the coastal and ocean environment is both widespread and harmful to human and marine life. Thus, the Commission staff believes that the use of plastics for boating facilities has the potential to affect coastal resources and that the proposed project requires a consistency determination. The Navy disagrees with this conclusion and has resubmitted the negative determination (Attachment 3) for the proposed project. In addition, this resubmittal also requests that the Commission staff present the negative determination to the Commission for its consideration. As described in the draft response to this new negative determination, the Commission staff continues to believe that the project will affect coastal zone resources. Therefore, the Commission staff proposes to object to this negative determination. Accordingly, attached is a draft Executive Director objection letter on this negative determination, which will not be signed until after the public hearing and after the Commission has had the opportunity for input to the Executive Director as to whether to concur with or object to the Navy's negative determination.

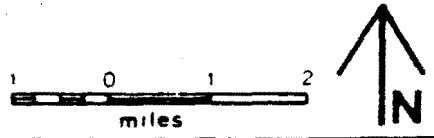
Attachments:

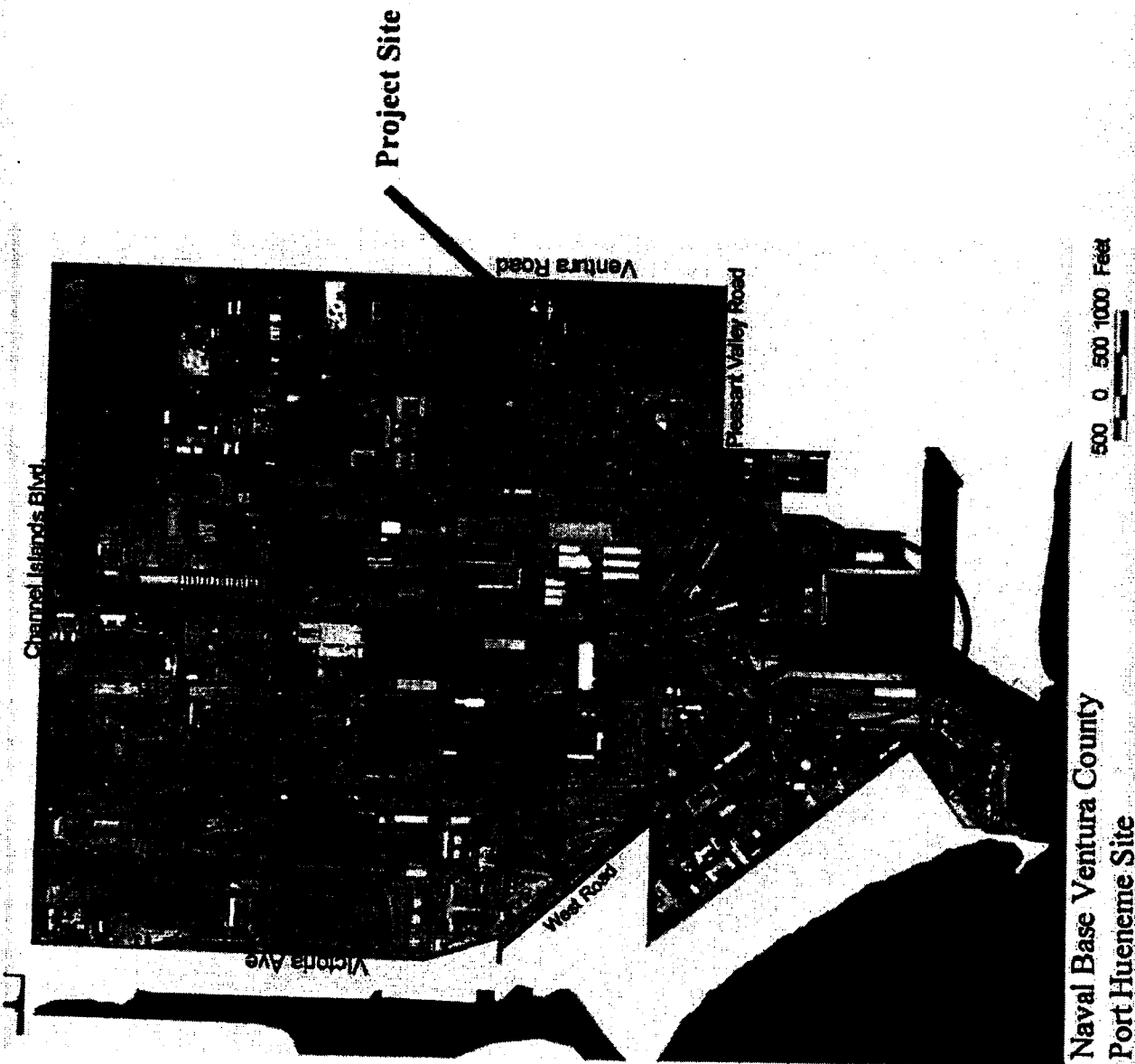
1. Navy's negative determination for wharf repairs at Port Hueneme, ND-075-02.
2. Staff objection to the Navy's negative determination, ND-075-02.

3. Navy's resubmittal of negative determination for wharf repairs at Port Hueneme, ND-002-03.
4. Draft objection letter to the Navy's negative determination, ND-002-03.



LOCATION MAP






Naval Base Ventura County
Port Hueneme Site

EXHIBIT NO. 2
APPLICATION NO. ND-002-03

CALIFORNIA COASTAL COMMISSION

APPLICATION NO. ND-002-03

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

 California Coastal Commission

January 15, 2003

D.H. Boothe
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

Attn: James Danza

RE: **ND-002-03**, Negative Determination for the repair of existing wharves and upgrading of utilities services, Naval Base Ventura County, Port Hueneme.

Dear Commander Boothe:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes to repair and upgrade existing wharves at Port Hueneme. Specifically, the Navy proposes the following activities:

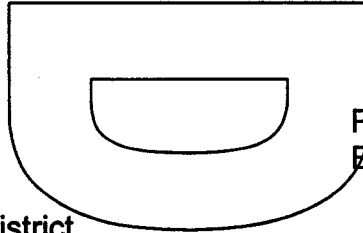
1. Replacement of piles and fenders;
2. Construction of "cold iron" features that will include below deck potable water, sewer, and electrical service for ships berthed at these wharves; and
3. Upgrade of electrical service to support the additional wharves and site demands, including additional exterior lighting and cabling to shore power, and other related miscellaneous utilities such as telephone and telecommunications equipment (the upgrade of electrical service will provide at least one power box (4800 amp) at each of wharves 3 and 4 and one box (4800 amp) at the wharves 5 and 6).

In replacing the fendering system, the Navy will use an advanced technology fendering system such as plastic composite or reinforced concrete with fiber composite materials to replace the existing chemically treated wood fenders, piles, and camels. The Navy will drive the new piles into positions adjacent to existing piles and remove the old piles.

This negative determination is a request for re-review of a negative determination that the Commission staff previously objected to (copy of the objection letter, dated December 20, 2002, is attached and incorporated into this letter by reference). As described in our previous letter, the Commission staff believes that the use of plastic composite material for pilings and fendering has the potential to affect marine resources, and thus this project requires a consistency determination (for a full description of the Commission staff concerns, see the enclosed letter dated December 20, 2002). The Commission staff continues to believe that the project has the potential to affect marine resources, and thus requires a consistency determination.

In conclusion, the Coastal Commission staff disagrees with the Navy's conclusion that the proposed project will not adversely affect coastal zone resources. The Commission staff, therefore, objects to 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,

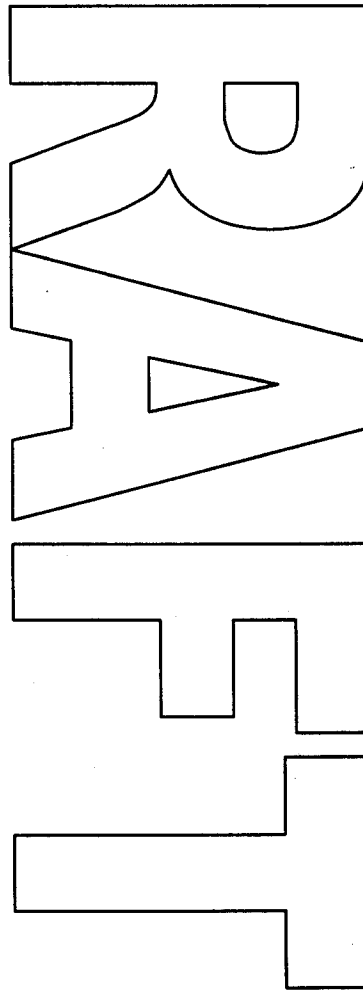


PETER M. DOUGLAS
Executive Director

cc: South Central Coast District

enclosure

PMD/JRR





DEPARTMENT OF THE NAVY

NAVAL BASE VENTURA COUNTY
311 MAIN ROAD, SUITE 1
POINT MUGU, CA 93042-5001

IN REPLY REFER TO:
5090

Ser N46VP/0014

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JAN 14 2003

CALIFORNIA
COASTAL COMMISSION

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

Dear Mr. Douglas:

We have reviewed your response to our project P-532 Port Improvements (ND-075-02) of December 20, 2002. We respectfully disagree with your conclusion that our project would have a significant adverse impact on the biological productivity and quality of coastal waters. Our Negative Determination was based on several factors including the replacement of older creosote piles with non-toxic, creosote-free composite piles.

Your response goes into detail on the impact of plastics debris in the marine environment. We agree that plastics, especially floatables, are very hazardous to marine life. Undoubtedly, the overwhelming source of this pollution is from litter from land and vessels, not from composite wharf piles. No substantive data is provided to support the conclusion that this project would threaten coastal resources. As the data we submitted indicates, composite piles are more resistant to breakage and are non-toxic.

Therefore, we continue to believe that our initial Negative Determination is correct, and request a hearing before the Commission. At the hearing we can provide additional detail on the qualities of composite piles to further alleviate your concerns.

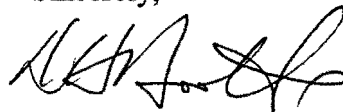
We would like to be placed on the February agenda so our project can proceed as scheduled. Please confirm request as soon as possible. Our point of contact is Mr. James M. Danza, Space Resource Manager, Code N46VP at (805) 989-1308. If you have any questions, please contact Mr. Danza at (805) 989-9747.

ATTACHMENT NO. 2

APPLICATION NO. ND-002-03

 California Coastal Commission

Sincerely,



D. H. BOOTHE
Commander, CEC, U. S. Navy
Public Works Officer
By direction of the Commanding Officer

CALIFORNIA COASTAL COMMISSION

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

APPLICATION NO. ND-002-03

 California Coastal Commission

December 20, 2002

Robert Wood
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5001

Attn: James Danza

RE: **ND-075-02**, Negative Determination for the repair of existing wharves and upgrading of utilities services, Naval Base Ventura County, Port Hueneme Area.

Dear Mr. Wood:

The Coastal Commission staff has received and reviewed the above-referenced negative determination. The Navy proposes the following activities:

The proposed construction is to be conducted for the purpose of repairing and upgrading the existing wharf facilities. The wharves size will not be increased. Proposed construction will consist of new utility systems, piling and fenders to meet berthing requirements, power, and "cold iron" requirements at Wharves 3, 4, 5, & 6. The "cold iron" features will include below deck potable water, sewer, and electrical service for ships berthed at these wharves. The base electrical service will be upgraded to support the additional wharf and site demands, including additional exterior lighting and cabling to shore power, and other related miscellaneous utilities such as telephone and telecommunications equipment.

The upgrade of electrical service will provide at least one power box (4800 amp) at each of wharves 3 and 4 and one box (4800 amp) at the wharf 5 and 6 locations. The proposed construction will also provide sewer and water lines to each wharf. Any existing lines will be upgraded to handle increased loads.

The project will also provide for the installation of a new fendering system at Wharves 3, 4, 5, & 6 using an advanced technology fendering system such as plastic composite or reinforced concrete with fiber composite materials to replace the existing chemically treated wood fenders, piles, and camels. New piles will be driven in new positions adjacent to existing piles. Old piles will be cut and removed.

Construction will also entail resurfacing and repairing the concrete and asphalt mobilization areas. All construction will meet seismic zone 4 requirements.

Although the project includes measures to minimize water quality impacts from the proposed repair of the wharves, the Commission staff is concerned about the use of plastic pilings in the marine environment from the deterioration of the pilings and subsequent increase in marine debris. The Commission staff understands that the project involves removing deteriorating chemically treated wood pilings, and thus the Navy will reduce an existing impact to water quality resources. The Commission staff has also reviewed the water quality effects from the use of recycled plastic composites. The composites are made from used bottles collected at curbside for recycling. This material is comprised of approximately 80% polyolefin content (polyethylene and polypropylene), with the remaining percentages made of polyethylene terephthalate, polystyrene, polyvinyl chloride, and other plastics. In a leach test only minor amounts of copper, iron, and zinc leached from the plastic. None of the contaminants had a concentration significant enough to have any adverse effects on the marine environment. Additionally, in a study comparing the toxic effects of plastics to treated wood, the researchers concluded that "*in all these experiments with four different species of estuarine organisms, the recycled plastic proved to be far less toxic material than the treated wood.*"¹

However, the Commission staff is concerned about the proposed project because of its potential to add plastic debris to the marine environment. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces. The presence of plastics in the coastal and ocean environment is both widespread and harmful to human and marine life.

An article, written by Jose G.B. Derraik, entitled "The pollution of the marine environment by plastic debris: a review," reviews much of the literature published on the topic of deleterious effects of plastic debris on the marine environment. The article states:

*The literature on marine debris leaves no doubt that plastics make-up most of the marine litter worldwide.*²

In support of this statement, the article includes a table that presents figures on the proportion of plastics among marine debris around the world. In most of the locations listed on the table, plastics represented more than 50 percent of the total marine debris found.³

Existing studies clearly demonstrate that plastic debris creates problems for marine life. Plastic marine debris affects at least 267 species worldwide, including 86% of all sea turtle species, 44% of all sea bird species, and 43% of marine mammal species.⁴ For example, plastics cause significant adverse impacts in seabirds, when birds mistakenly ingest the plastic debris. A study performed in 1988, concluded that seabirds consuming large amounts of plastics reduced their food consumption, which limited their

¹ Toxicity of Construction Materials in the Marine Environment; Weis, Peddrick; Weis, Judith; Greenberg, Arthur; and Nosker, Thomas; Archives of Environmental Contamination and Toxicology; 1992.

² Derraik, Jose. "The pollution of the marine environment by plastic debris: a review," Marine Pollution Bulletin," 44: 842-852, 2002.

Marine Debris - Sources, Impacts and Solutions. Springer-Verlag, New York, 99-139, 1997..

³ Ibid

⁴ Laist, D. W. "Impacts of marine debris: entanglement of marine life in marine debris including a comprehensive list of species with entanglement and ingestion records," Coe., J.M., Rogers, D. B. (Eds.)

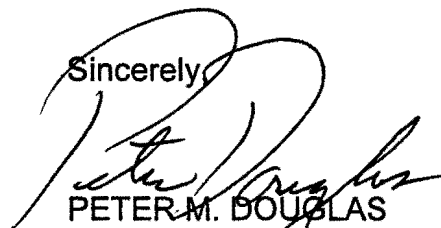
ability to lay down fat deposits and in turn reduced fitness. In addition, ingesting plastics can block gastric enzyme secretion, diminish feeding stimulus, lower steroid hormone levels, delay ovulation, and cause reproductive failures.⁵ Plastic debris that has settled on the seabed floor also harms the biological productivity of coastal waters. In Derriak's article, he states:

*The accumulations of such [plastic] debris can inhibit gas exchange between the overlying waters and the pore waters of the sediments, and the resulting hypoxia or anoxia in the benthos can interfere with the normal ecosystem functioning, and alter the make-up of life on the sea floor. Moreover, as for pelagic organisms, benthic biota is likewise subjected to entanglement and ingestion hazards.*⁶

There are no examples that staff can identify that document the deterioration rate of this plastic. If the proposed pilings were installed, they would be exposed to ultra violet radiation. The plastic contains stabilizers that are intended to protect it from degradation that may result from UV exposure. Notwithstanding the protection provided by the stabilizers, the potential does exist that the plastic would degrade over time. If the plastic piles were to become brittle, they may splinter upon impact and would introduce plastic debris into the coastal waters, and thus would adversely affect water quality resources. The plastic debris resulting from the proposed project would degrade the water quality and pose threats to the wildlife in the ocean. Thus the project would result in significant adverse impacts to the biological productivity and quality of coastal waters.

In conclusion, the Coastal Commission staff disagrees with the Navy's conclusion that the proposed project will not adversely affect coastal zone resources. The Commission staff, therefore, objects to 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

⁵ Derraik, Jose. "The pollution of the marine environment by plastic debris: a review," *Marin Pollution Bulletin*, 44: 842-852, 2002.

⁶ *Ibid*



DEPARTMENT OF THE NAVY

NAVAL BASE VENTURA COUNTY
311 MAIN ROAD, SUITE 1
POINT MUGU, CA 93042-5001

IN REPLY REFER TO:
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**CALIFORNIA
COASTAL COMMISSION**

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

Dear Mr. Douglas:

We are submitting enclosure (1) for Military Construction Project P-532, Port Improvements. The project will repair the existing wharf structure and upgrade utility services. This is in compliance with Section 930.35(d) of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 CFR 930).

The proposed work encompasses needed repairs to Wharves 3, 4, 5 and 6. Broken and deteriorated support piles and the fendering system will be replaced. The present size of the wharf will not be increased. There is no negative impact to the Coastal Management Zone from this action.

Please review our request and send a copy of your letter of concurrence via facsimile directly to Mr. James M. Danza, Space Resource Manager (Code N46VP), at (805) 989-1308. If you have any questions, please contact Mr. Danza at (805) 989-9747.

Sincerely,

ROBERT WOOD
Acting Deputy Public Works Officer

Enclosure:
(1) Coastal Consistency Negative Determination

ATTACHMENT NO. 4
APPLICATION NO. ND-002-03

COASTAL CONSISTENCY NEGATIVE DETERMINATION

PORT IMPROVEMENT PROJECT - WHARVES 3, 4, 5 & 6 NAVAL BASE VENTURA COUNTY (NBVC), PORT HUENEME SITE

This Coastal Consistency Negative Determination (CCND), in compliance with Section 930.35(d) of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 CFR 930), is submitted for the Port Improvement Project located at NBVC, Port Hueneme site.

This project has been determined to be consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program. This CCND summarizes the project.

Background

This project will repair and upgrading the existing Wharves 3, 4, 5, & 6. The existing wharves are damaged and deteriorated. The current poor condition of the wharves precludes them from being used to their full intended capacity. The proposed repair and upgrade of these facilities is required for the Navy to be able to obtain maximum benefit from the safe daily operation of the port.

Project Need

This project is required to provide adequate berthing to meet mission requirements for most classes of fleet combatants, Naval Construction Force, the Pacific Sea Test Range, tenant command home ported units, and transient vessels deployed from or home ported at Port Hueneme. The port provides service to support the US Department of Transportation Maritime Administration (MARAD), Military Sealift Command (MSC), and Naval Research Laboratory (NRL) and many other military and non-military agencies. The port provides terminal facilities in support of the Naval Surface Warfare Center's Combat Technical Evaluations. Oceanographic and survey vessels operate from the port. The port and terminal provide support for major Department of Defense joint military exercises for the Navy, Marine Corps, and Army.

These facilities are an integral component to port operations. These facilities are required to support Navy and transient vessels, provide staging and storage; provide utilities and access to land based facilities. These facilities also provide launch and retrieval support as well as supply to outlying facilities.

The current wharves are substandard for berthing purposes and do not provide adequate utilities services to ships while berthed at Port Hueneme. Wharf 4 has a temporary substation to provide power. The substation is surface mounted on the wharf, which obstructs the laydown area and adversely affects mobilization efforts due to its location. Power is only available at one location making this 1200-foot wharf very inflexible for other berthing requirements. Wharf 3 has no ship power capability. Wharves 5 and 6 have inadequate power to meet mission requirements and meet cold iron support. Currently

Encl (1)

water and sewer is provided via surface connections requiring hoses to lay across the staging areas, adversely affecting mobilization and negatively impacting safety.

Project Description

The proposed construction is to be conducted for the purpose of repairing and upgrading the existing wharf facilities. The wharves size will not be increased. Proposed construction will consist of new utility systems, piling and fenders to meet berthing requirements, power, and "cold iron" requirements at Wharves 3, 4, 5, & 6. The "cold iron" features will include below deck potable water, sewer, and electrical service for ships berthed at these wharves. The base electrical service will be upgraded to support the additional wharf and site demands, including additional exterior lighting and cabling to shore power, and other related miscellaneous utilities such as telephone and telecommunications equipment.

The upgrade of electrical service will provide at least one power box (4800 amp) at each of wharves 3 and 4 and one box (4800 amp) at the wharf 5 and 6 locations. The proposed construction will also provide sewer and water lines to each wharf. Any existing lines will be upgraded to handle increased loads.

The project will also provide for the installation of a new fendering system at Wharves 3, 4, 5, & 6 using an advanced technology fendering system such as plastic composite or reinforced concrete with fiber composite materials to replace the existing chemically treated wood fenders, piles, and camels. New piles will be driven in new positions adjacent to existing piles. Old piles will be cut and removed.

Construction will also entail resurfacing and repairing the concrete and asphalt mobilization areas. All construction will meet seismic zone 4 requirements.

Alternatives

Status Quo: The no-project alternative is not viable. Failure to make critical improvements to the port's fendering and utilities systems will limit the installation's ability to adequately support tenant's berthing requirements. Continued deterioration of the facilities will impact the port's ability to effectively support the Pacific Fleet Seabees' mission with respect to rapid deployment and mobilization. Without improvements, the capability to support large vessels will be significantly reduced. The surface connections and hoses will continue to impact rapid loading of base mobilization stock.

Failure to provide the necessary utilities services and improvements to the paving will result in continued and compounded safety hazards. Without improvements to the water and sewer connection, engineering controls cannot be implemented to eliminate surface hoses from being placed across the laydown area. Without proper engineering controls, safety during port operations will be compromised.

Maintenance costs will continue to escalate. The use of chemically treated wood fendering will result in a continued environmental hazard with respect to water quality within the port.

Reconstruct Fendering: Constructing the new fendering in the exact position of the present fendering is very difficult. The entire wall would be removed and the existing embankment would need to be sloped back. The slope would approach existing wharf surfaces, utilities and structures. The possibility of erosion of the embankment during construction, as compared to the proposed alternative, would be greater because of the slope of exposed soil. The cost of construction would also be significantly greater due to the need to temporary shoring of the embankment, additional excavation, and lack of access for heavy equipment. This alternative is not feasible from a financial and logistical standpoint.

Conclusion

The undertaking of this mission critical project will have no significant impact on the waters of the United States in this particular instance. The proposed project will take place in a busy mixed-use industrial/commercial/ military waterway. The repairs and renovation will not increase the size of the facility. The availability of this new fully functional facility will improve the efficiency and safety of vessel support services and provide maximum effective use of all berths at the port.

During construction, care will be taken to protect the adjacent open water of the harbor from potential negative impacts. The project areas will be clearly delineated and construction activities will be closely monitored to ensure that only the designated construction site will be affected. Erosion and pollution prevention control measures will be utilized to minimize the transport of materials during construction and the potential impacts of fugitive surface runoff.

NBVC has determined that the project is consistent with the California Coastal Act of 1976, to the maximum extent practicable. Naval procedures and policy limits discretion to comply with the California Coastal Management Program. The proposed project is located on Federal lands and therefore, by definition, the activity is located outside the Coastal Zone.

Summary

The proposed project will have **no significant impact** on resources of the coastal zone for the following reasons:

- The project will not have an impact on regional water quality;
- No impact to federal or state endangered or threatened species is expected because none are expected in the construction zone;
- The project site is not visible or accessible from the Coastal Management Zone.

In accordance with the Federal Coastal Zone Management Act of 1972, as amended Section 307 (c) (1), this CCND demonstrates that the activity will not affect resources of the coastal zone.