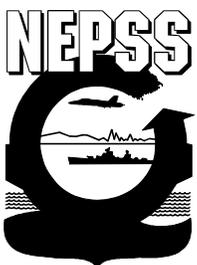




Marine Environmental Update



Unified Watershed Approach Policy to Federal Land, Resource Management Proposed

On February 22, 2000, the Department of the Interior and Department of Agriculture released for review the *Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management*. The proposed policy would use existing authorities and build on and expand successful efforts by focusing Federal resources on priority watersheds. The proposed goals and principles for Federal agencies, as their programs allow, are:

- Use a consistent and scientific approach to managing lands and resources and for assessing, protecting, and restoring watersheds;
- Identify specific watersheds in which to focus our budgetary and other resources and accelerate improvements in water quality and watershed condition;
- Use the results of watershed assessments to guide planning and management activities;
- Work closely with States, Tribes, local governments, and stakeholders to implement this policy;
- Meet Clean Water Act responsibility to adhere to Federal, State, Tribal, interstate, and local water quality requirements to the same extent as non-governmental entities; and
- Take steps to ensure that Federal land and resource management actions are consistent with Federal, State, Tribal, and, where appropriate, local government water quality management programs.

ALSO IN THIS ISSUE:

EPA Revises Water Quality Regulation Deadline	3
EPA Issues WQC for Dissolved Oxygen for Virginian Province	3
EPA Issues Update of Ambient WQC for Ammonia	4
NMFS Establishes Salmon ESU "Take" Rules, Designates Critical Habitat	5
FWS Designates Critical Habitat for California Gnatcatcher	7
FWS Designates Critical Habitat for San Diego Fairy Shrimp	12
Corps of Engineers Announces Replacement Nationwide Permits	15
CA Coastal NPS Pollution Control Plan, Management Measures Adopted	16
Compliance Assistance Center Opened for Federal Agencies	18
About the <i>Marine Environmental Update</i>	19

Read me on-line at: environ.spawar.navy.mil/Programs/MESO/Newsltr



SPAWAR
Systems Center
San Diego

The proposed policy would be limited to Federal lands and resources and would apply to lands and resources managed by and under the jurisdiction of the Federal department and agency heads who sign the final policy. Most of these Federal lands and resources are in the western United States, and most are managed by the Forest Service (Department of Agriculture), the Bureau of Land Management (Department of the Interior), and other Department of the Interior agencies. However, significant Federal lands and resources occur throughout the United States that are under the jurisdiction of the Department of Defense; National Park Service, Fish and Wildlife Service, and the Bureau of Reclamation (Department of the Interior). This policy could apply in up to 40 percent of the watersheds in this country and will address:

- Coordination and planning of Federal programs and resource management activities on a watershed basis to achieve clean water objectives; emphasizing State, Tribal, and Federal priority watersheds, taking into account different Federal, State, and Tribal approaches, programs, and guidelines; and creating “living laboratories” for adaptive management of watersheds and water quality;
- Coordinated development and application of enhanced watershed assessment, hydrologic analysis, resource inventory, and classification; monitoring and evaluation methods; and compatible data standards;
- Control of nonpoint sources of pollution through training in, and implementation of, best management practices; working with States and Tribes to meet performance goals; and establishing appropriate memorandums of agreement;
- Enhanced watershed restoration efforts, including the integration of watershed restoration as a key part of land management planning and program strategies;
- Development of a process and guidelines for identifying and designating waters or watersheds on Federal lands that may have significant human health, public use, or aquatic ecosystem values and a need for special protection; and
- A greater role for citizen stakeholders in completing watershed assessments, monitoring pollution sources, and planning and implementing restoration efforts through collaborative stewardship approaches.

Comments are due by April 24, 2000. For more information, contact Eric Janes, Rangelands, Soil and Water Group, Bureau of Land Management, Department of the Interior or Karen Solari, Watershed and Air Management Staff, Forest Service, Department of Agriculture, at (801) 517-1037.

The complete text of the proposed policy is [available from MESO](#) (230 KB Adobe™ Acrobat™ file).

Federal Register, Volume 65, Number 35, Tuesday, February 22, 2000, pp. 8833-8839.



EPA Revises Water Quality Regulation Deadline

On February 2, 2000, the Environmental Protection Agency proposed revisions to the Total Maximum Daily Load regulations for implementing EPA's responsibilities under Section 303(d) of the Clean Water Act. The proposal eliminates the regulatory requirement that states, territories, and authorized tribes submit to the EPA by April 1, 2000, lists of impaired and threatened waters, unless the EPA has been required by a court order, consent decree, or settlement to take action based on a state's year 2000 list. The proposal only affects the April 1, 2000 deadline. It retains the existing regulatory requirement that lists must be submitted on April 1, 2002, and on April 1 of subsequent even numbered years. More information can be found at www.epa.gov/ow/waternews/waternews.html. The complete text of the proposed rule is [available from MESO](#) (25.5 KB Adobe™ Acrobat™ file).

Federal Register, Volume 65, Number 22, Wednesday, February 2, 2000, pp. 4919-4923.



EPA Issues Draft Water Quality Criteria for Dissolved Oxygen for Cape Cod to Cape Hatteras

On January 19, 2000, the Environmental Protection Agency issued draft water quality criteria for dissolved oxygen (D.O.) in saltwater for the entire Virginian Province, the area between Cape Cod and Cape Hatteras. The decision is the result of a research effort to produce enough information to support the development of saltwater dissolved oxygen criteria. The EPA's Environmental Monitoring and Assessment Program has shown that 25% of the area of the province is exposed to some degree of D.O. concentrations less than 5 mg/L. Reports generated by this program have shown that low D.O. (hypoxia) is a major concern within the Virginian Province.

Determination of the D.O. criteria takes into account both continuous (24 hours or greater) and cyclic exposures (less than 24 hours) to low D.O. Three areas of protection are covered: (1) protection for juvenile and adult survival; (2) protection for chronic growth effects; and (3) protection for larval recruitment effects. If the D.O. conditions are above the chronic growth criterion of 4.8 mg/L, then this site would meet objectives for protection. If the D.O. conditions are below the juvenile/adult survival criterion of 2.3 mg/L, then this site would not meet the objectives for protection. When the D.O. conditions are between these two values, then the site would require evaluation, using the model, of duration and intensity of hypoxia to determine suitability of habitat for the larval recruitment objective.

The determination procedure pretty much follows the *Guidelines for Deriving Numeric National Water Quality Criteria for the Protection of Aquatic Organisms and their Uses* (EPA 822/R-85-100, January 1985), with the exception that it takes into account survival effects on larvae. The draft criteria does not address direct behavioral responses or the ecological consequences of such behavioral responses, nor do they address the issue of spatial significance of the D.O. problem. The draft criteria also do not account for changes in sensitivity to low D.O. that accompany other stresses, such as high temperature, extremes of salinity, or toxicants.





SPAWAR
Systems Center
San Diego

The EPA believes the approach used to develop the draft criteria can be applied, with minor modifications and regional-specific data, to derive D.O. criteria for other coastal and estuarine regions of the United States.

Copies of the *Draft Ambient Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras* (EPA 822-D-99-002) can be obtained from EPA's Water Resource Center at (202) 260-7786; by e-mail to center.water-resources@epa.gov; by conventional mail to EPA Water Resource Center, RC-4100, 401 M Street SW, Washington, D.C. 20460; or consult www.epa.gov/OST/standards/ for download availability. The document is also [available from MESO](#) (320 KB Adobe™ Acrobat™ file).

For further information contact Erik L. Winchester, USEPA, Health and Ecological Criteria Division (4304), Office of Science and Technology, 401 M Street, SW, Washington, D.C. 20460; (202) 260-6107, facsimile (202) 260-1036; e-mail: winchester.erik@epa.gov.

Federal Register, Volume 65, Number 12, Wednesday, January 19, 2000, pp. 2954-2956.



EPA Issues Update of Ambient Water Quality Criteria for Ammonia

On December 22, 1999, the Environmental Protection Agency released the *1999 Update of Water Quality Criteria for Ammonia*, which incorporates comments received from the 1998 Ammonia Update. The 1999 Update contains the EPA's most recent freshwater aquatic life criteria for ammonia and supersedes all previous freshwater aquatic life ammonia criteria. The new criteria reflect recent research and data since 1984, and are a revision of several elements in the 1984 Criteria, including the pH and temperature relationship of the acute and chronic criteria and the averaging period of the chronic criterion.

There are two main differences between the two Updates. One difference is in the way that temperature is considered. As a result of these revisions to the criteria, the acute criterion for ammonia is now dependent on pH and fish species, and the chronic criterion is dependent on pH and temperature. At lower temperatures, the dependency of chronic criterion is also dependent on the presence or absence of early life stages of fish (ELS). The EPA's recommendations in the 1999 Update represent a change from both the 1984 chronic criterion, which was dependent mainly on pH, and from the 1998 Update, in which the chronic criterion was dependent on pH and the presence of early life stages of fish. The other significant revision in the 1999 Update is the EPA's recommendation of 30 days as the averaging period for the ammonia chronic criterion. The EPA recommends the 30B3 (the lowest thirty-day average flow based on a thirty-year return interval when flow records are analyzed using the EPA's 1986 DFLOW procedure), the 30Q10 (the lowest thirty-day average flow based on a ten-year return interval when flow records are analyzed using extreme-value statistics), or the 30Q5 as the appropriate design flows associated with the 30-day averaging period of the ammonia chronic criterion. In addition, the EPA recommends that within the 30-day averaging period, no 4-day average concentration should exceed 2.5





SPAWAR
Systems Center
San Diego

times the chronic criterion, or Criterion Continuous Concentration (CCC). Consequently, the design flow should also be protective of any 4-day average at 2.5 times the CCC.

A copy of the document, *1999 Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-014) may be obtained from the EPA by contacting the National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, Ohio, USA 45242-2419, (800) 490-9198, e-mail: ncepi.mail@epamail.epa.gov. The document, and a fact sheet that provides an overview of the criteria document, may be viewed at www.epa.gov/ost/standards/ammonia.html. Agency (EPA). The document is also [available from MESO](#) (790 KB Adobe™ Acrobat™ file).

For further information contact Brian Thompson, Standards and Applied Science Division (4305), U.S. EPA, Office of Science and Technology, 401 M. Street, S.W., Washington, D.C. 20460; (202) 260-3809; e-mail: thompson.brian@epamail.epa.gov.

Federal Register, Volume 64, Number 245, Wednesday, December 22, 1999, pp. 71974-71980.



NMFS Establishes Rules on “Take” of Seven ESUs, Designates Critical Habitat for 19 ESUs of Salmon and Steelhead

ESU “Take” Defined

On January 3, 2000, the National Marine Fisheries Service published a proposed rule governing “take” (see also *Marine Environmental Update*, [Vol. FY99, No. 3](#); [Vol. FY99, No. 4](#); [Vol. FY00, No. 1](#)) of seven threatened Evolutionarily Significant Units (ESUs) of west coast salmonids: Oregon Coast Coho (*Oncorhynchus kisutch*); Puget Sound, Lower Columbia and Upper Willamette Chinook (*O. tshawytscha*); Hood Canal Summer-run and Columbia River Chum (*O. keta*); and Ozette Lake Sockeye (*O. mykiss*). This rule applies only to the identified coho, chinook, chum, and sockeye species. Effects resulting from implementation of activities on other listed species (e.g., bull trout) must be addressed through Endangered Species Act Section 7 and Section 10 processes, as appropriate. The rule would apply the take prohibitions enumerated in Section 9(a)(1) of the ESA in most circumstances to one coho salmon ESU, three chinook salmon ESUs, two chum salmon ESUs, and one sockeye salmon ESU.

As a matter of law, impacts on listed salmonids due to actions in compliance with a permit issued by the NMFS pursuant to Section 10 of the ESA are not violations of this rule. Section 10 permits may be issued for research activities, enhancement of the species’ survival, or to authorize incidental take occurring in the course of an otherwise lawful activity. Likewise federally-funded or approved activities for which ESA Section 7 consultations have been completed for listed salmonids, and which are conducted in accord with all reasonable and prudent measures, terms, and conditions provided by the NMFS in a biological opinion and accompanying incidental take statement pursuant to Section 7 of the ESA will not constitute violations of this rule.





SPAWAR
Systems Center
San Diego

With respect to other activities, the NMFS listed the following activities as very likely to injure or kill salmonids, and result in a violation of the rule unless within a limit on the take prohibitions provided in the rule. The following list are categories of activity upon which the NMFS is likely to concentrate its enforcement resources:

- Collecting, handling, or harassing listed salmonids, including illegal harvest activities (except as provided for in the rule);
- Diverting water through an unscreened or inadequately screened diversion at times when juvenile salmonids are present;
- Physical disturbance or blockage of the streambed where spawners or redds (nests) are present concurrent with the disturbance. The disturbance could be mechanical disruption from creating push-up dams, gravel removal, mining, or other work within a stream channel, trampling or smothering of redds by livestock in the streambed, driving vehicles or equipment across or down the streambed, and similar physical disruptions;
- Discharges or dumping of toxic chemicals or other pollutants (*e.g.*, sewage, oil, gasoline) into waters or riparian areas supporting the listed salmonids, particularly when done outside of a valid permit for the discharge;
- Blocking fish passage through fills, dams, or impassable culverts; and
- Interstate and foreign commerce of listed salmonids and import/export of listed salmonids without an ESA permit, unless the fish were harvested pursuant to the rule.

The NMFS also listed categories of activities which may injure or kill listed salmonids and result in a violation of the rule (unless within an “exception” provided in the rule). These include, but are not limited to:

1. Water withdrawals that impact spawning or rearing habitat;
2. Diversion or discharge of flows that results in excessive, or excessive fluctuation of, stream temperatures;
3. Aside from the habitat restoration activities to which this rule does not apply take prohibitions, destruction or alteration of salmonid habitat, such as through removal of large woody debris, “sinker logs,” riparian canopy or other riparian functional elements; dredging; discharge of fill material; or through alteration of surface or ground water flow by draining, ditching, gating, diverting, blocking, or altering stream or tidal channels (including side channels wetted only during high flows and connected ponds);
4. Land-use activities that adversely affect salmonid habitat (*e.g.*, logging, grazing, farming, urban development, or road construction in riparian areas);
5. Physical disturbance or blockage of the streambed in places where spawning gravels are present.
6. Violation of Federal or state Clean Water Act discharge permits through actions that actually impact water quality, and thus may harm listed salmonids. Likelihood of harm is increased where the receiving waters are not currently meeting water quality standards for one or more components of the discharge;





SPAWAR
Systems Center
San Diego

7. Pesticide and herbicide applications that adversely affect the biological requirements of the species;
8. Introduction of non-native species likely to prey on listed salmonids or displace them from their habitat; and
9. Altering habitat of listed salmonids in a way that promotes the development of predator populations or makes listed salmonids more susceptible to predation.

The complete text of the proposed rule is [available from MESO](#) (321 KB Adobe™ Acrobat™ file).

ESU Critical Habitat Designated

In a related matter, the NMFS on February 16, 2000, listed critical habitat for nineteen Evolutionarily Significant Units (ESUs) of chinook salmon (*Oncorhynchus tshawytscha*), chum (*O. keta*), and sockeye salmon (*O. mykiss*) previously listed under the Endangered Species Act (see *Marine Environmental Update*, [Vol. FY99, No. 4](#)). The critical habitat occurs in the states of Washington, Oregon, Idaho, and California and encompasses accessible reaches of all rivers (including estuarine areas and tributaries) within the range of each listed ESU. Critical habitat is also designated in Ozette Lake for that sockeye salmon ESU. The rule is effective as of March 17, 2000. Further information regarding the critical habitat designation can be obtained at www.nwr.noaa.gov. The complete text of the final rule is [available from MESO](#) (210 KB Adobe™ Acrobat™ file).

Federal Register, Volume 65, Number 1, Monday, January 3, 2000, pp. 169-196.

Federal Register, Volume 65, Number 32, Wednesday, February 16, 2000, pp. 7764-7787.



FWS Designates Coastal Sage Scrub as Critical Habitat for the California Gnatcatcher

On February 7, 2000, the Fish and Wildlife Service, proposed designation of critical habitat for the threatened coastal California gnatcatcher, *Poliophtila californica californica*, pursuant to the Endangered Species Act of 1973, as amended. The proposed critical habitat unit boundaries encompasses approximately 323,726 hectares (799,916 acres) of gnatcatcher habitat in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California. The actual area containing gnatcatcher habitat is smaller. Critical habitat identifies specific areas, both occupied and unoccupied, that are essential to the conservation of a listed species and that may require special management considerations or protection. Proposed critical habitat does not include lands covered by an existing, legally operative, incidental take permit for the coastal California gnatcatcher under Section 10(a)(1)(B) of the ESA. The Habitat Conservation Plans (HCPs) provide for special management and protection under the terms of the permit and the lands covered by them are therefore not proposed for inclusion in the critical habitat. In areas where HCPs have not yet had permits issued, the FWS has proposed critical habitat for lands





SPAWAR
Systems Center
San Diego

encompassing core populations of gnatcatchers and areas essential for habitat connectivity which may require special management considerations or protections.

Proposed critical habitat includes gnatcatcher habitat throughout the species' range in the United States (*i.e.*, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California). Lands proposed are under private, State, and Federal ownership, with Federal lands including lands managed by the Bureau of Land Management (BLM), Department of Defense (DOD), Service, and Forest Service (USFS). Lands proposed as critical habitat have been divided into 15 Critical Habitat Units:



The threatened coastal California gnatcatcher, Polioptila californica californica.

Unit 1: San Diego Multiple Species Conservation Program (MSCP)

Unit 1 encompasses approximately 20,697 ha (51,141 ac) within the MSCP planning area. Lands proposed contain core gnatcatcher populations, sage scrub and areas providing connectivity between core populations and sage scrub. This includes lands essential to the conservation of the gnatcatcher within: the cities of Chula Vista, El Cajon, and Santee; major amendment areas within the San Diego County Subarea Plan; the Otay-Sweetwater Unit of the San Diego National Wildlife Refuge Complex; and water district lands owned by Sweetwater Authority, Helix Water District and Otay Water District.

Unit 2: Marine Corps Air Station Miramar

Unit 2 encompasses approximately 4,859 ha (12,007 ac) on Marine Corps Air Station Miramar. Lands proposed include areas identified as occupied by core gnatcatcher populations in the Marine Corps Air Station's proposed Integrated Natural Resource Management Plan as well as canyons and corridors that provide east-west and north-south linkages to defined preserve lands adjacent to this unit.

Unit 3: Multiple Habitat Conservation Open Space Program (MHCOSP) for San Diego County

Unit 3 encompasses approximately 6,014 ha (14,860 ac) within the MHCOSP. Lands proposed include a core population of gnatcatchers on the Cleveland National Forest south of State Route 78 near the upper reaches of the San Diego River. It also includes important corridors of sage scrub for connectivity.





SPAWAR
Systems Center
San Diego

Unit 4: North San Diego County Multiple Habitat Conservation Plan (MHCP)

Unit 4 encompasses approximately 28,542 ha (70,526 ac) within the MHCP planning area in northwestern San Diego County. Lands proposed contain core gnatcatcher populations and sage scrub identified by the San Diego Association of Governments' (SANDAG) "Gnatcatcher Habitat Evaluation Model," dated March 24, 1999, as high or moderate value. In addition, areas proposed provide connectivity between habitat valued as high or moderate. This unit also provides connectivity between core gnatcatcher populations within adjacent units.

Unit 5: Marine Corps Base Camp Pendleton

Unit 5 encompasses approximately 20,613 ha (50,935 ac) on Marine Corps Base Camp Pendleton. Areas proposed include 26 training areas and portions of an additional 9 training areas (refer to the legal description for this unit for the names of the training areas affected). The Marine Corps Base contains a substantial coastal corridor of gnatcatcher-occupied sage scrub that provides the primary linkage between San Diego populations and those in southern Orange County (Unit 8). Another corridor of gnatcatcher-occupied sage scrub occurs along the Santa Margarita River valley that branches inland, connecting with habitat in the Fallbrook Naval Weapons Station (Unit 6) and further north into southwestern Riverside County (Unit 12).

Unit 6: Fallbrook Naval Weapons Station

Unit 6 encompasses approximately 3,606 ha (8,909 ac) on Fallbrook Naval Weapons Station in northern San Diego County. The unit provides a significant segment of a corridor of sage scrub between core gnatcatcher populations on Camp Pendleton (Unit 5) and populations in southwestern Riverside County (Unit 12).

Unit 7: North County Subarea of the MSCP for Unincorporated San Diego County

Unit 7 encompasses approximately 27,295 ha (67,446 ac) within the planning area for the North County Subarea of the MSCP for San Diego County. Lands proposed contain several core gnatcatcher populations and sage scrub identified as high or moderate value. In addition, proposed areas provide connectivity between habitat valued as high or moderate. This unit constitutes the primary inland linkage between San Diego populations and those in southwestern Riverside County (Unit 12).

Unit 8: Southern NCCP Subregion of Orange County

Unit 8 encompasses approximately 27,828 ha (68,763 ac) within the planning area for the Southern NCCP Subregion of Orange County. This unit contains significant core populations and provides the primary linkage for core populations on Marine Corps Base Camp Pendleton (Unit 5) to those further north in Orange County (Unit 9).





SPAWAR
Systems Center
San Diego

Unit 9: Central/Coastal NCCP Subregions of Orange County (Central/Coastal NCCP)

Unit 9 encompasses approximately 2,337 ha (5,776 ac) within the Orange County Central/Coastal NCCP planning area. It includes lands containing core gnatcatcher populations and sage scrub habitat determined to be essential for the conservation and recovery of the gnatcatcher within select Existing-Use Areas, the western portion of the North Ranch Policy Plan Area (*i.e.*, west of State Route 241), and the designated reserve (panhandle portion) of Marine Corps Air Station El Toro.

Unit 10: Palos Verdes Peninsula Subregion, Los Angeles County

Unit 10 encompasses approximately 5,588 ha (13,808 ac) within the subregional planning area for the Palos Verdes Peninsula in Los Angeles County, including the City of Rancho Palos Verdes MSHCP area. This unit includes a core gnatcatcher population and sage scrub habitat.

Unit 11: East Los Angeles County-Matrix NCCP Subregion of Orange County

Unit 11 encompasses approximately 22,130 ha (54,682 ac) within the Montebello, Chino-Puente Hills, East Coyote Hills and West Coyote Hills area. The unit provides the primary connectivity between core gnatcatcher populations and sage scrub habitat within the Central/Coastal Subregions of the Orange County NCCP (Unit 9), the Western Riverside County MSHCP (Unit 12), and the Bonelli Regional Park core population within the North Los Angeles linkage (Unit 14).

Unit 12: Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Unit 12 encompasses approximately 106,908 ha (264,167 ac) within the proposed planning area for the Western Riverside County MSHCP. Lands proposed include core populations within the Temecula/Murietta/Lake Skinner region and the Lake Elsinore/Lake Mathews region. Also proposed are regions of connectivity and additional core populations that occur along the I-15 corridor, the Lake Perris area, the Alessandro Heights area, the Box Spring Mountains/The Badlands, and along the foothills of the Santa Ana Mountains into the Chino-Puente Hills. These areas provide connectivity between core populations within Riverside County and to populations in San Diego, San Bernardino, Orange, and Los Angeles Counties. Unit 12 encompasses some of the Core Reserves established under the Stephens' Kangaroo Rat (*Dipodomys stephensi*) HCP. The Lake Mathews/Estelle Mountain, Steele Peak, Lake Perris/San Jacinto Core Reserves, the Potrero Area of Critical Environmental Concern, and the Southwestern Riverside County Multi-Species Reserve provide essential habitat for the gnatcatcher and, therefore, have been proposed for designation as critical habitat.

Unit 13: San Bernardino Valley MSHCP, San Bernardino County

Unit 13 encompasses approximately 30,076 ha (74,316 ac) along the foothills of the San Gabriel Mountains and within the Jurupa Hills on the border of San Bernardino and Riverside Counties. The unit includes lands within the San Bernardino National Forest and on Norton Air Force Base. This unit





SPAWAR
Systems Center
San Diego

contains breeding gnatcatcher populations and constitutes a primary linkage between western Riverside County (Unit 12) and eastern Los Angeles County (Unit 11).

Unit 14: East Los Angeles County Linkage

Unit 14 encompasses approximately 3,384 ha (8,361 ac) in eastern Los Angeles County along the foothills of the San Gabriel Mountains. Its main function is in establishing the primary east-west connectivity of sage scrub habitat between core gnatcatcher populations in San Bernardino County (Unit 13) to those in southeastern Los Angeles County (Unit 11).

Unit 15: Western Los Angeles County

Unit 15 encompasses approximately 13,897 ha (34,339 ac) in western Los Angeles county along the foothills of the San Gabriel Mountains. It includes breeding gnatcatcher populations and sage scrub habitat in the Placerita, Box Springs Canyon, and Plum Canyon areas. This unit encompasses the northern distributional extreme of the gnatcatcher's current range.

Activities on Federal lands that may affect the coastal California gnatcatcher or its critical habitat will require Section 7 consultation. Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly adversely affect critical habitat include, but are not limited to:

- Removing, thinning, or destroying gnatcatcher habitat (as defined in the primary constituent elements discussion), whether by burning or mechanical, chemical, or other means (*e.g.*, woodcutting, grubbing, grading, overgrazing, construction, road building, mining, herbicide application, *etc.*) and
- Appreciably decreasing habitat value or quality through indirect effects (*e.g.*, noise, edge effects, invasion of exotic plants or animals, or fragmentation).

Such Federal Agency activities that may jeopardize the continued existence of the species include, but are not limited to:

1. Regulation of activities affecting waters of the United States by the Army Corps of Engineers under Section 404 of the Clean Water Act;
2. Regulation of water flows, damming, diversion, and channelization by Federal agencies;
3. Regulation of grazing, mining, and recreation by the BLM or Forest Service;
4. Road construction and maintenance, right of way designation, and regulation of agricultural activities;
5. Regulation of airport improvement activities by the Federal Aviation Administration jurisdiction;
6. Military training and maneuvers on Marine Corps Base Camp Pendleton, Marine Corps Air Station Miramar, and other applicable DOD lands;
7. Construction of roads and fences along the International Border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;





SPAWAR
Systems Center
San Diego

8. Hazard mitigation and post-disaster repairs funded by the Federal Emergency Management Agency;
9. Construction of communication sites licensed by the Federal Communications Commission; and
10. Activities funded by the Environmental Protection Agency, Department of Energy, or any other Federal agency.

The full text of the proposed rule is [available from MESO](#) (1.11 MB Adobe™ Acrobat™ file).

The FWS will accept data and comments until April 7, 2000. For further information contact the Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

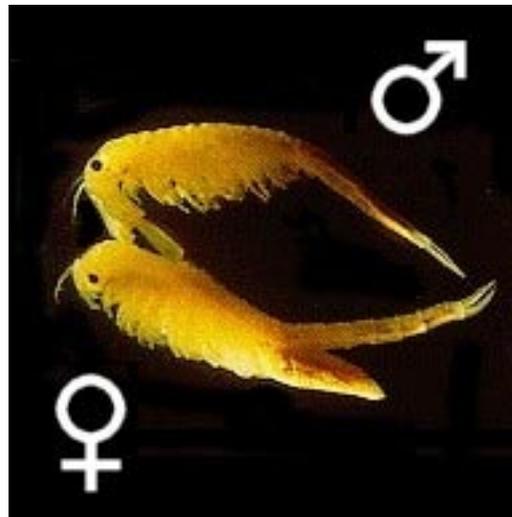
Federal Register, Volume 65, Number 25, Monday, February 7, 2000, pp. 5946-5976.



FWS Designates Critical Habitat for the San Diego Fairy Shrimp

On March 8, 2000, the Department of Fish and Wildlife Service proposed the designation of critical habitat for the endangered San Diego fairy shrimp, *Branchinecta sandiegonensis*, pursuant to the Endangered Species Act of 1973, as amended. The critical habitat is within an approximately 14,771-hectare (36,501-acre) area for the San Diego fairy shrimp in San Diego and Orange Counties.

All of the proposed critical habitat areas are considered essential to the conservation of the San Diego fairy shrimp as described in the *Recovery Plan for Vernal Pools of Southern California* (Fish and Wildlife Service, 1998) ([available from MESO](#); 10.2 MB Adobe™ Acrobat™ file). The proposed critical habitat units include a mosaic of vernal pools currently supporting San Diego fairy shrimp, as well as areas that historically supported vernal pools and are still capable of supporting this species. Lands proposed as critical habitat have been divided into six Critical Habitat Units. A brief description of each unit, and reasons for proposing it as critical habitat, are presented below. The units are generally based on geographical location of the vernal pools, soil types, and local variation of topographic position (*i.e.*, coastal mesas, inland valley).



The Vernal Pool Fairy Shrimp, Branchinecta lynchi, a threatened species similar to the endangered San Diego Fairy Shrimp.



Unit 1: Orange County (Fairview Regional Park) Critical Habitat Unit

Unit 1 encompasses approximately 100 ha (247 ac) within the Los Angeles Basin-Orange Management Area as outlined in the Recovery Plan. The Fairview Regional Park vernal pool complex is proposed as critical habitat. This unit provides the northern extent of this species' distribution and represents the historic distribution of coastal terrace vernal pools in this area.

Unit 2: San Diego: North Coastal Mesa Critical Habitat Unit

Unit 2 encompasses approximately 5,572 ha (13,768 ac) within the San Diego: North Coastal Mesa Management Area as outlined in the Recovery Plan on Camp Pendleton and within the City of Carlsbad. Areas proposed on Camp Pendleton include 1) five training areas, 2) habitat found elsewhere on the base, and 3) lands leased by the California State Department of Parks and Recreation and private interests from Camp Pendleton. Camp Pendleton has several substantial vernal pool complexes that support the San Diego fairy shrimp. Within the jurisdiction of the City of Carlsbad, one vernal pool complex located in the vicinity of Palomar Airport and one complex at Poinsettia Lane train station are being proposed as critical habitat.

Unit 3: San Diego: Inland Valley Critical Habitat Unit

Unit 3 encompasses 2,600 ha (6,425 ac) within the San Diego: Inland Valley Management Area as outlined in the Recovery Plan. Lands proposed contain vernal pool complexes within the jurisdiction of the City of San Marcos and the community of Ramona. In the community of Ramona, one of the complexes is within the County's Ramona Airport boundaries. These vernal pool complexes are generally isolated to a degree from maritime influence (greater than 10 km (6 mi) from the coast) and are representative of vernal pools associated with alluvial or volcanic type soils.

Unit 4: San Diego: Central Coastal Mesa Critical Habitat Unit

Unit 4 encompasses 7,500 ha (18,531 ac) within the San Diego: Central Coastal Mesa Management Area as outlined in the Recovery Plan. Lands proposed contain vernal pool complexes within the jurisdiction of the City of San Diego, Marine Corps Air Station Miramar, Department of Defense, State of California, Fish and Wildlife Service, and private interests. These vernal pool complexes are associated with coastal terraces and mesas found south of the San Dieguito River to the San Diego Bay.

Unit 5: San Diego: Southern Coastal Mesa Critical Habitat Unit

Unit 5 encompasses 2,967 ha (7,332 ac) within the San Diego: Southern Coastal Mesa Management Area as outlined in the Recovery Plan. Lands proposed include vernal pool complexes within the jurisdiction of the Fish and Wildlife Service, City of San Diego, City of Chula Vista, County of San Diego, U.S. Immigration and Naturalization Service, and private interests. These vernal pool complexes are associated with coastal mesas from the Sweetwater River south to the International Border.





SPAWAR
Systems Center
San Diego

Activities on Federal lands that may affect the San Diego fairy shrimp or its critical habitat will require Section 7 consultation. Activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements to an extent that the value of critical habitat for both the survival and recovery of the San Diego fairy shrimp is appreciably reduced. Activities that, when carried out, funded, or authorized by a Federal agency, may destroy or adversely modify critical habitat include, but are not limited to:

- Any activity that results in discharge of dredged or fill material, excavation, or mechanized land clearing of ephemeral and/or vernal pool basins;
- Any activity that alters the watershed, water quality or quantity to an extent that water quality becomes unsuitable to support San Diego fairy shrimp, or any activity that significantly affects the natural hydrologic function of the vernal pool system; and
- Activities that could lead to the introduction of exotic species into occupied or potentially occupied San Diego fairy shrimp habitat.

Such Federal Agency activities that may jeopardize the continued existence of the species include, but are not limited to:

1. Regulation of activities affecting waters of the United States by the Corps under Section 404 of the Clean Water Act;
2. Road construction and maintenance, right-of-way designation, and regulation of agricultural activities;
3. Regulation of airport improvement activities by the Federal Aviation Administration;
4. Military training and maneuvers on Camp Pendleton, Marine Corps Air Station Miramar, and other applicable DOD lands;
5. Construction of roads and fences along the international border with Mexico, and associated immigration enforcement activities by the Immigration and Naturalization Service;
6. Licensing of construction of communication sites by the Federal Communications Commission, and;
7. Funding of activities by the Environmental Protection Agency, Department of Energy, or any other Federal agency.

The full text of the proposed rule is [available from MESO](#) (381 KB Adobe™ Acrobat™ file). The Fish and Wildlife Service will accept comments from all interested parties until May 8, 2000. Public hearing requests must be received by April 24, 2000. For further information contact: Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008; (760) 431-9440; facsimile (760) 431-5902.

Federal Register, Volume 65, Number 46, Wednesday, March 8, 2000, pp. 12181-12202.



Army Corps of Engineers Announces Replacement Nationwide Permits

The Army Corps of Engineers is replacing Nationwide Permit (NWP) 26, which was used to permit certain discharges in the nation's headwaters and isolated waters, and was the general permit most frequently involving potential impacts on wetlands. To replace NWP 26, which expires in June 2000, the Corps is issuing five new nationwide permits and modifying six others. The Corps is also modifying nine NWP general conditions and adding two new general conditions. The replacement nationwide permits continue to authorize many of the same activities previously permitted under NWP 26, but they are activity-specific, with terms and conditions to ensure minimal adverse effects on the aquatic environment.

On July 21, 1999, the Corps published a notice of intent in the Federal Register to replace NWP 26 when it expired with a series of new and modified permits. Subsequently, the Fiscal Year 2000 Energy and Water Development Appropriations Act required the Corps to complete a study of the probable change in permitting workload and compliance costs under the July 21 replacement package. The study, undertaken by the Corps' Institute for Water Resources, is under review by the Office of the Assistant Secretary of the Army for Civil Works and being sent for review to the Office of Management and Budget.

Changes that the Corps has made that enhance environmental protection, while expanding the applicability of the NWPs, and simplifying their implementation are as follows:

- Establishing a maximum acreage limit for the replacement NWPs of 1/2 acre – eliminating the confusing “indexing” of project size to impact acreage allowed.
- Establishing a 1/10 acre threshold for applicants to notify the Corps of their proposed project. This will allow the Corps to determine which projects need the extensive review under standard individual permits, and will allow the Corps to identify necessary mitigation for projects of 1/10 acre or more of impact.
- Modifying the proposed condition that totally restricted use of the NWPs in the 100 year floodplain. The modified condition will allow permitting of up to 1/2 acre in the flood fringe of the headwater areas – headwaters are the areas currently subject to NWP 26 – provided the project meets the Federal Emergency Management Agency (FEMA) Federal standard for protection of floodplains. The final NWPs will not authorize above grade fill for most of the new NWPs in the FEMA-mapped floodway.
- Below the headwaters, use of the replacement NWPs will be restricted in the 100 year floodplain as it is under the current NWP 26.
- The NWPs for roads and utilities will be available in the 100 year floodplain, even the floodway, provided the project meets the FEMA Federal standard for protection of the floodplain.
- Since the maximum acreage of impact has been limited to 1/2 acre, the Corps has eliminated the condition restricting use of the NWPs in impaired waters.





SPAWAR
Systems Center
San Diego

The final NWP's were issued on March 7, 2000, with an effective date of June 7, 2000. Any pre-construction notifications (PCNs) received by the Corps by March 7, 2000 will be processed under NWP 26. For further information contact David Olson or Sam Collinson at (202) 761-0199 or access the Corps' Regulatory Home Page at www.usace.army.mil/inet/functions/cw/cecwo/reg. The complete text of the notice is also [available from MESO](#) (521 KB Adobe™ Acrobat™ file).

Federal Register, Volume 65, Number 47, Thursday, March 9, 2000, pp. 12817-12899.



CA Coastal NPS Pollution Control Program, Management Measures Adopted

Nonpoint Source Pollution Control Program Plan

On February 7, 2000, the State of California adopted the Plan for California's Nonpoint Source (NPS) Pollution Control Program. California is required to have its NPS program conform to the Clean Water Act (CWA) and section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). The lead State agencies for upgrading the NPS program are the State Water Resources Control Board (SWRCB) (designated lead water quality agency), the nine Regional Water Quality Control Boards (RWQCBs), and the California Coastal Commission (CCC) (designated lead coastal zone management agency). The program plan will be submitted for approval to the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, the lead federal agencies that administer the CWA and the Coastal Zone Management Act (CZMA) respectively.

The program plan is the State's final submittal intended to satisfy the CWA Section 319(h) requirements for "an upgraded program" and the CZARA requirements for a coastal nonpoint source pollution control plan. The program plan achieves this goal by providing a single unified, coordinated statewide approach to dealing with NPS pollution structured around 61 management measures. Management measures serve as general goals for the control and prevention of polluted runoff. Site-specific management practices are then used to achieve the goals of each management measure. Implementation of management measures will occur using a fifteen-year strategy with three nested five-year implementation plans. The fifteen-year strategy and each five-year implementation plan use an iterative program process. The program process includes:

1. Assessing program activities;
2. Targeting efforts;
3. Planning activities based on program goals and objectives;
4. Coordinating the efforts of federal, State, and local agencies and stakeholders;
5. Implementing coordinated actions;
6. Tracking and monitoring the results of implemented actions; and
7. Reporting on program results.





SPAWAR
Systems Center
San Diego

The program plan is designed to be flexible and adaptable over time. Specifically, the plan:

- Adopts 61 management measures as goals for six NPS categories (agriculture, forestry, urban areas, marinas and recreational boating, hydromodification, and wetlands/riparian areas/vegetated treatment systems);
- Provides a fifteen-year strategy for fully implementing the management measures;
- Continues use of the “Three-Tiered Approach” for addressing NPS pollution problems: Tier 1 – Self-Determined Implementation of Management Practices (formerly referred to as “voluntary implementation), Tier 2 – Regulatory-Based Encouragement of Management Practices, and Tier 3 – Effluent Limitations and Enforcement Actions;
- Provides the first of three five-year implementation plans targeting activities for specific management measures consistent with State and regional priorities in specific watersheds and also establishes mechanisms for: (a) coordination among agencies, (b) participation by the public, (c) assistance technically and financially, (d) adoption of additional management measures, if needed; and, (e) monitoring and reporting of program effectiveness;
- Promotes long-term interagency coordination among State agencies of the California Environmental Protection Agency and Resources Agency as well as other local, State, and federal agencies;
- Identifies back-up authorities and enforceable policies and mechanisms for the 61 management measures adopted by the State; and
- Relies on the use of existing authorities and regulatory processes to achieve implementation, but allows for the adoption of the management measures as regulation after each five-year cycle if adequate progress in NPS pollution control has not been demonstrated.

The program plan contains actions that will result in consistent and timely evaluation and reporting of the program’s progress in effectively dealing with NPS pollution. This includes annual, biennial, and five-year reporting cycles and the use of Internet-based interactive information tools.

The program plan also contains a Memorandum of Understanding (MOU) between the SWRCB and CCC. Although the two agencies have worked side-by-side to complete this document, the MOU commits the agencies to continue implementing the program plan after it is adopted by the SWRCB and CCC and approved by the federal agencies. Actions in the first five-year implementation plan require the SWRCB and CCC to review and update existing Management Agency Agreements and MOUs as appropriate and to develop others as needed. This aspect is important because the success of this program plan is dependent on the active participation of other government agencies with NPS responsibilities and private partners with significant influences over land use practices.

Management Measures for Polluted Runoff

California’s Management Measures for Polluted Runoff (CAMMPR) is designed to improve implementation of California’s Nonpoint Source Pollution Control Program. Management measures form



the core of the State's Plan for *California's Nonpoint Source Pollution Control Program 1998-2013*, and provide goals for the management of NPS pollution to which various management practices are applied.

The measures are organized into six categories or sectors:

1. Agriculture;
2. Forestry (silviculture);
3. Urban Areas;
4. Marinas and Recreational Boating;
5. Hydromodification Activities; and
6. Wetlands, Riparian Areas, and Vegetated Treatment Systems.

To help states develop sound and effective NPS programs, the EPA developed a guidance document pursuant to CZARA Section 6217(g) entitled the *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (EPA-840-B-83-001c, January 1993). The EPA and NOAA expect state programs to implement management measures "in conformity" with the guidance. This management-measure approach is technology-based rather than water-quality based. Implementation of technology-based management measures allows states to concentrate their resources initially on implementing measures that are proven to be effective in preventing and controlling NPS pollution.

CAMMPR retains the original guidance management measure language for nearly all of California's NPS management measures. Language in the management measure has been modified only slightly; and in most cases the modifications have made the management measures more protective of the environment. Other specific changes to the federal guidance were made to reach a total of 61 NPS management measures that will be implemented in California.

The Coastal Commission approved the plan on January 11, 2000. The SWRCB approved the plan on December 14, 1999.

Further information can be found at www.swrcb.ca.gov/nps/html/protecting.html.



Compliance Assistance Center Opened for Federal Agencies

The Environmental Protection Agency has opened the Internet-based Federal Facilities Compliance Assistance Center to provide federal government agencies with information on environmental regulations, guidance on compliance assistance, and links to state and other federal agency environmental home pages.

This center is the tenth launched by the EPA and is sponsored by the Federal Facilities Enforcement Office, which is responsible for ensuring that federal facilities take actions necessary to prevent, control and abate environmental pollution. The office also develops policies and guidance for federal agencies,





**SPAWAR
Systems Center
San Diego**

helps negotiate interagency agreements, provides technical assistance and provides program, enforcement and information support to the EPA's regional offices.

The new center address is: www.epa.gov/oeca/fedfac/cfa. All of the EPA's compliance assistance centers can be reached at: www.assistancecenters.net.

EPA Press Release, Thursday, February 17, 2000.



The *Marine Environmental Update* is produced quarterly as an information service by the Marine Environmental Support Office (MESO) to inform the Navy environmental community about issues that may influence how the Navy conducts its operations. The contents of this document are the responsibility of the Marine Environmental Support Office and do not represent the views of the United States Navy. References to brand names and trademarks in this document are for information purposes only and do not constitute an endorsement by the United States Navy. All trademarks are the property of their respective holders. Approved for public release; distribution is unlimited.

The Marine Environmental Support Office may be reached at:

MARINE ENVIRON SUPPORT OFC
SPAWARSYSNEN D3621
53475 STROTHER ROAD
SAN DIEGO CA 92152-6326

Voice: 619.553.5330/5331; DSN 553.5330/5331
Facsimile: 619.553.5404; DSN 553.5404

E-mail: meso@spawar.navy.mil
PLAD: SPAWARSYSNEN SAN DIEGO CA

WWW: environ.spawar.navy.mil/Programs/MESO

