STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

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

Tu 3

DATE: **May 24, 2006**

TO: **Coastal Commissioners and Interested Parties**

FROM: **Peter M. Douglas, Executive Director**
Elizabeth A. Fuchs, Manager, Statewide Planning and Federal Consistency Division
Mark Delaplaine, Federal Consistency Supervisor

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

PROJECT #:	ND-012-06
APPLICANT:	Department of the Navy
LOCATION:	San Nicolas Island, Ventura County
PROJECT:	Fuel pipeline replacement
ACTION:	Concur
ACTION DATE:	5/9/06

PROJECT #:	ND-030-06
APPLICANT:	Bureau of Land Management
LOCATION:	Point Arena, Mendocino Co.
PROJECT:	Install gate, Minor Hole Rd., Stornetta Public Lands
ACTION:	Concur
ACTION DATE:	4/25/2006

PROJECT #:	ND-021-06
APPLICANT:	Department of the Navy
LOCATION:	Port Hueneme, Naval Base Ventura County
PROJECT:	Temporary installation and testing of sonar system for port security
ACTION:	Concur
ACTION DATE:	4/20/2006

PROJECT #:	ND-033-06
APPLICANT:	National Park Service
LOCATION:	Cabrillo National Monument, Point Loma, San Diego
PROJECT:	Replacement of Whale Overlook shelter with two interpretive shelters
ACTION:	Concur
ACTION DATE:	5/17/2006

PROJECT #:	ND-035-06
APPLICANT:	Department of the Navy
LOCATION:	San Clemente Island, Los Angeles Co.
PROJECT:	Naval Strike Missile tests
ACTION:	Concur
ACTION DATE:	5/23/2006

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May 9, 2006

Ronald J. Dow, Director
Environmental Division
Department of the Navy
Naval Base Ventura County
311 Main Road, Suite 1
Pt. Mugu, CA 93402-5033

Attn: Emilie Lang

RE: **ND-012-06** Negative Determination, U.S. Navy, Replace Fuel Pipeline, San Nicolas Island, Ventura County

Dear Mr. Dow:

The Coastal Commission staff has reviewed the above-referenced negative determination for the replacement of an existing offshore jet fuel pipeline at San Nicolas Island (Ventura County). The Navy states that the replacement of the existing offshore jet fuel pipeline at San Nicolas Island is critical to San Nicolas Island Naval operations, as the loss of jet fuel receiving capability would have a negative impact on national defense and the naval facility's ability to meet Department of Defense requirements. The jet fuel pipeline replacement project will involve staging and assembly steps to fabricate a replacement pipeline on shore, followed by installation using an offshore work vessel to position the assembled pipeline in place. The final pipeline assembly will consist of approximately 1,500 feet of continuous 6 inch diameter steel pipe. The pipeline assembly will include a non-metallic exterior coating and sacrificial anodes for corrosion protection. Replacement activities will include both onshore and offshore components and will be carried out from October to December 2006.

Onshore activities include the use of a 100-ft. by 160-ft., previously disturbed, gravel staging area as well as a 6-ft. by 750-ft. pipeline assembly route to join two 750-ft. sections of pipeline into one 1500-ft. section. Upon assembly, the completed pipeline will be pulled across the beach into its final position offshore. Approximately 400 feet of the pipeline will remain on the beach where it will be trenched/buried to a depth of 10 feet using an excavator and bulldozer.

Offshore activities will involve pulling the completed pipeline offshore into its final position using a moored workboat. The pipeline will be surface laid offshore and not buried. The Navy expects that the pipeline will naturally become covered with sand over time. The existing pipeline will be decommissioned, sealed and left in place as a potential contingency unit.

The proposed project will not change the existing military uses of the site. The current military use and ownership of San Nicolas Island precludes public use of the area for military security and public safety reasons. Thus, the proposed project will not affect public access to the shoreline or recreational

use of the coastal zone. The project site includes Snowy Plover nesting habitat but all work will be carried out between October and December and will therefore avoid the critical March to mid-September Snowy Plover nesting season. No other endangered, threatened or sensitive species are located within the project site. Given these facts, the project will not adversely affect habitat resources of the coastal zone.

Additionally, the project includes measures to minimize the risk of potential spills or leaks associated with the installation and use of the proposed pipeline as well as the decommissioning of the existing pipeline. All materials to be used in the proposed pipeline will comply with state and federal regulations for offshore fuel lines. Similarly, all welds will be non-destructive tested using x-ray technology per state and federal regulations for fuel pipelines and the assembled pipeline will be pressure tested in accordance with State Lands Commission procedures for marine loading terminals. The Navy will repeat this pressure test on an annual basis to ensure integrity. To reduce the risk of upset during the emptying and abandonment of the existing pipeline, a Cruise Plan will be drafted for the decommissioning procedures that will include a project specific Spill Response Plan. Upon its completion, and prior to the project's start, this Spill Response Plan will be submitted to the Coastal Commission staff for its review. Additionally, the San Nicolas Island spill response team will be put on standby to address any issues that may arise during decommissioning activities.

To address the potential coastal zone resource issues resulting from the abandonment-in-place of the existing jet fuel pipeline and the eventual retirement of the proposed pipeline, the Navy has added the following language to its negative determination:

> *Naval Base Ventura County will conduct a thorough analysis of the feasibility and potential impacts associated with the removal of the jet fuel pipeline installed in the marine environment as part of this project when it reaches the end of its useful life. Additional analysis will also be conducted to examine the feasibility and potential impacts associated with the removal of the existing jet fuel pipeline when it is no longer serving a viable function as a contingency unit or water transport pipeline. This analysis will be submitted to California Coastal Commission staff upon completion. Naval Base Ventura County acknowledges that if this analysis or other information relative to the performance or removal of the jet fuel pipelines in the marine environment indicate an adverse affect on marine water quality, marine habitat, or other coastal uses or resources, the Commission has the authority pursuant to regulations implementing the Coastal Zone Management Act to reopen this negative determination (see 15 CFR § 930.45(b)).*

Based on this change, the Commission staff concludes that the project incorporates measures to address potential coastal zone effects resulting from the abandonment of decommissioned jet fuel pipelines in the marine environment.

In conclusion, the Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal zone resources. The Commission staff, therefore, concurs with the negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Cassidy Teufel at (415) 904-5502 should you have any questions regarding this matter.

Sincerely,

(for) PETER M. DOUGLAS
Executive Director

CC: Ventura District Office
Governor's Washington, D.C., Office
Army Corps of Engineers, Los Angeles District

STATE OF CALIFORNIA – THE RESOURCES AGENCY

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April 25, 2006

Rich Burns
Field Manager, Ukiah Field Office
Bureau of Land Management
2550 N. State Street
Ukiah, CA 95482

Subject: Negative Determination ND-030-06 (Install gate at end of Miner Hole County Road on Stornetta Public Lands near Point Arena, Mendocino County)

Dear Mr. Burns:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to install a gate at the end of Miner Hole County Road, located on the BLM's Stornetta Public Lands. At the end of this road is a gravel vehicle turn-around which also provides parking for individuals who are walking the short distance to the Garcia River. However, the BLM and the County report that a dirt road extending beyond the turn-around provides access to an illegal dumping site and supports unauthorized boat access to the Garcia River. In addition, a large pot hole has developed just past the turn-around and vehicles become stranded in the muddy water. The proposed gate will prevent vehicles from proceeding beyond the gravel turn-around at the end of Miner Hole County Road, will still allow pedestrian access beyond this point down to the Garcia River, and will reduce ongoing adverse impacts to riparian habitat on this section of the Stornetta Public Lands. The County of Mendocino supports the proposed gate project.

The Commission staff agrees that the proposed gate installation will not adversely affect coastal resources or public access and will lead to improved protection of sensitive habitat adjacent to the Garcia River. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 if you have any questions regarding this matter.

Sincerely,

(for) PETER M. DOUGLAS
Executive Director

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

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April 20, 2006

Ronald J. Dow, Director
Environmental Division
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Attn: Emilie Lang

Re: **ND-021-06**, Navy, Negative Determination, Underwater Acoustic Detection System Test, Port Hueneme entrance, Naval Base Ventura County.

Dear Mr. Dow:

The Navy has submitted a negative determination for the temporary installation, for testing purposes, of an acoustic detection system at the mouth of the entrance to Port Hueneme, Naval Base Ventura County. The acoustic system (the Kongsberg Simrad Mesotech Imaging Multiyear System (SM2000)) is a high frequency underwater detection system designed to detect underwater threats. The purpose of the test is to verify, calibrate, and determine the capability of the system. The Navy states the underlying need is for: "...the enhancement of the underwater swimmer detection capability at Port Hueneme in order to prevent injury to personnel and damage to Naval ships and property from sabotage or other subversive acts." The system operates at a frequency of 90 kilohertz (kHz), a high frequency that dissipates rapidly in the marine environment, with a source level of approximately 205 decibels (re 1μPa @ 1m).

The proposed tests will occur in three phases between April and December 2006, each phase lasting two weeks, and each individual test (consisting of 200 microsecond pings, at a rate of one per second) lasting 30 minutes (and with a maximum of eight 30 minute tests per day). All active sonar equipment will be removed at the end of the test.

The Navy notes that this active acoustic system has been installed and used in several other Navy and Coast Guard locations, including two locations on the west coast of the U.S., as well as overseas, without any noted adverse environmental impacts. In fact, the Commission staff concurred with one of these west coast installations, in its review of negative determination ND-91-02, Navy installation of the Kongsberg 2000 system in Coronado, to protect Navy

aircraft carriers in San Diego Bay. The Commission staff agreed with the Navy in that review, stating this intensity level and frequency range poses minimal threats to marine mammals in developed ports. In concurring with ND-91-02, the Commission staff stated:

> *The Navy states that the* [Kongsberg SM 2000] *sonar emits a 90 kHz, 200 microsecond pulse with a one second interval at a source level of 206 dB re 1 μPa. At one yard from the source, sound pressure level drops to 170 dB, at three yards from the source pressure drops to 159 dB, and at 100 yards from the source pressure drops to 140 dB. The 90 kHz USDS sonar frequency is well above the hearing range of fish, sea turtles, humans, and most marine mammals. Marine mammal species in San Diego Bay include harbor seals, sea lions, and bottlenose dolphins. The 90 kHz USDS sonar frequency is within the echolocation range of several dolphin species, such as the Pacific bottlenose dolphin. Dolphins use echolocation signals to hunt for prey and avoid obstacles. The bottlenose dolphin transmits a broadband signal in the same general frequency and with a similar source level as the USDS sonar. Underwater hearing ranges reported for bottlenose dolphins range from 1 to 150 kHz, with peak sensitivities between 40-100 kHz. However, given the rapid attenuation of the high frequency sonar signal associated with the proposed USDS sonar and the low density of marine mammals (particularly bottlenose dolphins) in the project area capable of hearing the high frequency signal emitted by the USDS sonar, the Navy determined* [and the Commission staff agreed] *that proposed USDS operations would not adversely affect marine mammals.*

For the Port Hueneme area, three species of marine mammals are infrequent to occasional visitors and could potentially be present: California sea lions, harbor seals, and bottlenose dolphins. Of these three species the Navy states only the Bottlenose dolphin is capable of hearing the high frequency system, which the Navy states will dissipate to 162 dB at 3 meters distance. The Navy will monitor, both visually and passive acoustically, for the presence of marine mammals, and has committed to a marine mammal preclusion zone to a far greater distance, 200 meters, which should be more than adequate to protect any marine mammals. The Commission staff does not believe the impact would be different than that of the system authorized for use in San Diego Bay.

The Commission staff has also concurred with two previously-submitted Navy negative determinations for testing of *passive* acoustic monitoring systems at the entrance to Port Hueneme (ND-038-04 and ND-080-05).

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Coastal Commission staff agrees that the temporary installation and testing of this system in Port Hueneme would not adversely affect coastal zone resources and can be considered the same as or similar to the above-referenced

negative determinations with which we previously concurred (ND-038-04, ND-080-05, and ND-91-02). We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

(for) PETER M. DOUGLAS
Executive Director

cc: Ventura District Office
Corps of Engineers, L.A. District

Mark

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May 17, 2006

Terry M. DiMattio
Superintendent
Cabrillo National Monument
1800 Cabrillo Memorial Drive
San Diego, CA 92106-3601

Subject: Negative Determination ND-033-06 (Replacement of Whale Overlook observation shelter with two interpretive shelters, Cabrillo National Monument, San Diego)

Dear Mr. DiMattio:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to demolish the existing Whale Overlook observation shelter at Cabrillo National Monument on Point Loma and replace it with two new interpretive shelters. The NPS states that the project will provide increased protected areas for visitors to view the annual migration of gray whales, marine tidepools, off-shore boating activities, the historic Point Loma Lighthouse, and remnant World War II coastal defense structures on Point Loma. The proposed shelters would be built of stone and include curved fabric roofs. The larger of the two shelters will also include glass panels to protect visitors from ocean winds, and will include interpretive media to provide information about gray whales, tidepools, and other ocean-related topics of interest to visitors. The project also includes removal of deteriorating asphalt walkways and construction of new wheelchair-accessible concrete walkways that will connect the new shelters. The walkways to be removed will be restored and planted with native maritime succulent scrub vegetation, using plants salvaged from the construction site and plants propagated in the monument's greenhouse from seed collected on Point Loma.

Views towards or across the monument from the coastal zone will not be adversely affected by construction of the proposed interpretive shelters. The two shelters (approximately 60 feet and 28 feet in length respectively, and with a fabric roof height of 14 feet) are designed to blend in with existing development in the monument, including stone work similar to that which surrounds the lighthouse and tan-colored concrete paths similar to those connecting the lighthouse to the visitor center. Construction is expected to commence in late summer/early fall 2007 and extend for approximately 5-6 months. The NPS states that park visitors will be excluded from the construction zone around the existing Whale Overlook, the proposed shelters, and the immediate adjacent walkways. However, the pathways to and around the lighthouse and other coastal viewpoints in the monument will remain open to park visitors, and most construction should be completed prior to the winter 2008 whale watching season.

The proposed interpretive shelter demolition and construction activities are consistent with the Cabrillo National Monument General Management Plan (GMP). The Commission reviewed the

GMP under Consistency Determination CD-105-95 and found it consistent with the California Coastal Management Program on December 14, 1995. In its consistency findings, the Commission stated that future consistency or negative determinations may be required prior to implementation numerous GMP development projects (including the Whale Overlook project) which were described only in conceptual terms in CD-105-95. In subsequent years, the NPS submitted consistency determinations for its tidepool protection, education, and research program, and negative determinations for relocation of the entrance station, restoration of grounds around the lighthouse, construction of a museum storage facility, rehabilitation of parking areas, and continuation of the aforementioned tidepool program. The Commission and/or the Executive Director have concurred with each of the NPS consistency submittals for projects previously outlined in the 1995 GMP and conceptually reviewed under CD-105-95.

The Commission staff agrees that construction of two proposed interpretive shelters at Cabrillo National Monument will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 if you have any questions regarding this matter.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: CCC - San Diego Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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May 23, 2006

J.C. Washington, CDR
Public Works Officer
Naval Base Coronado
ATTN: Lori Megliola
Naval Air Station North Island
Box 357033
San Diego, CA 92135-7033

Subject: Negative Determination ND-035-06 (Norwegian Naval Strike Missile tests, San Clemente Island, Los Angeles Co.)

Dear Cdr. Washington:

The Coastal Commission staff has reviewed the above-referenced negative determination. The U.S. Navy proposes to conduct Naval Strike Missile (NSM) tests at San Clemente Island. Two missile launches will occur between October and December 2006 and two launches between July and October 2007. The first two launches from the Old Airfield will strike a water-borne mobile ship target in Pyramid Cove within the Shore Bombardment Area. The second two launches from the Old Airfield will terminate at the Missile Impact Range on the island. All four missiles will fly pre-planned routes over the island and adjacent ocean waters. The purpose of the proposed action is to test the NSM for sea-to-shore and over-land capabilities and accuracy. The test missiles will not be equipped with a live/explosive warhead.

San Clemente Island, owned and operated by the Navy since 1934, is located 55 nautical miles (nm) south of Long Beach and 68 nm west of San Diego. More than a dozen range and operational areas are clustered within a 60-mile radius of the island, and naval warfare testing activities have occurred at and offshore of the island for decades. In particular, the Old Airfield, Missile Impact Range, and Pyramid Cove have historically been used for missile testing (launch, flight, and impact) and these areas are maintained by the Navy in accordance with the island's natural resource management practices and safety procedures, as well as best management practices specified in the island's Storm Water Discharge Management Plan and SWRCB regulations.

The mobile ship target will be anchored on sandy substrate and positioned to avoid the kelp beds that exist over rocky substrate further offshore of Pyramid Cove. Prior to the test, Navy monitors will ensure that the target area is clear of marine mammals and sea turtles. Upon missile impact on the ship target, the debris field could extend into the shoreward edge of the kelp beds. Debris recovery will commence immediately after missile impact and will involve vessels, divers, and a helicopter to ensure complete recovery of all test debris. This activity will require one to four

hours and portions of the kelp beds may be occupied by divers and/or vessels. As the two proposed ship target tests will occur between October and December, any potential damage to kelp fronds or stalks as a result of debris scattering or recovery will take place during the time period of normal seasonal dieback of kelp beds. Rapid regrowth of any damaged kelp will occur during the following spring and alteration of the kelp canopy will not persist. The mobile ship target is not self-propelled and does not contain fuel or other pollutants that will be released upon missile impact. The NSM is propelled with JP-10 fuel, which will be completely expended prior to impact.

The missile test program will not affect public access or recreation as San Clemente Island is closed to public use for military security and safety reasons. The island is surrounded by a 300-yard-wide security zone that restricts public use of these offshore waters. The mobile ship target will be anchored near the boundary of the security zone but the Navy reports that public use of the areas in the vicinity of the target is negligible. As a safety precaution, a notice to mariners will be issued prior to the test day and all standard range safety procedures will be implemented on test days to ensure that the impact area vicinity is cleared of all civilian vessels.

The Commission staff agrees that the proposed Naval Strike Missile tests at San Clemente Island will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

Mark Delaplaine

(for) PETER M. DOUGLAS
Executive Director

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