

CALIFORNIA COASTAL COMMISSION

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STAFF RECOMMENDATION

ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-046-07
Staff:	CMC-SF
File Date:	7/24/2007
60 th Day:	9/22/2007
75 th Day:	10/7/2007
Commission Meeting:	9/7/2007

FEDERAL AGENCY: Department of the Navy (Navy)

PROJECT
LOCATION:

Fuel Storage and Distribution Facility, east side of Naval Base Point Loma, City of San Diego (Exhibits 1 and 2)

PROJECT
DESCRIPTION:

Replacement of existing aboveground and underground fuel storage tanks and associated obsolete infrastructure with eight new aboveground storage tanks (42 million gallon total capacity) (Exhibits 3 and 4)

SUBSTANTIVE
FILE DOCUMENTS:

1. Point Loma Ecological Conservation Area (PLECA) Memorandum of Understanding (MOU), 2005.
2. Navy Tank Color Selection Memo, November 2006.

EXECUTIVE SUMMARY

The Department of the Navy (Navy) has submitted a consistency determination for the replacement of fuel storage tanks and associated support facilities at the Naval Base Point Loma (NBPL) on the Point Loma peninsula in San Diego (see Exhibits 1-2). The project is intended to modernize the existing Defense Fuel Support Point (DFSP) fuel storage and distribution facility located within the northeast area of NBPL. This facility provides jet fuel, marine diesel fuel, and lubricating oils to Navy ships and aircraft as well as Federal agency vessels conducting operations in the Southwestern U.S. and Southeastern Pacific. The DFSP Point Loma currently encompasses a total of 54 above and underground storage tanks with a capacity of 42 million gallons, a fully functional fuel oil recovery (FOR) plant, a fuel tanker truck loading and unloading station, a 975 foot-long deep-draft fueling pier, and a Fuel Laboratory. Fuel is received primarily by pipelines and ocean tankers and is distributed via pipelines, tank vessels, and tanker trucks. The average age of the DFSP Point Loma infrastructure is 72 years, with the existing bulk-fuel storage tanks installed between 1932 and 1954. The Navy states that modernization of the facility through the proposed project is necessary because the existing storage tanks have surpassed their expected operational life by over 40 years.

The proposed project will affect approximately 1 acre of non-industrial low-grade habitat area within the neighboring Point Loma Ecological Conservation Area (PLECA). This habitat does not contain any federally- or state-listed species and is therefore not considered an Environmentally Sensitive Habitat Area (ESHA). In addition, the area is not a wildlife corridor, which would qualify it as ESHA, nor is the Coastal Sage Scrub identified within the affected project area considered ESHA under the San Diego City Local Coastal Plan requirements. The Navy has incorporated avoidance and mitigation measures into the project description to the maximum extent feasible to reduce potential environmental effects on habitat and species within the PLECA. Any permanent loss of habitat acreage that occurs as a result of the project will be compensated for by the Navy through revegetation and adherence to the voluntary protocols provided for in the PLECA Memorandum of Understanding (MOU), which was developed with the U.S. Fish and Wildlife Service and National Park Service, among other governmental agencies (Attachment 1). With the MOU measures in place, the proposed project would be in compliance with Section 30240 of the California Coastal Act.

The Navy has proposed to build four sedimentation basins to capture runoff and potential oil spills from the project area. With the construction of these basins, preparation of a project-specific Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs), and the Navy's adherence to the NPDES stormwater permit requirements, the project would not pose significant threats to the water quality or biological productivity of San Diego Bay and would therefore be consistent with the applicable marine resource and water quality policies under Sections 30230 and 30231 of the Coastal Act.

The proposed project would occur in an area that is restricted from public access due to safety and military security concerns. No change in public access to or recreational opportunities around the facility or in the nearby Point Loma area and the surrounding coastal zone would occur. Therefore, the proposed project will not adversely affect public access to and recreational

activities within the project area, and the project is consistent with the access and recreation policies of Sections 30210 and 30212 of the Coastal Act.

The NBPL is located in a scenic area (Point Loma) that could be classified as a sensitive viewshed with its location on San Diego Bay, visible to passing boaters on the water as well as from nearby residential areas (Exhibits 7-11). The DFSP itself, however, is currently obscured from the Bay view by a Navy facility located on the Bay to the south and sits against the steeply graded hill to the north which “envelopes” the facility from views above. The proposed storage tanks may be slightly more visible from public vantage points than the existing aboveground tanks because they will be taller and painted white; however, the Navy cites specific logistical reasons for keeping the tank height and color the same as proposed (Attachment 2). Screening of the facility with additional large trees or landscaping was ruled out due to the increased risk of fire in the area. In sum, the additional tank height would not significantly alter or block scenic public views and the project would be compatible with the character of the surrounding area, as well as minimize landform alteration, and therefore would be in compliance with the visual policy under Section 30251 of the California Coastal Act.

The tank replacement requires an update to the NBPL’s oil spill prevention and control plan and emergency response plan, collectively known as the Integrated Contingency Plan (ICP) for the Naval Base, to take into account the new fuel storage tanks’ design, construction, and operation. A copy of the updated ICP will be provided to the Commission staff for its review once it is completed in April 2008, and prior to project construction. As the project moves forward, any amendments submitted to regulatory agencies reflecting a significant change will also be forwarded to Commission staff for review and concurrence. The proposed fuel storage and distribution upgrades will themselves reduce oil spill risks, and with the agreement for Commission staff review and concurrence with updated oil spill plans, the proposed project will be in compliance with the oil and hazardous spill policy under Section 30232 of the California Coastal Act.

The Navy has also worked with the State Historical Preservation Officer to mitigate impacts to archaeological resources in the project area, including a historical property (FISC Quarters A). Under an agreement with the Officer, the Navy completed specified recordation of Quarters A and its contributing landscape; the required documentation is currently in preparation. With this mitigation in place, the proposed project is in compliance with the archaeological policy of Section 30244 of the California Coastal Act.

STAFF SUMMARY AND RECOMMENDATION

I. STAFF SUMMARY

A. Project Description. The Department of the Navy proposes to modernize the existing Defense Fuel Support Point (DFSP) fuel storage and distribution facility at the Naval Base Point Loma (NBPL) station in San Diego (see Exhibits 2 and 3) through the removal of 54 aboveground and underground fuel storage tanks, as well as associated infrastructure such as

power connections, above grade pipelines and buried pipelines that are exposed, and distribution facilities, as well as contaminated soil located beneath the tanks. Eight new multi-product aboveground storage tanks with a total capacity of 42 million gallons would be installed (see Exhibit 4). The new storage tanks would be approximately 149 feet in diameter with a shell height of 50 feet and would be located on two ground tiers, the base of the lower tier generally at 59 feet above mean sea level (msl) and the upper tier at 79 feet above msl. The new storage tanks would be placed within 100% containment dikes. Power connections and pipelines would be reestablished and computerized monitoring equipment and automated fuel handling equipment systems would be installed. New sedimentation basins for stormwater management would be installed at the facility to update the existing stormwater management system. Access to the work site would be through the McClelland Gate at the eastern end of the base, which would be widened to accommodate construction equipment and traffic.

In addition to construction of the tanks at the DFSP facility, two new valves would be installed on existing pipelines at Valve Station 8 near Marine Corps Air Station in Miramar. Miramar Air Station is located in central San Diego County and is owned by the U.S. Department of the Navy. Construction of the proposed project would begin in 2008 and it is expected that construction activities would be completed by 2013.

The Navy is also in the midst of an ongoing remediation effort at the DFSP facility to clean up past releases of oil and related hydrocarbon substances that leaked from tanks in the fuel storage area. The release of fuel products has resulted in underground contamination of groundwater. The Navy is continuing actions to remediate the groundwater contamination and remove the fuel plume, which is contained under the DFSP and the residential property north of the facility. The tank closures and cleanup activities are under the oversight of and being coordinated by the Environmental Protection Agency, the Regional Water Quality Control Board, the San Diego County Department of Environmental Health and the City of San Diego.

B. Federal Agency's Consistency Determination. The Navy has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

II. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following motion:

Motion: I move that the Commission **concur** with consistency determination CD-046-07 that the project described therein would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution to Concur with Consistency Determination:

The Commission hereby **concurs** with consistency determination CD-046-07 by the U.S. Navy on the grounds that the project would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Environmentally Sensitive Habitat. The Coastal Act provides:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Navy performed several surveys to identify existing wildlife and map vegetation communities in the identified project area in 2005 and 2007 (Exhibits 5 and 6). No federally- or state-listed wildlife or plant species were detected during the course of these surveys or are known to occur in the proposed project area. The proposed project will affect approximately 1 acre of non-industrial low-grade habitat area within the neighboring Point Loma Ecological Conservation Area (PLECA) where soil stockpiling and an equipment laydown area will occur. Because it does not contain any federally- or state-listed species, habitat affected by the project within the PLECA is not considered an Environmentally Sensitive Habitat Area. In addition, the habitat is not a wildlife corridor, which would qualify it as ESHA, nor is the Coastal Sage Scrub or Southern Maritime Chaparral identified within the project area considered ESHA under the San Diego City Local Coastal Plan requirements. Finally, this area is of low quality and is located on federal land.

The PLECA was established in 1995 under a memorandum of understanding (MOU) among the federal (U.S. Navy, U.S. Coast Guard, Department of Veteran Affairs and National Park Service)

and municipal (City of San Diego) landowners and the U.S. Fish and Wildlife Service (FWS) for the cooperative conservation and protection of native habitat areas within the former Fort Rosecrans Military Reservation. Under the PLECA MOU, sensitive plant communities, associated fauna, terrestrial birds, and threatened and endangered or otherwise sensitive plants and animals are to be protected, and their long-term management enhanced through cooperative actions. The PLECA MOU includes long-term in-place mitigation for effects to habitat areas outside the PLECA boundary, and provides protocols for the in-kind replacement of habitat affected within the PLECA. The Navy consulted with the members of the PLECA during project design and subsequently reworked the project to lessen impacts on the PLECA and reduce the amount of habitat affected from 5 acres to 1 acre. Any permanent loss of habitat acreage that occurs as a result of the project will be compensated for by the Navy through adherence to the voluntary protocols provided for in the PLECA MOU. Actual habitat acreages affected, and their compensation in accordance with the MOU protocols, will be accounted for on the basis of the final project design and recorded in the Final Environmental Assessment.

The NBPL hosts two nesting trees and one roosting tree where great blue herons and black-crowned night herons nest (Exhibit 6). The northern-most nesting tree is 468 feet outside of the project boundary although the southern-most nesting tree is within the project boundary, approximately 305 feet from the closest construction site (the closing of underground storage tanks 174 and 175). The Navy asserts and the FWS concurs that, due to the distance of the known nesting trees from the perimeter of the DFSP Point Loma, herons will not be affected during the course of project construction or operation.

With the PLECA MOU measures in place, the Commission finds that the proposed project would avoid impacts to adjacent environmentally sensitive habitat areas and therefore be consistent with Section 30240 of the Coastal Act.

B. Marine Resources and Water Quality. The Coastal Act provides:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining

natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Because the proposed project lies less than a mile uphill from San Diego Bay, it poses the potential for impacts from stormwater runoff to marine resources in coastal waters both during construction and operation of the tank facility. Stormwater runoff flows from the upslope area of NBPL, west through the DFSP Point Loma. Runoff is currently captured in an existing concrete flume located to the south of the aboveground tank area along Warhead Road and is diverted to a spill containment moat, where it is then sampled and tested at a certified off-base laboratory. Depending on the test results, the water is either released to San Diego Bay or pumped to the fuel oil recovery plant on base in accordance with the facility's current National Pollutant Discharge Elimination System (NPDES) permit.

Under the proposed project, four sedimentation basins would be constructed to collect stormwater runoff. Three basins would be constructed to the west of the tank facility area so that no stormwater would flow off the tank area. The fourth sedimentation basin would be constructed east of the tank area, just west of the intersection of Warhead Road and Rosecrans Street. The combined storage capacity of the stormwater sedimentation basins would be 1.3 million gallons. All four sedimentation basins are designed in accordance with the criteria established by San Diego County for sediment control. Each sedimentation basin is sized to capture and detain the runoff resulting from an 85th percentile storm event. Stormwater runoff would be released from the three sedimentation basins at a discharge rate of approximately one cubic feet per second (CFS) over a three day period following a storm event. The stormwater would be directed to the fourth sedimentation basin which is equipped with an underflow/overflow weir to allow discharge to the Bay but prevent any potential sheen or oily product from being discharged to the Bay.

Modern spill containment would be provided for all eight new storage tanks, as well as any associated structure where there is potential for a fuel leak or release. This includes containment dikes, containment berms or pads, curbs for tanks, valve manifolds, and a fuel oil recovery equipment pad.

Construction of the proposed project must comply with the Federal Clean Water Act as implemented by the State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS 000002, Order No. 92-08-DWQ, "Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity." Compliance with the general construction permit requirements for this proposed project would require the elimination or reduction of non-storm water discharges to storm water systems, the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), inspection of all storm water control structures, and implementation of other pollution prevention measures, such as applicable Best Management Practices (BMPs). The Navy has agreed to submit a copy of the facility's SWPPP and a report detailing post-construction BMPs (i.e. design, operation, and maintenance of the stormwater system) to Commission staff for review and concurrence a minimum of two weeks prior to project construction. Once approved by all responsible agencies, the SWPPP will be implemented at the beginning of construction activities and kept on site

during the project; BMPs would be implemented according to the NPDES Program requirements to protect receiving waters from degradation during project construction and operations. Subsequent to construction, the site will be managed to comply with applicable existing RWQCB NPDES requirements.

Given the arrangement of the sedimentation basins to capture runoff and potential oil spills and the Navy's adherence to the SWPPP, BMPs, and NPDES permit requirements, the Commission finds the proposed project would be consistent with Sections 30230 and 30231 of the Coastal Act.

C. Public Access and Recreation. The Coastal Act provides:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The tank replacement project will be located entirely within the NBPL, and the valve replacement activities will be located within the MCAS at Miramar. Public access to NBPL and Miramar station is restricted due to military security concerns; only U.S. Navy, U.S. Marine Corps, and Department of Defense authorized personnel, government contractors, and official visitors are permitted to enter these stations. Because the public is not allowed to enter the project site due to security purposes, recreational opportunities for the general public are restricted to the coastal areas outside of the Naval Base.

Construction activities may potentially impact traffic accessing recreational areas in the vicinity of the project as trucks may slow traffic along city streets adjacent to the project site. The trucks would enter NBPL through the Rosecrans Gate along Rosecrans Street, which is a major thoroughfare to Point Loma. To ensure that construction traffic does not decrease the level of service for traffic along Rosecrans Street, the Navy proposes to establish a temporary truck staging area at the northeast corner of North Harbor Drive and Nimitz Boulevard, approximately 2.5 miles north of the project site. This proposed staging area is owned by the U.S. Navy and is currently a paved parking lot that is used as overflow parking for the Naval Mine and Anti-Submarine Warfare Compound. A portion of the parking lot will be set aside for truck staging during the proposed project. Construction-related truck traffic would be queued at the remote site to control the flow of traffic into the construction area and prevent a backup at the Rosecrans Street security gate. Each driver will be released from the staging area so that his arrival at the construction site is timed according to when he is needed. At the end of the proposed project, the truck queuing area will be discontinued. The Navy has agreed to employ Best Management Practices to limit the amount of time trucks are spent idling in wait to reduce gas usage, emissions and air quality impacts. All other truck traffic, not part of the proposed construction activities, would enter NBPL through the McClelland Gate, which is located on the eastern boundary of the base, along Cabrillo Memorial Drive.

Given the restricted nature of the project site and the measures proposed to reduce any traffic impact on adjacent surface streets from construction trucks, the Commission finds that the proposed project will not affect public access or recreation opportunities within or adjacent to the project area, and will be in compliance with Section 30210 of the Coastal Act.

D. Visual. The Coastal Act provides:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Views of the existing Point Loma facility are partially hidden from the Point Loma viewshed by trees, fences, hilly topography, and surrounding residential, commercial and military structures. Public views of the DFSP include vantage points from Shelter Island (park area), from San Diego Bay (boats, watercrafts, and ships) near and between Shelter Island and NBPL, from the Coronado Naval Base, and from certain residential areas on Point Loma (Exhibit 7). Because the eight new bulk tanks will be 50 feet high, approximately 15 feet higher than the existing aboveground storage tanks, they will rise above the nearby trees and fences surrounding the facility and will be visible from some of these adjacent public areas (Exhibits 8 through 11).

The view from Shelter Island is partially obscured by ships in the harbor and buildings in the foreground along Rosecrans Street, just south of DFSP Point Loma (Exhibit 8). From the Bay itself, the majority of the view of the DFSP is blocked by the Naval Base Submarine facility on the water just south of the facility (Exhibit 9). The Coronado Naval Base provides few public viewpoints adjacent to the facility due to limited public access at the base; from those that are available, the tanks are not very discernible because of the distance from the DFSP Point Loma and the surrounding buildings and piers. Views of the facility from the Rosecrans National Cemetery and Cabrillo Memorial (south of the DFSP Point Loma) are obscured due to the hilly topography between the view points and the proposed project area (Exhibits 10 and 11). Views of the DFSP Point Loma from the north are limited to private views from homes. The tank facility is hidden from most other residential areas by trees and other buildings surrounding the DFSP on Point Loma. At the street level, some views of the storage tanks are possible immediately adjacent to the facility, but because these views are from the street, the views are from moving cars, pedestrians, or bicyclists, and occur within a short time frame. Therefore, views of the storage tanks are mostly blocked because of foreground buildings, trees and vegetation, piers, docked ships, and distance.

The Commission staff discussed with the Navy measures to avoid or minimize potential impacts to the public viewshed from the proposed tanks, including lowering the height of the tanks,

shielding the tanks from view with native landscaping and trees, and changing the proposed color of the tanks from white to a less obtrusive color. In response, the Navy stated that to make the tanks any shorter would require them to exceed 150 feet in diameter. If they are 150 feet or greater in diameter, the fire codes will require greater separation distances which would not allow the tanks to be constructed in the available space, adding considerable impacts to the local environment by having to cut into the hillside north of the DFSP for tank construction. The Navy also stated that planting trees and vegetation in the minimal space available at the NBPL would increase the risk of damage to the tanks from potential tree falls and fire. Finally, the Navy stated its obligation to use the color white for the fuel storage tanks at the Point Loma facility according to an existing Navy policy (Attachment 2), which provides the following rationale: solar absorbance for steel tanks is the lowest for tanks painted white in color; this in turn decreases the amount of evaporation loss in aboveground storage tanks including fixed roof tanks with internal floating pans, such as those planned for the proposed project. Additionally, because the white color lowers the level of solar energy gain and decreases evaporation, the fluid in the tank can remain at a more constant temperature level and allow for more accurate inventory control and tank level monitoring. The Commission agrees with the Navy on the appropriateness of using white paint on the new tanks for these reasons.

In conclusion, the Commission finds the project would not block or alter scenic public views, would be compatible with the character of the surrounding area, and would minimize alteration to existing landforms; therefore, it is consistent with the public view protection policy in Section 30251 of the Coastal Act.

E. Oil Spills. The Coastal Act provides:

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The Point Loma DFSP facility is classified as a “Significant and Substantial Harm Facility” by the U.S. Environmental Protection Agency (EPA), the U.S. Coast Guard Research and Special Programs Administration, and state criteria. This classification is based on the quantity of fuel stored at the facility, the quantity of fuel that is transferred over water, the size and length of the facility’s on-shore pipeline, and the potential for a spill from the facility or pipeline to affect navigable waters and environmentally sensitive areas. “Worst-case” discharge scenarios postulate that spilled fuel could migrate to San Diego Bay from the facility and to the San Diego River and Mission Bay from the onshore pipeline that runs from DFSP Point Loma to MCAS Miramar.

Modern spill containment would be provided for all eight new storage tanks, as well as any associated structure where there is potential for a fuel leak or release. This includes containment dikes, containment berms or pads, curbs for tanks, valve manifolds, and a fuel oil recovery equipment pad.

The Navy maintains detailed plans to prevent fuel spills at DFSP Point Loma and to respond in the event spills do occur. State regulations mandate that the operator of a storage tank facility such as NBPL must prepare a spill prevention control and countermeasure plan (SPCC) in accordance with the guidelines of 40 CFR 112.7. The Navy has prepared a SPCC Plan for the fuel facility at Point Loma, which was last updated in 2004, that is integrated into its Integrated Contingency Plan (ICP). The ICP is DFSP Point Loma's in-depth response plan that addresses all aspects of an oil spill response, including organization, assessment, recommended cleanup methods, environmental considerations, establishment of priorities, training, preventive maintenance, and other required items. The current ICP complies with the requirements of federal and state regulatory agencies overseeing DFSP Point Loma, including the U.S. EPA, Coast Guard, State Lands Commission and California Office of Spill Prevention and Response (OSPR). Within the ICP, the Navy has also prepared an Emergency Response Action Plan called "THE RED PLAN" which is an abbreviated action plan that discusses key actions to be taken in the early stages of a response to an oil or hazardous substance spill.

The proposed project will require an update to the ICP to take into account the new fuel storage tanks' design, construction, and operation. The Navy has agreed to provide a copy of the updated ICP to the Commission staff for its review and concurrence once it is completed in April 2008, and prior to project construction. As the project moves forward, any amendments submitted to regulatory agencies reflecting a significant change will also be forwarded to Commission staff for its review and concurrence. The proposed fuel storage and distribution upgrades will themselves reduce oil spill risks. With the agreement for Commission staff to review and concur with the updated plans, the Commission finds the project will reduce and minimize oil spill risks and therefore be consistent with Section 30232 of the Coastal Act.

F. Archaeological Resources. The Coastal Act provides:

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Navy has complied with the federal historical preservation requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, for the resolution of adverse effects to historic properties by the proposed project. This was accomplished through consultation with the California State Historic Preservation Officer (SHPO) and other consulting parties, in accordance with Title 36 CFR 800. Based on these requirements, the Navy defined the area of potential effects (APE) for the proposed project and identified historic properties likely to be affected: A total of four archaeological sites and one historic landscape, the National Register-eligible FISC Quarters A, were documented within the APE.

FISC Quarters A and its contributing historic landscape is the only historic aboveground property within the APE. The structure itself is not individually significant, but it is a

contributing element to a historic landscape characterizing the early-20th development of Navy facilities on San Diego Bay. The proposed project would demolish Quarters A during site preparation activities associated with construction and re-contour the associated historic landscape (see Exhibit 5 for map of Quarters A location). The Navy considered alternatives to this action; however, it concluded that due to the need for security, control of potential contamination from the project, and the poor state of the building's integrity, the demolition of the historic property could not be avoided.

The Navy subsequently consulted with SHPO, who concurred with the Navy's definition of an APE, identification of historic properties, and determination of adverse effect. In January 2007, the Navy and SHPO executed a Memorandum of Agreement (MOA), which contains a stipulated action to resolve the adverse effect, namely that the Navy complete specified recordation of Quarters A and its contributing landscape prior to the start of project activities. This recordation effort and fieldwork were completed and the required documentation is currently in preparation. With this mitigation in place, the Commission finds the proposed project consistent with Section 30244 of the Coastal Act.

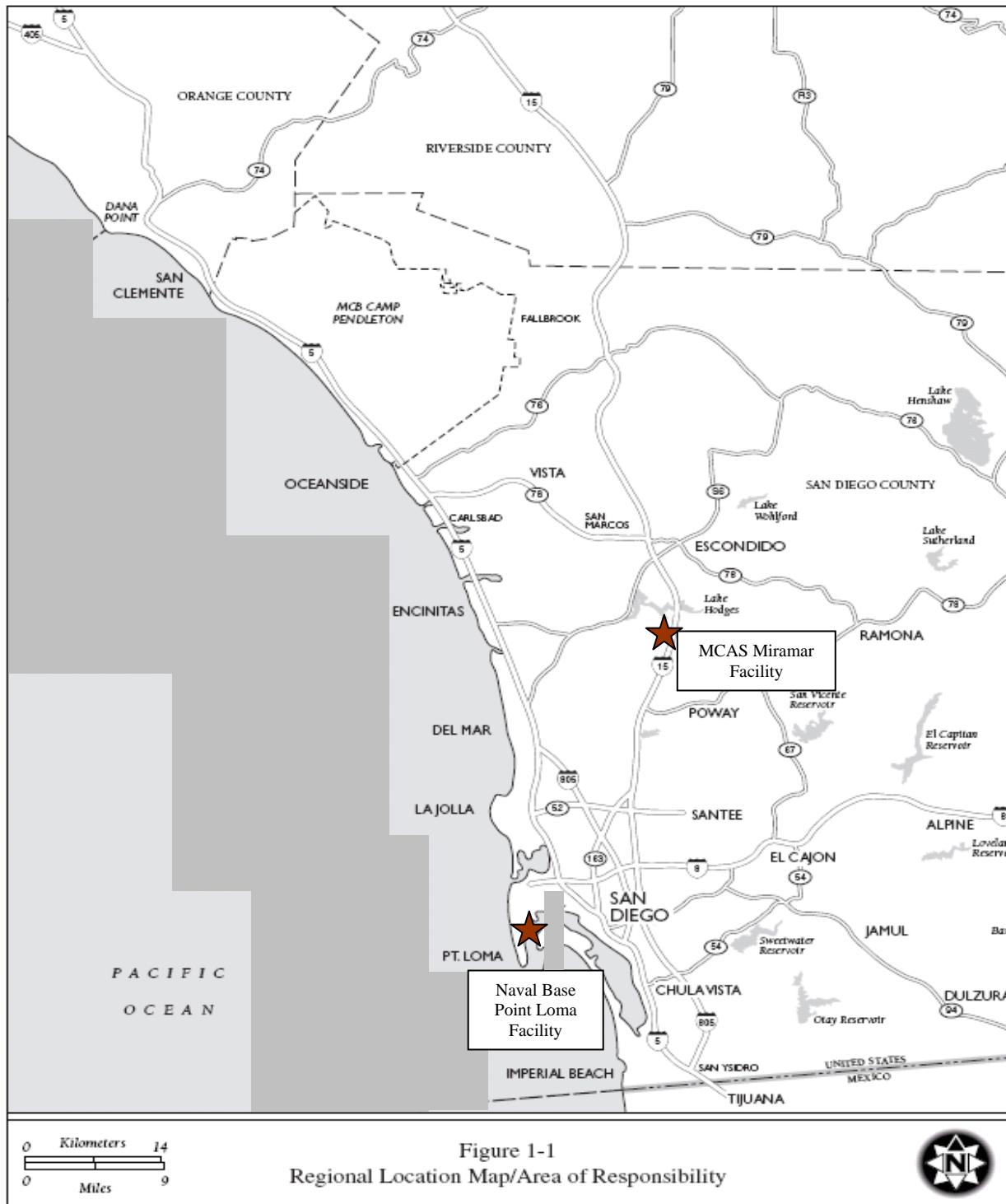


Figure 1-1
Regional Location Map/Area of Responsibility

EXHIBIT NO. 1
APPLICATION NO.
CD-046-07
U.S. Navy

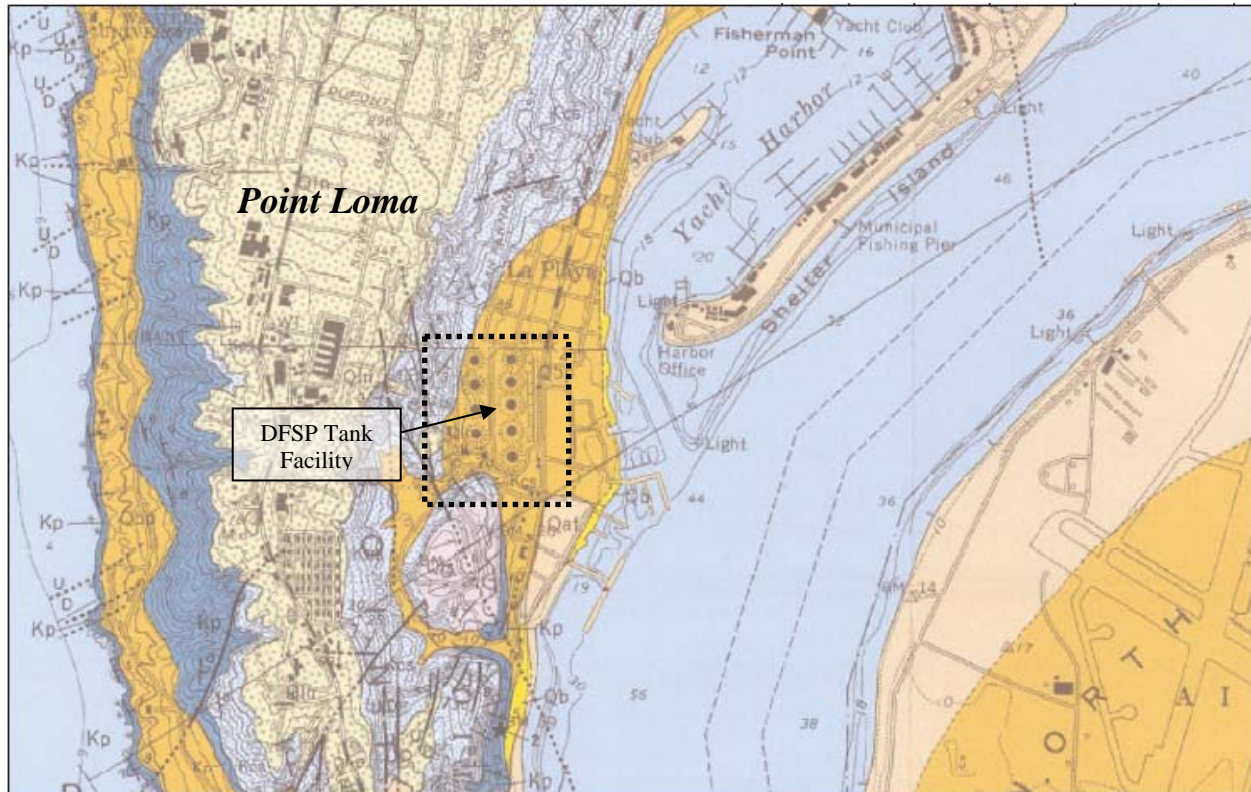


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CD-046-07
U.S. Navy

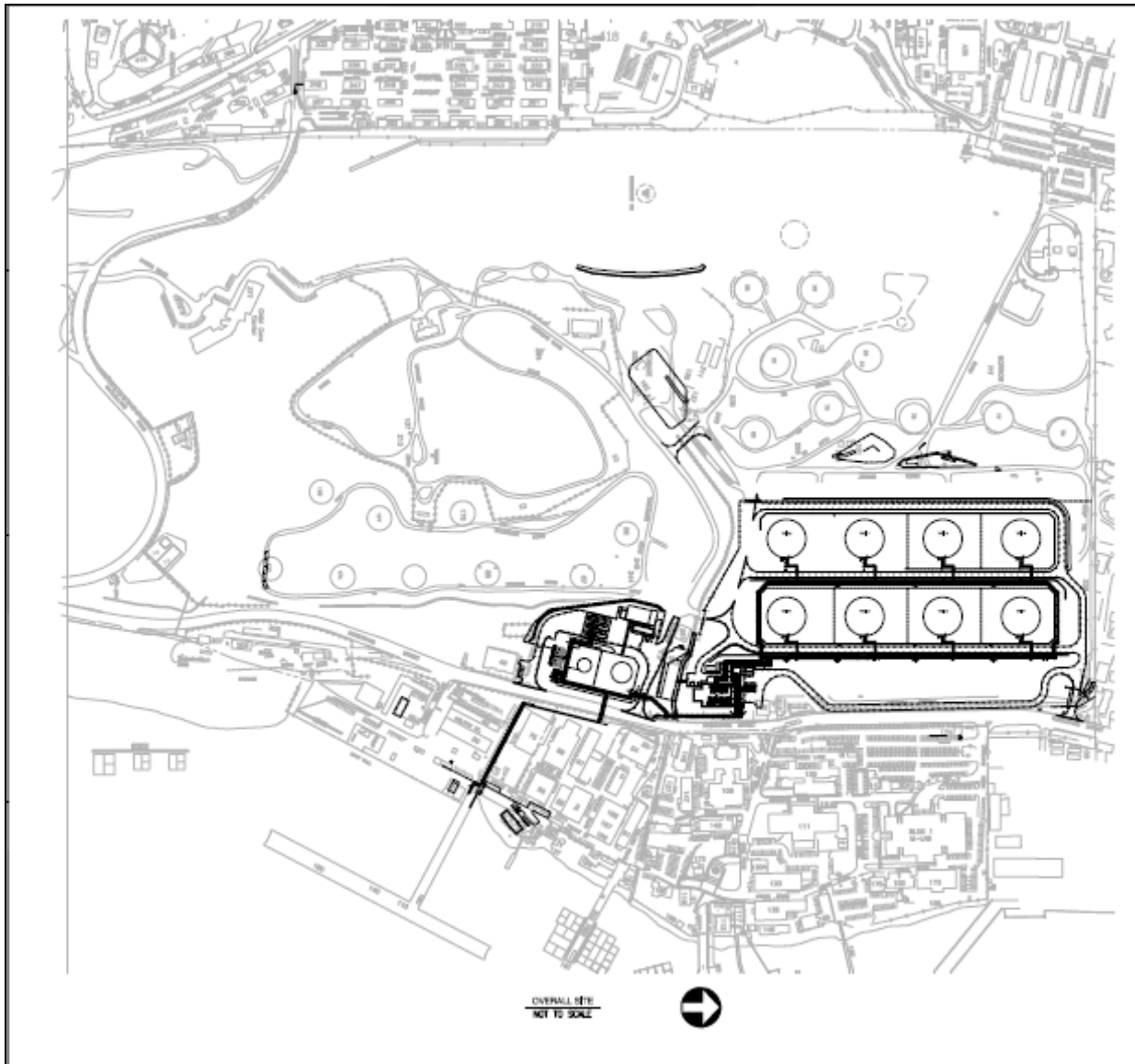


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CD-046-07
U.S. Navy

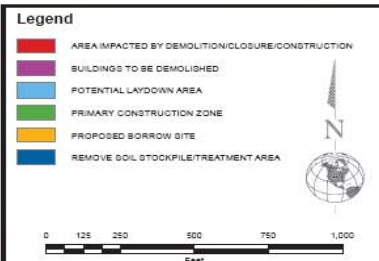


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APPLICATION NO.
CD-046-07
U.S. Navy

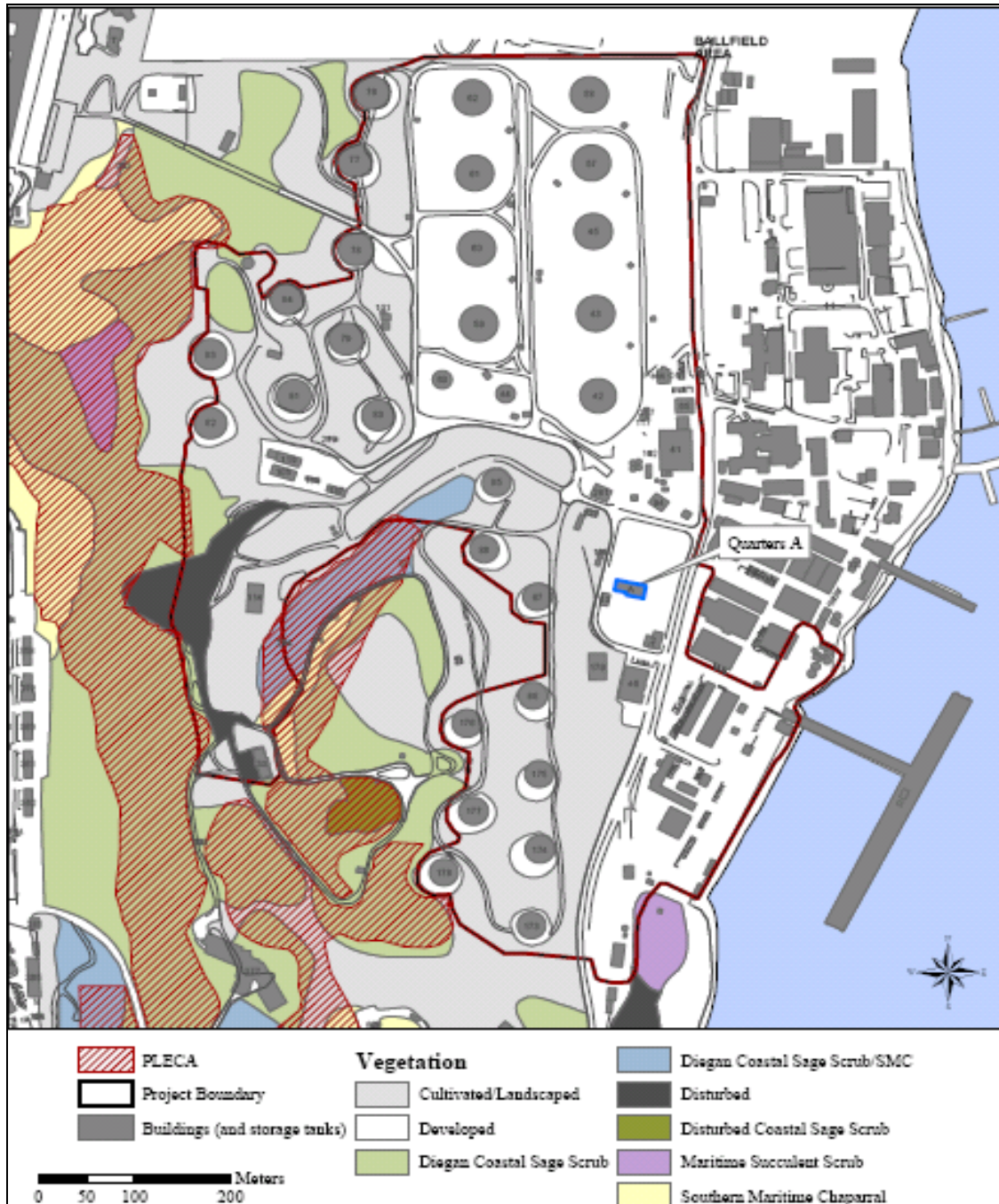


EXHIBIT NO. 5
APPLICATION NO.
CD-046-07
U.S. Navy



EXHIBIT NO. 6
APPLICATION NO.
CD-046-07
U.S. Navy

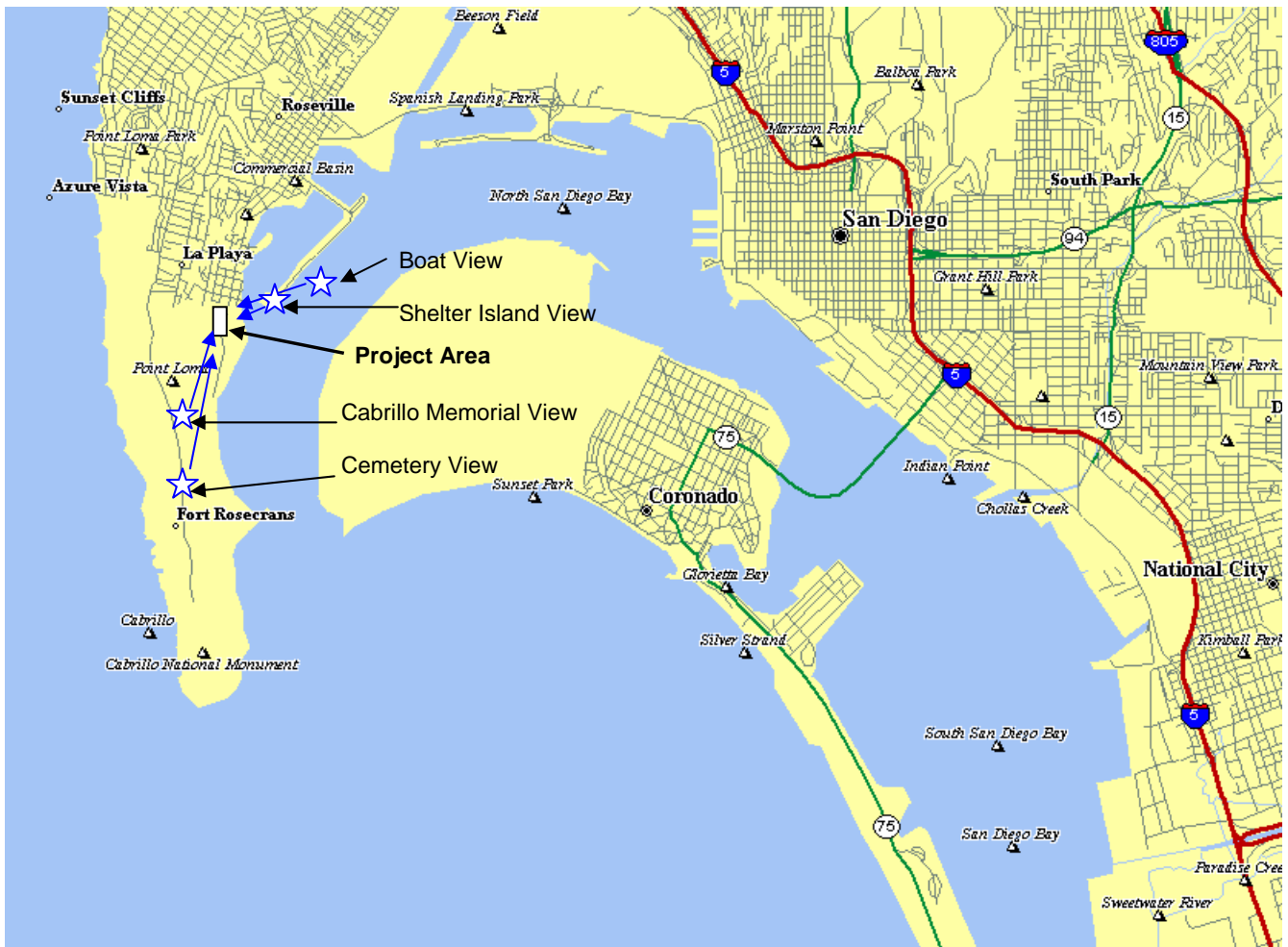


EXHIBIT NO. 7
APPLICATION NO.
CD-046-07
U.S. Navy



EXHIBIT NO. 8
APPLICATION NO.
CD-046-07
U.S. Navy



Proposed View From Boat East of NBPL (d) Facing West

EXHIBIT NO. 9
APPLICATION NO.
CD-046-07
U.S. Navy

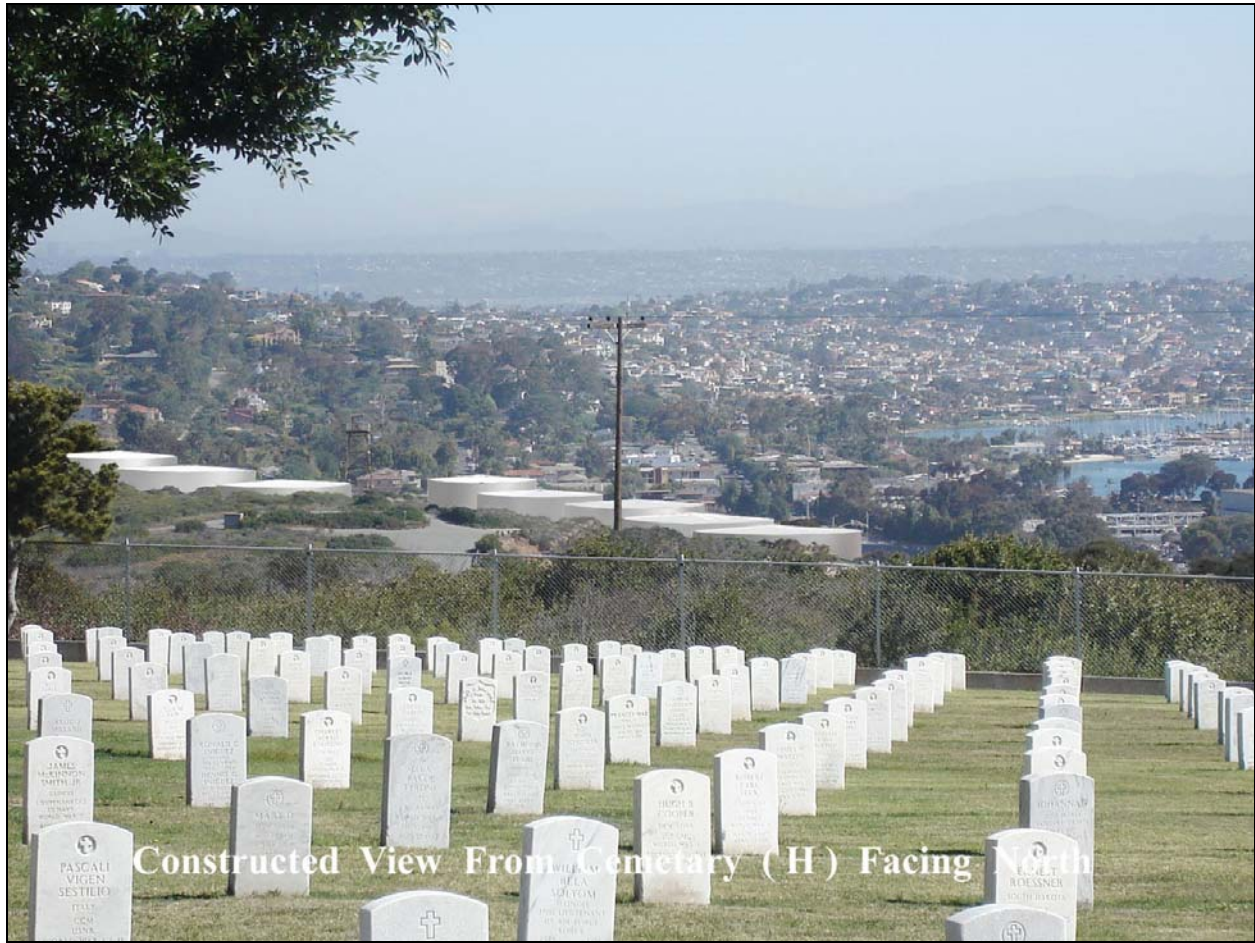


EXHIBIT NO. 10
APPLICATION NO.
CD-046-07
U.S. Navy



EXHIBIT NO. 11
APPLICATION NO.
CD-046-07
U.S. Navy

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FEDERAL LANDOWNERS ON POINT LOMA, SAN DIEGO,
CITY OF SAN DIEGO,
AND
U.S. FISH AND WILDLIFE SERVICE**

The Commander, Navy Region Southwest (CNRSW), U.S. Coast Guard (USCG), National Park Service (NPS), Department of Veterans Affairs (DVA), and City of San Diego enter into this revised Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service (USFWS) to (1) recognize changes in Navy administrative organization since 1995 and (2) incorporate protocols and procedures that have evolved during the ten-year application of the 1995 MOU for the cooperative management of the area formerly known as the Point Loma Ecological Reserve (PLER). This revises and renews the 1995 PLER MOU. However, since the Navy has subsequently determined that the PLER did not practically meet the NAVFAC P-73 criteria for an ecological reserve area, its established area shall hereinafter be referred to as the Point Loma Ecological Conservation Area, or PLECA.

Point Loma is an important area for biodiversity in the southern California ecological region. In support of landowner missions, the USFWS concurred that cooperative implementation of this MOU would minimize the risk for loss to ecosystems on Point Loma from the cumulative effects of development and other land use. Ten years of habitat management under the 1995 MOU has proven this to be the case. The PLECA is designed using concepts of ecosystem management to conserve and protect viable sensitive biological communities and ensure their long-term existence throughout Point Loma. The PLECA lies wholly within the approximately 1500-acre area of the southern Point Loma peninsula generally corresponding to the original extent of the historic Fort Rosecrans military reservation. Approximately 900 acres (60%) of this planning area are currently in natural or disturbed vegetation. Eight native and two nonnative ecological communities, with high value wildlife associations, are included in the PLECA: southern foredunes, southern coastal bluff scrub, maritime succulent scrub, Diegan coastal sage scrub, southern maritime chaparral, maritime succulent scrub/southern maritime chaparral, Diegan coastal sage scrub/southern maritime chaparral and intertidal; and Torrey pine forest and eucalyptus woodland. In addition, there are various federal and state endangered and threatened species, as well as locally sensitive species. The federally endangered Orcutt's spineflower (*Chorizanthe orcuttiana*) and federally threatened coastal California gnatcatcher (*Polioptila californica californica*) have been recorded on Point Loma. Implementation of this MOU does not address effects to federally listed species pursuant to the Endangered Species Act.

As designed in the Point Loma Natural Resources Management Plan (NRMP; SWDiv NAVFAC 1994), the PLECA is intended to protect sensitive biological communities on Point Loma and ensure their long-term viability and perpetuation, avoid incremental habitat loss, and provide for long-term habitat conservation. The PLECA is also intended to serve as long-term, in-place, mitigation that would allow the MOU signatories to accomplish their diverse missions while complying with pertinent environmental laws, in particular the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Management processes and protocols expressed in and developed under this MOU are intended to simplify and facilitate the environmental compliance process for all the signatories while providing for good stewardship of the sensitive and unique natural resources on Point Loma. Establishment of the conservation area will help ensure that the cumulative effects of projects outside the PLECA will not significantly impact sensitive communities protected within its borders.

This MOU is a voluntary, non-regulatory collaboration among the signatory landowners to cooperatively oversee the PLECA for the conservation and enhancement of the sensitive habitats within the Federal Reservation on Point Loma. The signatories consider it essential to the effective management and conservation of sensitive habitats common to all signatory Point Loma lands. This commonality of purpose helps ensure that individual landowners will not inadvertently undertake management actions that are incompatible with the interests of their neighbors and the long-term preservation of the peninsula's native habitats. Within this collaboration, each landowner's primary responsibility is to accomplish its agency's mission, which takes precedence over the goals of the MOU. Maintenance of the PLECA under this MOU is expected to help accomplish landscape-scale goals for the conservation of viable natural communities on Point Loma. The recognition of its existence in appropriate environmental compliance documents is expected to speed approval of projects outside the PLECA.

Although the habitat management initiative under this MOU is similar in character to other regional ecosystem management efforts (i.e. Multiple Species Conservation Program (MSCP), and Natural Communities Conservation Program (NCCP)), it is a separate, non-regulatory program specific to federal and municipal lands on Point Loma.

Approximate boundaries and the ownership status for Point Loma lands within the PLECA are shown on Figures 2-4 (Attachment A) and 1-5 from the 2002 Naval Base Point Loma (NBPL) Integrated Natural Resources Management Plan (INRMP).

A. PLECA Working Group. Implementation of this MOU is the responsibility of the PLECA Working Group (Working Group). The Working Group was formed in 1995 under the original MOU. It is advisory and does not have the authority to direct the land use decisions of individual landowners. The Working Group is comprised of a principal and alternate representative from each of the five landowners within the PLECA: Environmental Department Natural and Cultural Resources (N/CR) Program for CNRSW; Cabrillo National Monument, NPS; Fort Rosecrans National Cemetery, DVA; Coast Guard Sector San Diego, USCG; and, Metropolitan Wastewater Department

(MWWD), City of San Diego. The principal members, or their alternate in the absence of the principal member, are the five voting members of the Working Group. Each voting member has one vote regardless of the acreage a landowner has within the PLECA.

There are also two non-voting members of the Working Group. These are the representatives of the USFWS Carlsbad Fish and Wildlife Office and the Southwest Naval Facilities Engineering Command (SWNFEC). These non-voting members serve as technical advisors to the Working Group.

As appropriate, the Working Group may also include interested parties as observers, such as representatives of NBPL departments or tenant commands, including the NBPL Public Works Officer (PWO), Federal Fire Department, Fleet Combat Training Center, Pacific (FCTCP), Space and Naval Warfare Systems Center, San Diego (SPAWARSC), and Fleet Industrial Supply Center (FISC) Point Loma Fuel Farm.

Consistent with their individual agency missions, the members of the Working Group agree to:

- Work cooperatively to ensure the long-term viability and preservation of the sensitive habitats and species within the PLECA;
- Adhere to the terms of the MOU;
- Actively participate in the bi-monthly Working Group meetings with appropriate level management staff;
- Inform the Working Group of projects on their land that may affect habitats in and out of the PLECA and identify the effects of these projects;
- Inform the Working Group on the preparation of appropriate NEPA or CEQA compliance and, as required, California Coastal Commission documents for projects that might affect the PLECA and submit them to the Working Group members for comment;
- Periodically review available parcels of suitable native habitat and nominate them for addition to the PLECA consistent with the accomplishment of the landowner's mission; and
- Facilitate the scientific research necessary to understand the condition of the natural communities within the PLECA and ensure their survival.

1. Roles and Function of the Working Group. The Working Group's role is to implement the terms of the MOU to ensure that the sensitive habitats and biodiversity in the PLECA are conserved.

This role is accomplished by:

- Integrating the mission-related activities of each landowner into a management system that fosters achievement of PLECA goals;
- Developing mutually acceptable policies and operating principles/procedures;
- Identifying, facilitating and/or executing studies (research) necessary to ascertain the condition (health and vitality) of the PLECA;
- Implementing science-based resource management decisions and projects to enhance and/or maintain the sensitive habitats within and viability of the PLECA;
- Facilitating the acquisition, storage and retrieval of information on the natural resources of Point Loma;
- Serving as an advisory body to the landowners by reviewing proposed projects and other undertakings that may affect native habitat in and out of the PLECA, recommending reasonable alternatives and providing advice and counsel for how such projects might affect the PLECA and how such effects might be avoided or mitigated;
- Developing cooperative strategies for acquiring funding and accomplishing activities designed to ensure perpetuation of the PLECA;
- Identifying, selecting, and prioritizing projects to accomplish the goals of the PLECA;
- Reviewing, and where appropriate, approving proposals to adjust the boundary of the PLECA as recommended by the nominating landowner; and,
- Maintaining an official geographic information system (GIS) mapping of the PLECA for the established boundary, for parcels added/removed, and for other adjustments made to the boundary. This GIS will be maintained in the interest of the MOU signatories by the CNRSW Environmental Department. The CNRSW Environmental Department will concurrently maintain an official table listing changes to the PLECA boundary and/or mitigation credited within the PLECA, including location, acreage by habitat type, character of mitigation (i.e., set aside, land addition, restoration), the project mitigated, the landowner of the parcel, and the date set aside. A copy of the GIS map shall be annually provided to the members of the Working Group, and after each change to the PLECA boundaries and/or crediting of mitigation within the PLECA.

2. Working Group Organization.

- The Working Group meets bi-monthly on the fourth Thursday of January, March, May, July, September, and November. The schedule may be adjusted as agreed upon by a majority of principal members. Meeting locations are rotated among the five landowners. A meeting notice, with a proposed agenda and copy of the previous meeting’s minutes, is sent to each principal, alternate, advisor and interested party at least two weeks prior to the next meeting.
- The Superintendent, Cabrillo NM and a designated CNRSW Environmental Department N/CR Program representative serve as Working Group co-chairs. The Superintendent, Cabrillo NM, shall be responsible for scheduling Working Group meetings, notifying Working Group members of upcoming meetings, preparing the agenda and minutes of each meeting, and conducting the meetings.
- A quorum consists of three principal members or their alternate.
- Minutes of each meeting are taken and approved at the following bi-monthly meeting.
- Any principal member of the Working Group may call a special meeting. The principal members must receive notice of any special meeting not later than two weeks before the date of the meeting.
- It is the intention of the Working Group to arrive at decisions by consensus. In the event consensus cannot be reached, a vote among the principal members, or the alternate representing a principal member, may be taken.
- Formal votes shall be taken to approve/disapprove proposals to adjust the boundary of the PLECA.

3. Working Group Staffing. The Working Group will provide for cooperative biological management activities within the PLECA using the existing staff and resources of the signatories to this MOU. Most of the expertise required for identifying, designing, evaluating and directing implementation of management activities within the PLECA exists among the members of the Working Group and their staffs. However, where management activities require expertise not found within the Working Group, advice may be sought from SWNFEC Natural Resources staff and/or consultants. The Working Group will also provide training to the Navy security forces that patrol much of the PLECA regarding activities authorized within and adjacent to the PLECA boundaries. As required, each landowner patrols the portion of the PLECA within its boundary with its security force.

4. *The Role of the USFWS within the Working Group.* As a non-voting member of the Working Group, the USFWS representative provides technical advice to principal members regarding application of the terms of the MOU. The USFWS representative also provides advice on the potential effects of proposed actions on the PLECA and technical assistance on management and restoration projects, assists in the evaluation of the effectiveness of conservation activities, and, when requested, helps prioritize future work.

It is understood that the USFWS is a regulatory agency. Separate from its role as a member of the Working Group, the USFWS may directly interact with an individual landowner on projects or activities that may affect federally listed species and associated habitats.

B. Proposed Undertakings Affecting Undeveloped Habitat Areas In and Out of the PLECA. Except for maintenance of and required improvements to existing facilities and utility corridors within the PLECA, it is a core principle of this MOU that the signatory landowners will strive to locate all new development and construction outside of the PLECA.

It is understood that construction projects and maintenance programs affecting habitat outside the PLECA will be required to support each landowner's mission. The effects, both direct and indirect, of such development on biological resources on Point Loma will be evaluated during the respective NEPA or CEQA compliance process and, as required, appropriate mitigation for these projects will be established.

As early as possible in the project design and environmental planning process, the landowner shall discuss the proposed project(s) that may affect the PLECA and its potential effects on sensitive biological resources at each regular Working Group meeting. It will be the responsibility of the principal member presenting a project to inform his or her superiors of any concerns that may be raised by the Working Group, and of suggestions offered for eliminating or mitigating the effects of the proposed project on the PLECA.

It is understood that landowners will prepare appropriate NEPA/CEQA compliance documentation for projects that may affect the PLECA and submit it to the Working Group members for their review and comment. Individual landowners are encouraged to review these documents and submit comments directly to the proposing landowner, as they deem appropriate. Such comments may be shared with other members of the Working Group, as the originator deems appropriate. The Working Group, as an entity, will not submit written comments to a landowner on projects affecting the PLECA.

1. *Projects Outside the PLECA Requiring Mitigation.* A primary reason for establishing the original reserve was to provide mitigation reserves for the effects on Point Loma's sensitive native habitats by a signatory's project. Under the original 1995

MOU, and this renewed MOU, the PLECA was created to “serve as long-term, in-place mitigation” for construction projects that occur on Point Loma outside the conservation area. It is the intent of this MOU that effects to habitats on Point Loma shall be mitigated on Point Loma. The original PLECA boundary was developed in coordination with the Navy and other landowners taking into account existing master plans and planned projects. When considering projects then expected to affect habitat outside the PLECA, the 1995 MOU recognized the amount of habitat within the PLECA boundary as “in excess of generally accepted mitigation ratios.”

This original agreement established a continuing conceptual understanding of mitigation for these originally planned projects, whether accomplished or not. The discrete character of such mitigation has yet to be formally developed because no projects have sufficiently affected habitat areas outside the PLECA to engage this MOU’s mitigation protocol. In the ongoing absence of such an applied context, the Working Group will, in the first fiscal year under this MOU, seek to develop specific mitigation standards and values for existing credits within the PLECA.

Project proponents should make every effort to avoid or minimize impacts to sensitive habitat before proposing mitigation. When required, mitigation may include one of three forms: (1) designating habitat within the PLECA as mitigation for that project; (2) funding habitat improvement projects or other applied habitat management initiatives within the PLECA; and/or, (3) adding habitat to the PLECA. While mitigation should be in-kind for the more sensitive habitats within the PLECA (e.g., southern maritime chaparral, maritime succulent scrub), consideration may be given for other affected habitat types to allow for enhancement, restoration, or preservation of more sensitive habitats. The determination of appropriate mitigation will be made during the environmental planning process, with recommendations from the Working Group.

If an individual landowner proposes a project that requires mitigation in excess of the amount of a habitat type held within its contribution to the PLECA, appropriate habitat contributed by other landowner(s) may be considered for mitigation, but only with the expressed, written consent of the other landowner(s). If such a contribution is supported by the other landowner(s) and has been subject to appropriate environmental compliance review, the landowner with insufficient habitat in the PLECA to mitigate, may, with the concurrence of the Working Group, apply alternative management options on other areas of the PLECA as mitigation.

Landowners shall coordinate with the Working Group to identify the type and acreage of habitat(s) within the PLECA that will be recorded as mitigation for a project’s effects. This decision shall be reflected in the meeting minutes and the habitat identified on the official map and table maintained by the CNRSW Environmental Department.

2. *Adjustments to the PLECA.* It is understood that over time it may be necessary to adjust the boundary of the PLECA. Such adjustments usually stem from two actions: (1) adding land to the PLECA; and (2) removing and replacing affected habitat in the PLECA

to allow for construction. Such adjustments shall not (1) reduce the habitat acreage defined in the final 1994 NRMP PLECA design; nor (2) significantly alter the habitat ratios established in the 1994 NRMP Habitat Evaluation Model (HEM) in ways that would adversely affect the long-term viability and perpetuation of the sensitive biological communities on Point Loma considered in the PLECA design.

a. *Adding Land to the PLECA.* A landowner may add land to the PLECA to:

- Mitigate for a construction project outside the PLECA; or,
- Improve habitat viability by expanding its area, establishing connectivity between parcels, or increasing the contiguity between tenuously linked parcels.

The process for adding habitat to the PLECA defined in the July 2004 Working Group Operating Principles is summarized below:

- At a regularly scheduled Working Group meeting, the principal member, or the alternate for the landowner, nominates the proposed parcel(s). The landowner submits a written proposal, signed by appropriate authority, which addresses the parcel's conformance with criteria for inclusion in the PLECA, including the presence of any utilities. Maps are submitted along with the proposal that show the location of the parcel relative to the PLECA and its size and configuration.
- Working Group members review the proposal and visit the site of the parcel(s).
- At the following regularly scheduled Working Group meeting, the landowner again presents the proposed addition to the Working Group and a vote is taken to decide whether or not to add the parcel. A simple majority is required to add a parcel.
- If agreed to by consensus of the Working Group, additions to the PLECA may augment the landowner's credit for mitigation. Similarly, if the Working Group agrees, such additions may serve as credit against future, currently unplanned requirements to remove lands from the PLECA.
- If the nomination is approved, the CNRSW Environmental Department adds the parcel to the official PLECA map and table, adjusts the total acreage figures, and gives a copy of the adjusted boundary map and acreage figures (by landowner) to each landowner.

b. *Removing and Replacing Habitat from the PLECA.* As stated elsewhere in this MOU, it is the intention of the signatory landowners that construction not take place

within the PLECA. However, when required to accommodate the landowner's mission, the affected acreage shall be removed from the PLECA and an area of equal size and equal or higher ecological value (very high, high, moderate, as identified by the 1994 NRMP habitat evaluation model [HEM]) will be added to the PLECA to offset the loss.

With the concurrence of the Working Group, a different habitat type than the one being removed may be added to offset the loss of habitat if it is of similar or higher quality and ecological value. Areas of degraded habitat that will be restored to the habitat type being lost may be added to offset the habitat loss from the PLECA, provided more land area is restored than is being removed (i.e. higher ratio) to offset the time lag associated with the restored habitat meeting success criteria and having an equivalent function and value as the habitat being lost. In addition, the Working Group should agree that the proposed success criteria for restoration are appropriate.

If a signatory proposes construction on another landowner's land that requires removal of habitat from the PLECA, it is expected that the signatory proposing the project would add a parcel to the PLECA of equal size and of the same habitat type of equal or higher ecological value. If the proposing landowner does not have habitat of the same size, type and quality to add, it would be expected that the landowner approving the project on its land would add habitat to the PLECA. If this were not possible, the landowner proposing the project, with the concurrence of a majority of the Working Group, could pay for the restoration of disturbed habitat of equal or greater size for that being removed, either within or outside the PLECA, but sufficient to offset the temporal loss of that habitat type. This may be on the project proponent's land, the affected landowner's land or another landowner's land with their written approval. If the land being restored is outside the PLECA, it should be added to the PLECA.

Once the details of any removal/replacement/restoration agreement have been formalized among the affected landowners, the landowner proposing the construction project should propose an adjustment to the PLECA at the next regularly scheduled Working Group meeting.

2. Mitigation for Construction Projects Within the PLECA. In addition to full, in-kind replacement for habitat removed from the PLECA, it may also be necessary for a landowner to mitigate for the project's effects to native habitat that has been removed. Such mitigation should be proposed in the associated NEPA/CEQA compliance document. Such supplemental mitigation may consist of adding habitat to the PLECA, or restoring disturbed habitat within or outside the conservation area. The Working Group members shall review and comment on such mitigation. It shall be noted in the bi-monthly meeting minutes, and included on the official PLECA map and table.

3. Emergency Repairs to Utilities within the PLECA. It is understood that emergency repairs to utilities (water, sewer, electrical, IT, and jet fuel lines) within the PLECA will be necessary from time-to-time. It is the responsibility of the landowner

making the repairs to ensure that they are made in a manner that is consistent with the intent of this MOU, the Endangered Species Act, Clean Water Act and other applicable laws. The work should occur within the minimum area necessary to complete the repair and that the affected area(s) rehabilitated in accordance with accepted practices as quickly as possible after the repair has been completed.

The Working Group will work with the NBPL PWO to prepare a series of large-scale maps of each landowner's utilities within the PLECA for use by the Working Group for advising habitat treatment for effects from emergency utilities repairs.

4. *Maintenance and/or Replacement of Existing Utilities within the PLECA.*

Utilities within the PLECA will need cyclic maintenance or replacement over time. Such maintenance or replacement is not considered to be new construction under this MOU, and would not necessitate the removal of the affected land from the PLECA. Potential effects to the native habitats in the PLECA that may occur as a result of these projects should be addressed through the NEPA/CEQA compliance process. Project proponents for utility maintenance/replacement shall inform the Working Group at the earliest stage of planning to give members the opportunity to provide recommendations on mitigating project effects.

5. *Construction/Installation of New Utilities within the PLECA.* Proposals to construct or install new utilities within or across the PLECA will be considered new construction under the terms of this MOU, and should be avoided or routed within existing utility corridors or roadways if at all possible. The project proponent should inform the Working Group at the earliest stage of the planning process about such utility projects and their potential affect on the PLECA. Given the linear nature of most utility projects, and depending on expectations for required cyclic maintenance, the Working Group will determine on a case-by-case basis whether or not to recommend habitat rehabilitation or removal of the affected area from the PLECA. The Working Group will provide guidance and recommendations regarding mitigation requirements for the project. The Working Group's process for review of NEPA/CEQA documentation shall be used to evaluate the effects of such projects on the PLECA and to identify and recommend the preferred alternative.

6. *Vegetation Management along Navy Security Fences within the PLECA.* Navy instructions require that vegetation along security fences be managed to enable force protection to easily detect possible intruders. Vegetation in a corridor 20 feet or greater between the security fence and the nearest structure, and 30 feet on the inside of the security fence, is to be maintained at a height of eight inches or less. Such vegetation management is considered compatible with the purpose of the PLECA, and zones/corridors along the security fences within which this activity occurs shall remain in the conservation area.

Prior to pruning vegetation along security fences within the PLECA, the Navy will notify the Working Group and prepare the appropriate NEPA/CEQA documentation for the review and comment of principal members.

C. Access to the PLECA. Access within selected areas of the PLECA may be required for operational needs, recreation, and scientific research and monitoring. For these and other purposes necessary for carrying out the intent of this MOU, landowners shall provide appropriate and necessary access to the PLECA consistent with their respective missions. Each landowner may authorize access for scientific research and monitoring projects that occurs solely on their land. For projects that cross-jurisdictional boundaries, each affected landowner must agree to provide access before it is granted.

As appropriate, existing operational needs shall continue uninterrupted. As appropriate, management, activities such as security, maintenance of circulation (road network and parking), utility systems and cable easements, and fire management, both structural and wild land, will be evaluated under NEPA, CEQA and other applicable laws. Newly proposed needs for operational access will be addressed at Working Group meetings and evaluated in regard to this MOU and management goals and objectives. Where conflicts exist, alternative access will be explored and recommended.

Current recreational uses are also expected to continue uninterrupted, although the Working Group will monitor and evaluate specific access points. If conflicts exist or arise among recreational activities, Navy security and/or critical biological resource areas, access may be prohibited and/or re-routed on a permanent or temporary (e.g. seasonal) basis.


D. Terms of Agreement. This MOU is effective by each party when signed below, and shall extend for a period of 10 years from that date. This MOU will automatically renew absent any positive action on the part of any signatory to terminate or amend it. The MOU may be updated or amended as agreed to by all signatories.

Nothing in this MOU is intended to or shall be construed to abrogate the responsibility of the landowners to comply with applicable laws such as NEPA, CEQA, Endangered Species Act, or other applicable legislation.

For the federal landowning signatories, any requirement for the payment or obligation of funds, pursuant to this MOU, shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of applicable law, including the Anti-Deficiency Act, 31 USC section 1341 et seq. In cases where payment or obligation of funds would constitute violation of the Anti-Deficiency Act, the dates established for requiring the payment or obligation of such funds shall be appropriately adjusted. Nothing in this MOU shall be construed as implying that Congress will, at a later time, appropriate funds sufficient to meet deficiencies.

For the City of San Diego, no provision herein shall be interpreted to require obligation or payment of funds in violation of applicable law, including the San Diego City Charter. Nothing in this MOU shall be construed as implying that the San Diego City Council will, at a later time, appropriate funds sufficient to meet obligations under this MOU. Any obligation for the City to pay funds can only be accomplished by separate agreement or written amendment to this MOU.

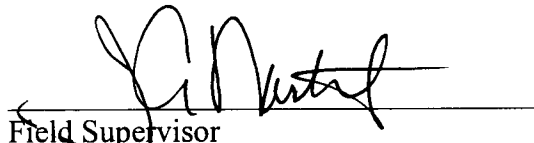
E. Termination. Any signatory may withdraw from this MOU at any time, in accordance with the following procedures. The party desiring to withdraw shall provide written notification to each of the other signatories that such action is being considered. Within 30 days of this notification, a meeting shall be held among all of the principals on the Working Group to informally address all concerns raised. If resolution of the concerns is not forthcoming, the withdrawing party shall provide written notice within 60 days following the meeting. This notice shall state the reasons for withdrawing, with said withdrawal from the MOU becoming effective with the signing of this second written notice. Once a party has withdrawn, the remaining parties shall reevaluate the viability of the PLECA, which may involve reapplication of the original HEM. Based on the result of the viability analysis, the remaining parties may decide to terminate the MOU, redefine goals, or, if viability is not affected, continue with this MOU.



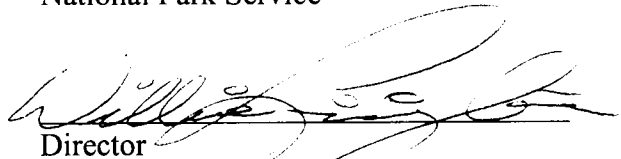
Commander
Navy Region Southwest
U.S. Navy



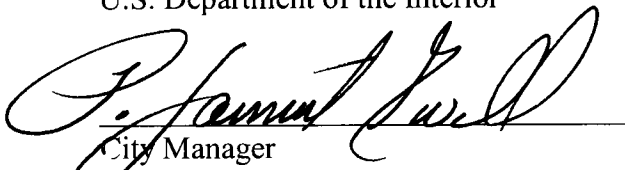
Superintendent
Cabrillo National Monument
National Park Service



Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
U.S. Department of the Interior



Director
Fort Rosecrans National Cemetery
Department of Veterans Affairs



City Manager
City of San Diego



Commanding Officer
U.S. Coast Guard Sector San Diego



Date: November 3, 2006

To: Erith Evans

From: Jeff Seib

Re: P-401 Tank Color Selection Factors

There are several factors contributing to the use of white as the color for the fuel storage tanks at the FISC Point Loma facility. Following are the primary justifications:

1. Tank Emissions: Tank color has a substantial influence in the amount of evaporation loss from aboveground tanks of hydrocarbon fuels. As can be seen from the attached table 7.1-6 from the EPA AP 42 *Compilation of Air Pollutant Emission Factors*, Fifth Edition, Volume 1 Chapter 7 _ Liquid Storage Tanks, the solar absorptance for painted steel tanks is by far the lowest for tanks painted white in color. This has a direct effect on the amount of evaporation loss in aboveground storage tanks including fixed roof tanks with internal floating pans such as those planned for the P-401 project.
2. Temperature Measurement/Inventory Monitoring and Control: The measurement of temperature is critical in the determination of the true volume of product in a hydrocarbon storage tank. Temperature has a significant effect on the accurate determination of liquid quantities when correcting to standard conditions for custody transfer and inventory control purposes. Hydrocarbon fuel also tends to stratify as it is heated and cooled and settles in its tank. This effect is compounded as product is heated and cooled and moved in and out of the tank. This leads to difficulty in determining the overall average temperature of the fuel contained in large tanks. An error in the determination of temperature may result in either over-or understatement of the quantity of fuel stored, regardless of the accuracy obtained in gauging the liquid's level. Typical hydrocarbons have a relatively large thermal expansion coefficient. A volume computation error of approximately 0.05% per degree F results from unaccounted temperature changes. As a result, each 0.5 degree F temperature assessment error induces an error in excess of 0.1 inches in a 149' diameter tank. Thus, an unaccounted change of 1 degree F in the product temperature in one of the P-401 tanks can result in a volume computation error of approximately 50 barrels (2,100 gallons) in these 100,000 barrel tanks. As indicated above, a white tank has a much lower absorptance than tanks painted other colors. This will allow for a lower level of solar gain and the fluid in the tank can remain at a more constant



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temperature level and allow for more accurate inventory control and tank level monitoring.

3. Navy Guidelines: Unified Facilities Guide Specification 09 97 13.27 “Exterior Coating of Steel Structures” paragraph 2.2.3 indicates that the topcoat color selection for Navy tank projects should be white (FED-STD-595 color number 17925).
4. LEED Certification: LEED SS Credit 7.1 Heat Island Effects - Non roof requires at least 50% of the site hardscapes (road, sidewalks, non-vegetated surfaces) to be either under shade, have a minimum Solar Reflectance Index (SRI) of 29, or be open grid pavement. The project is being designed utilizing white colored liners within diked areas and white tanks. This design approach provides 59.6% of the total site hardscapes with an SRI above 29. The tanks account for 17.9% of the above total. Without the tanks, the site percentage will be less than the required 50% and the project will not obtain its LEED credit point. White color is also the most advantageous since no further testing is needed to determine the SRI value. With other shades/colors, testing may be required to establish the SRI value. Having the tanks coated with a light colored paint, preferably white, will help the project earn a much needed LEED credit point.

Table 7.1-6. PAINT SOLAR ABSORPTANCE FOR FIXED ROOF TANKS^a

Paint Color	Paint Shade Or Type	Paint Factors (α)	
		Paint Condition	
		Good	Poor
Aluminum	Specular	0.39	0.49
Aluminum	Diffuse	0.60	0.68
Gray	Light	0.54	0.63
Gray	Medium	0.68	0.74
Red	Primer	0.89	0.91
White	NA	0.17	0.34

^a Reference 8. If specific information is not available, a white shell and roof, with the paint in good condition, can be assumed to represent the most common or typical tank paint in use. If the tank roof and shell are painted a different color, α is determined from $\alpha = (\alpha_R + \alpha_S)/2$; where α_R is the tank roof paint solar absorptance and α_S is the tank shell paint solar absorptance. NA = not applicable.

Table 7.1-6. PAINT SOLAR ABSORPTANCE FOR FIXED ROOF TANKS^a

Paint Color	Paint Shade or Type	Paint Factors (a)	
		Paint Condition	
		Good	Poor
Aluminum	Specular	0.39	0.49
Aluminum	Diffuse	0.60	0.68
Aluminum ^b	Mill finish, unpainted	0.10	0.15
Beige/Cream		0.35	0.49
Brown		0.58	0.67
Gray	Light	0.54	0.63
Gray	Medium	0.68	0.74
Green	Dark	0.89	0.91
Red	Primer	0.89	0.91
Rust	Red iron oxide	0.38	0.50
Tan		0.43	0.55
White	NA	0.17	0.34

Notes:

^aIf specific information is not available, a white shell and roof, with the paint in good condition, can be assumed to represent the most common or typical tank surface in use.

^bThis refers to aluminum as the base metal, rather than aluminum-colored paint.