

Western Region
Coastal and Marine Geology Program
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In Reply Refer to:
Mail Stop 999

May 24, 1999

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

Dear Mr. Delaplaine;

In accordance with the Proposed Findings on Consistency Determination CD-32-99 (California Coastal Commission Reference **Th7a**), the U.S. Geological Survey (USGS) has modified its proposed geophysical survey in the following ways:

1. The survey will not operate within the 3 mile limit of State waters.
2. A safety zone of 100 meters will be observed for all marine mammals, including pinnipeds, odontocetes and mysticetes.
3. The airgun source will not be operated during nighttime periods when darkness limits observation of mammals within the safety zone.

These modifications are reflected in the attached Negative Determination submitted for administrative concurrence in accordance with the Findings.

The USGS continues to maintain that its original Consistency Determination is valid, but has acceded to the more restrictive conditions required by the Commission in the interests of future cooperation. The USGS is continuing investigations into airgun source-sound pressure levels, transmission-loss models, and nighttime monitoring methods in the expectation that the safety of night operations, in particular, can be demonstrated for future projects.

Because the welfare of a large number of Californians is potentially at stake, the USGS and the Commission should make every effort to resolve the divergent viewpoints on issues related to the use of airguns near marine mammals. While the USGS recognizes that cost *per se* is not a mitigating factor in determining whether an activity is consistent with the CZMA "to the maximum extent possible", the Commission must appreciate the

with the CZMA "to the maximum extent possible", the Commission must appreciate the substantial cost increase that the USGS will have to absorb to complete the seismic-hazard assessment of coastal Southern California. Even if the surveys were conducted during the period of maximum daylight hours each year (near the summer solstice), either scientific objectives must be curtailed by 30% or program budget must be increased more than 40%. Inasmuch as the funding for geologic research in the USGS is currently declining, further geophysical studies under the seismic-hazard project offshore coastal California could quite simply be priced out of the market.

The USGS appreciates all of the assistance you and the Commission have provided, and we hope that we can conduct future efforts in a continuing spirit of cooperation.

Sincerely,



William R. Normark
Geologist

One enclosure

Copy to: M. Shulters, USGS
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