



PUBLIC NOTICE

REQUEST FOR INDIVIDUAL PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2011-00314-RRS

Comment Period: October 23, 2012 through November 12, 2012

Project Manager: Robert Smith; (760) 602-4831; Robert.R.Smith@usace.army.mil

Applicant

BAE Systems San Diego Ship Repair Inc.
2205 East Belt Street, Foot of Sampson Street
San Diego, CA 92113
Sandor Halvax
619.238.1000x2060

Contact

BAE Systems San Diego Ship Repair Inc.
2205 East Belt Street, Foot of Sampson Street
San Diego, CA 92113
Sandor Halvax
619.238.1000x2060

Location

The project site, BAE Systems Pier 4, is located along the eastern shoreline of Central San Diego Bay at 2205 East Belt Street, in the city and county of San Diego, California (Figure 1).

Activity

The proposed action would include the following activities: demolition of the existing Pier 4 and Pier 5 structures and five dry dock mooring dolphins; dredging and dredge material disposal at the Otay Landfill or other approved disposal site of 20,275 cubic yards (cy) of unsuitable contaminated material, and ocean disposal of 32,650 cy of uncontaminated material at LA-5 ; and replacement of Pier 4, which would include a three section bulkhead, a mooring dolphin, a gantry crane over navigable waters and related pier utilities as well as temporary construction impacts (Figure 2). The proposed action consists of six overlapping phases of construction which would generally occur in the order described: (I) installation of a sheet pile/concrete bulkhead retaining wall, (II) demolition and removal of the existing piers and five obsolete dry dock mooring dolphins, (III) removal of riprap shoreline revetments adjacent to the shoreline bulkheads, (IV) phase C dredging (V) Pier 4 construction, and (VI) phase A and B dredging. Construction is scheduled to begin in late 2012 and be completed in late 2014.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision.

Comments should be mailed to:

U.S. Army Corps of Engineers
Los Angeles District
Regulatory Division
Attn: Robert Smith, P.E. (File No. SPL-2011-00113-RRS)
6010 Hidden Valley Rd., Suite 105
Carlsbad, California 92011

Alternatively, comments can be sent electronically to:
robert.r.smith@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the Environmental Protection Agency (EPA) Guidelines (40 CFR 230) as required by Section 404 (b) (1) of the Clean Water Act.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Native American tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA).

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an EIS is not required for the proposed work.

Water Quality - The applicant is required to obtain water quality certification (certification), under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of certification to the Corps prior to permit issuance. BAE Systems has submitted an application to the RWQCB for a certification of the proposed project.

Coastal Zone Management - For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the State's Coastal Zone Management Plan. The proposed action consists of components within the California Coastal Commission and San Diego Port District's coastal jurisdiction. BAE Systems has submitted Coastal Development Permit (CDP) applications to the Port District and CCC.

Cultural Resources – The proposed project has been reviewed for compliance with the National Historic Preservation Act (NHPA). No properties listed, proposed for listing, or eligible for listing in the National Register were identified in the project area. Additionally, the project is located on an artificial landform area created by bay infill, has been severely disturbed by development, and has been completely obscured by built environment and pavement, thus eliminating the potential for any buried resources and precluding observation of any remnant surface cultural deposits. Considering the relatively recent age of the landform (mid- to late 1930s) and the lack of documented archaeological resources, the project area has negligible potential for subsurface deposits. Therefore, the sensitivity of the project area for cultural resources is low. Pursuant to Section 106 of the NHPA, no Historic Properties would be affected by the proposed action.

Endangered Species Act – The California least tern (*Sternula antillarum browni*), a Federally-listed endangered species may occur in the vicinity of the project site during its nesting season from April 1st to September 1st but none have been documented by protocol surveys done in recent years by the Port in 2011 and 2012. Since the proposed action will occur within an active shipyard, noise and activity levels associated with the project would be similar to that occurring with existing shipyard activities. The majority of the non-dredging pier demolition and construction work would be done outside of the tern nesting season. The dredging work, would be done during the tern nesting season but with turbidity controls, monitoring, and work cessation impacts would be avoided. Therefore the proposed action should not affect the Federally-listed as endangered California least tern. Additionally, the green sea turtle (*Chelonia mydas*; GST), a Federally-listed threatened species, has the

potential to occur in the vicinity of the project site, but none have been documented in the project area per Port surveys done in 2011 and 2012. Therefore, the proposed action shall not affect the GST and the Corps shall employ further GST avoidance procedures such as monitoring, work cessation if GST is found near or in the project area, and pre-pile driving GST avoidance measures.

Essential Fish Habitat (EFH) –Eelgrass (*Zostera marina*) habitat is known to occur within the proposed project site and is considered to be EFH, because eelgrass provides habitat for juvenile fish species to grow to maturity, and offers protection for federally managed species. Incorporation of appropriate construction measures, including: delineating eelgrass bed boundaries; deployment of eelgrass silt curtains; and pre-construction and post-construction surveys, would ensure no adverse effects to eelgrass EFH. The Corps has determined that the project may have an adverse effect to EFH resources and hereby initiates EFH consultation with this notice and with a follow-up submittal of the EFH assessment.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed project would demolish the existing Pier 4 and Pier 5; dredge 52,925 cy of bay material; and construct a new replacement Pier 4. Of the 52,925 cy of material proposed for removal, 20,275 cy would be disposed of at an upland landfill (Otay landfill or other Corps approved landfill), and 32,650 cy would be disposed of offshore, at LA-5.

Additional Project Information

The existing BAE Systems facility is used for non-nuclear ship repair, modernization, conversion, and overhaul. The purpose of the proposed action is to replace an existing, aging (52-year-old) pier with a newer, modern pier that will allow BAE Systems to maintain and repair the current fleet of military and commercial ships, including the littoral combat ship (LCS), the first of a new class of surface combat ships for the U.S. Navy. The specific project objectives are:

- Remove existing aging and fatigued infrastructure (piers and bulkhead) at Pier 4 and Pier 5, and construct a replacement Pier 4 that can safely accommodate a portal gantry crane, including sufficient space between moving parts of the crane and any structure.
- Provide for modern pier facilities that allow for the safe berthing of ships and a safe working environment for shipyard workers.
- Construct a replacement Pier 4 that is designed to provide flexibility in ship berthing by reducing conflicts with overlapping ship schedules.
- Modernize BAE Systems Shipyard by providing a new Pier 4 facility, and rated ship repair services, to meet the needs of the current and anticipated ship fleet of military and commercial customers, including the ability to serve the Littoral Combat Ship (LCS), a new class of surface combat ships for the U.S. Navy.

- Apply the requirements of the approved Cleanup and Abatement Order (CAO) R9-2012-0024 to the project dredge activity within the CAO footprint. The CAO was issued by the San Diego RWQCB in order to restore the beneficial uses of San Diego Bay within the Shipyard Sediment Project site.
- Invest in new shipyard infrastructure that will enhance the short-term and long-term attractiveness and viability of the Port of San Diego (Port) to military and commercial ship operators.

The proposed action consists of landside and waterside redevelopment of the Pier 4 site within the existing BAE Systems facility located in the Port (Figure 2). The proposed landside improvements include: removal of existing revetments along the shoreline; relocation of shoreline infrastructure (e.g., existing waterfront storm water collection tanks); and the construction of three new bulkhead sections. The proposed waterside improvements include the demolition of existing Pier 4 and Pier 5 structures; removal of five dry dock mooring dolphins; dredging and dredged material disposal; and the construction of a replacement pier and a mooring dolphin.

The project would remove approximately 20,269 square feet (sf) of marine structures (piers and dolphins) and would result in approximately 26,944 sf of new marine features. The project would also result in the dredging of approximately 52,925 cubic yards (cy) of bay sediment in three phases (Table 1; Figure 2). Phase A would include the dredging of 35,005 cy of bay sediment of which 32,650 cy (subphase A1, A2a(lower) and A3) which has been approved for ocean disposal and 2,355 cy (subphase A2 and A2a(upper)) would be evaluated for upland disposal. Phase B would include the dredging of 11,320 cy of bay sediment, all of which would be evaluated for upland landfill disposal. Phase C would include the dredging of 6,600 cy of bay sediment that would be evaluated for upland landfill disposal. Subphase B2 and subphase C are also within the Cleanup and Abatement Order (CAO) R9- 2012-0024 remedial footprint. These two sub phases would impact approximately 1.79 acres of navigable waters.

Table 1.
BAE Systems Pier 4 Replacement Project
Approximate Dredge Volumes and Disposal Locations

Dredge Area	Dredge Depth ¹ (ft MLLW)	Disposal Location	Dredge Volume to Design Depth (cy)	2-ft Overdredge Allowance Volume (cy)	Permitted Disposal Volume (cy)
Phase A1	existing bottom to -37	Ocean Disposal	17,150	14,700	31,850
Phase A2a	-32 to -37	Ocean Disposal	275	185	460
Phase A3	existing bottom to -37	Ocean Disposal	200	140	340
Total Ocean Disposal Volume			17,625	15,025	32,650
Phase A2	existing bottom to	Upland	1,520	650	2,170

	-37	Disposal			
Phase A2a	existing bottom to -32	Upland Disposal	185	0	185
Phase B1	existing bottom to -37	Upland Disposal	5,100	2,200	7,300
Phase B2	existing bottom to -37	Upland Disposal	3,150	620	3,770
Phase B3	existing bottom to -37	Upland Disposal	120	130	250
Phase C1	existing bottom to -37	Upland Disposal	1,510	240	1,750
Phase C2	existing bottom to -37	Upland Disposal	3,150	1,700	4,850
Total Upland Disposal Volume			14,735	5,540	20,275
Project Total Dredged Material Volume			32,360	20,565	52,925

During dredging, there will be no decanting of water from the scow. Dredged sediment destined for upland disposal will be thickened using cement to accelerate drying. Upon completion of testing for the landfill compliance and approval by disposal site, dredged sediment will be placed directly into trucks and for disposal. Offloading of material to trucks will occur in the vicinity of Pier 4 and will include a spill tray and other structural BMPs to prevent spillage. All return flow from stockpiled dredged material will be collected and stored onsite in tanks. No dewatering water will enter San Diego Bay waters. BAE Systems has an industrial wastewater permit (Permit # 11- 0217) to discharge the return flow into the city sewage system as long as it meets specific permit requirements. If it does not meet permit requirements, the return flow will be dealt with as contaminated waste water and be removed by a licensed waste hauler. Once the sediment has been adequately dewatered it will be loaded into trucks using a crane or excavator and transferred 19 miles to an upland disposal facility (Figure 4). The preferred upland dredged material disposal site is Otay Landfill at 1700 Maxwell Rd., Chula Vista, CA 91911, but other disposal sites may also be considered.

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared and certified for the proposed project by the Port of San Diego in August 2012.

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for this project is marine structural redevelopment and marine berthing improvements; therefore, the proposed activity is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b) (1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range

of alternatives to be analyzed. The overall purpose of the proposed action is to replace the existing, aging Pier 4 with a newer, more modern pier that will allow BAE Systems to maintain and repair the current fleet of military and commercial ships, including the LCS, the first of a new class of surface combat ships for the U.S. Navy, in San Diego Bay, California.

Alternatives Analysis

No Federal Action: the No Federal Action/No Permit Alternative is described as a project alternative with no demolition of the existing Pier 4 and 5, no dredging of contaminated areas, no new Pier 4 construction. Under existing conditions, Pier 4 is not adequate for the current fleet of military and commercial ships. Therefore, the No Federal Action/No Permit alternative would not allow BAE Systems to meet its goal to provide a modern pier. The existing pier would continue to degrade over time, and given the limited utility of Pier 4, substantial investment in its maintenance would not occur. Similarly, no improvements would be made to the existing bulkhead, which would also continue to degrade over time, no dredging would occur with this alternative, and the Pier 5 stub would remain in place. Because of the limitations created by the existing size, configuration, and infrastructure at the existing Pier 4, only select types of ships could be served at the existing pier. As the commercial and military fleet continues to modernize over time, with newer ships that have specific requirements for more modern facilities, fewer and fewer ships could be served at the existing Pier 4 and the pier would eventually become obsolete and unusable. The No Federal Action/No Permit Alternative would avoid impacts to waters of the U.S. including eelgrass EFH, it also would not satisfy the basic or overall project purpose which is to replace the existing, 52-year old Pier 4 with a new, modern pier, equipped with a gantry crane that will allow BAE Systems to maintain and repair the newest class of Navy surface combat ships including LCS. Therefore, the No Federal Action/No Permit Alternative was eliminated by the applicant as not meeting the overall project purpose.

Onsite Alternatives

Pier Rehabilitation: BAE Systems evaluated rehabilitation of the existing Pier 4 for continued service for limited vessels that can be accommodated given the existing size, configuration, and infrastructure at the existing pier. Pier 4 rehabilitation would include new pier pilings and rebuilding the end of the existing pier that has been deemed inadequate for long term use. Some bulkhead repair work would occur, as stabilization of several locations of the existing deteriorated bulkhead would be necessary if the existing Pier 4 is rehabilitated. No dredging would occur, and the Pier 5 stub would remain in place and not be removed. The existing mooring dolphins would be removed and one additional dolphin would be constructed. Infrastructure improvements to the existing mechanical and electrical system would be implemented as part of the rehabilitation. Under this alternative, BAE Systems would not be able to berth ships on the north side of Pier 4. Implementation of this alternative would not relieve the existing backlog of demand for service/berthing overlap of Navy vessels, nor would it allow BAE Systems to be able to service the new class of LCS ships. The Pier Rehabilitation Alternative would not satisfy any of the basic or overall purposes of the project to replace the existing, 52-year old Pier 4 with a new, modern pier, equipped with a gantry crane that will allow BAE Systems to maintain and repair the newest class of Navy surface combat ships including LCS. The

Pier Rehabilitation alternative was eliminated by the applicant as not meeting the overall project purpose.

Reduced Project: The Reduced Project Alternative would consist of a realigned replacement Pier 4, that is narrower than the proposed replacement pier. Pier 4 would be 40 feet wide, which is insufficient to allow a gantry portal crane and not wide enough to support all the equipment, material lay down, and pier workers typically needed for repair of Navy vessels. The length of the Reduced Project Pier 4 would be 416 feet long, similar to the proposed project and the mooring dolphin would also be constructed, so that Navy vessels could berth at the Reduced Project Pier.

The bulkhead where the pier abuts the land would need to be reconfigured for this alternative. Dredging would be required for the Reduced Project Alternative because of its realignment, and because there would be berthing on both the north and south sides of the pier. Pier 5 would not be removed with this alternative. The Reduced Project Alternative would meet many of the project objectives; however, it would fail to meet the overall project purpose because it would not provide sufficient working surface or be wide enough to include a gantry crane. The Reduced Project alternative was eliminated by the applicant as not meeting the overall project purpose.

Offsite Alternatives

Alternative sites: The proposed action is location-specific. The existing BAE leasehold is fully developed, and there is no available space for an alternative pier location within the existing lease area. The areas north and south of BAE Systems along the Bay are also developed and committed to other Port tenants, and are unavailable for expansion of the BAE lease area for the purpose of new pier development. Given that the BAE Systems leasehold and existing Pier 4 are site-specific, there are no alternative locations that could be acquired by the applicant or would feasibly meet the purpose and need for the proposed action.

Mitigation

The proposed mitigation for the Pier 4 replacement project consists of the removal of 9,801 square feet of dock coverage to compensate for the impacts from 9,801 square feet of increased shading from the new Pier 4. The removal of 9,801 square feet of dock coverage was completed in 2001 by the Port of San Diego (Port). The Port maintains a record of docks removed and expanded throughout San Diego Bay. In addition, the removal of 20,275 cy (1.79 acres) of contaminated material from the BAE shipyard and the bay shall restore beneficial uses in the bay.

Proposed Special Conditions

Below is a list of Best Management Practices (BMPs) proposed by BAE Systems which the Corps may further modify and incorporate as Permit Special Conditions as appropriate. Furthermore, the Corps

would incorporate additional special conditions as appropriate or as a result of consultation requirements with resource agencies.

General BMPs:

- Temporary impacts are proposed but would be mitigated as appropriate;
- Lay down areas will occur outside of Corps jurisdiction;
- During project implementation BAE Systems will regularly monitor construction activities to ensure that no deviation from the proposed action as described herein are occurring;
- A survey for *Caulerpa taxifolia* survey in accordance with the current Caulerpa Control Protocol and an eelgrass survey will be performed prior to the start of in-water construction.

Water quality BMPs:

- The dredging would be conducted with an Environmental Bucket, which is specially designed to minimize the impact of spillage during dredging;
- Silt and turbidity curtains would be used during all dredging activities;
- Unsuitable dredged material would be taken to a project-specific Pier 1 upland contained storage site for dewatering;
- No return flow to San Diego Bay would occur. Water would be collected from the dewatering facility and stored in enclosed tanks. Water from the tanks would be disposed of in the City sewer system per BAE Systems' Industrial Waste Water Permit (Permit #11-0217) restrictions. No water would be discharged into the bay during the dewatering process; and
- Routine water quality monitoring would be conducted throughout dredging activities.

For additional information please call Robert Smith, P.E. of my staff at 760 602-4831 or via e-mail at Robert.R.Smith@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



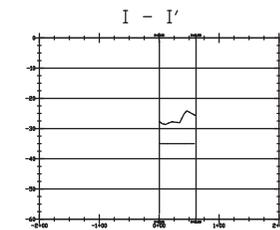
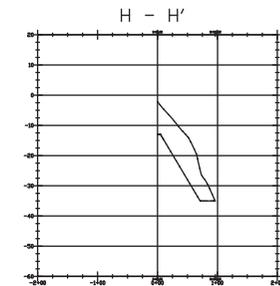
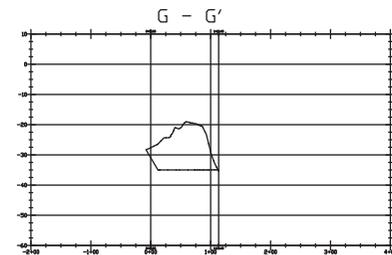
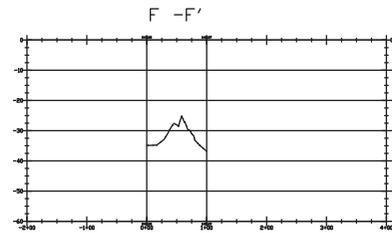
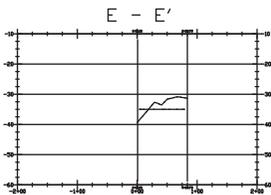
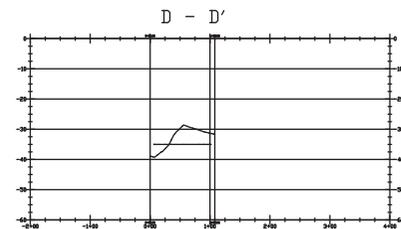
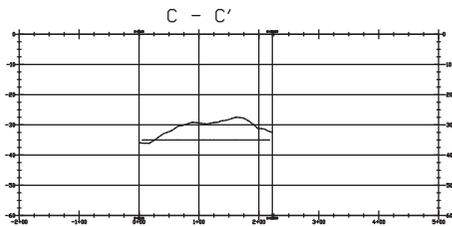
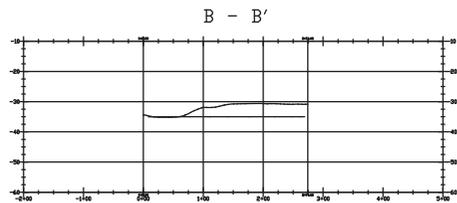
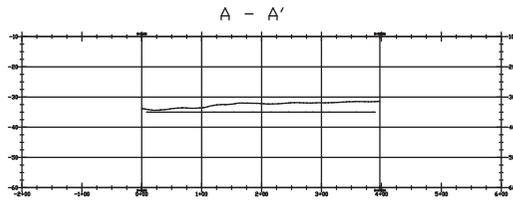
FIGURE

1



Project Vicinity Map
Pier 4 Replacement Project

It is a violation of law for any person unless he is acting under the direction of a licensed professional engineer to alter this document.
 This drawing was prepared at the scale indicated in the title block. Inconcretes in the stated scale may be introduced when drawings are reproduced by any means. (Use the graphic scale bar to determine the actual scale of this drawing.)



DREDGE SECTION NOTES:

1. DELINEATED AREAS FOR PHASES A, B, AND C WILL BE BOX CUT WITH NO SLOPES ALLOWED IN VOLUME DETERMINATION.
2. THE EXCEPTION FOR PAY SLOPES IS IN THE SLOPE AREAS DESIGNATED IN AREAS DELINEATED AS PHASE B.
3. ALL PAY SLOPES ARE 3:1.
4. EXCAVATION IS PRECISION FOR ALL UPLAND DISPOSAL. NO OVERDEPTH SHALL BE ALLOWED.

CONSULTANT

cle
CLE ENGINEERING, INC.
 41140 Elm Street - Suite C
 Murietta, CA 92562
 PHONE 951-698-1830

BAE SYSTEMS, INC.
SAN DIEGO SHIP REPAIR
PIER 4 REPLACEMENT PROJECT
DREDGE PLANS, PHASE A, B, AND C

SEAL AND SIGNATURE

REVISIONS

NO.	DESCRIPTION

SHEET TITLE

PROFILE-SECTIONS

ISSUANCE

Revision C

SCALE

1"=60'

DRAWN BY

PF

CHECKED BY

JBR

PROJECT NO

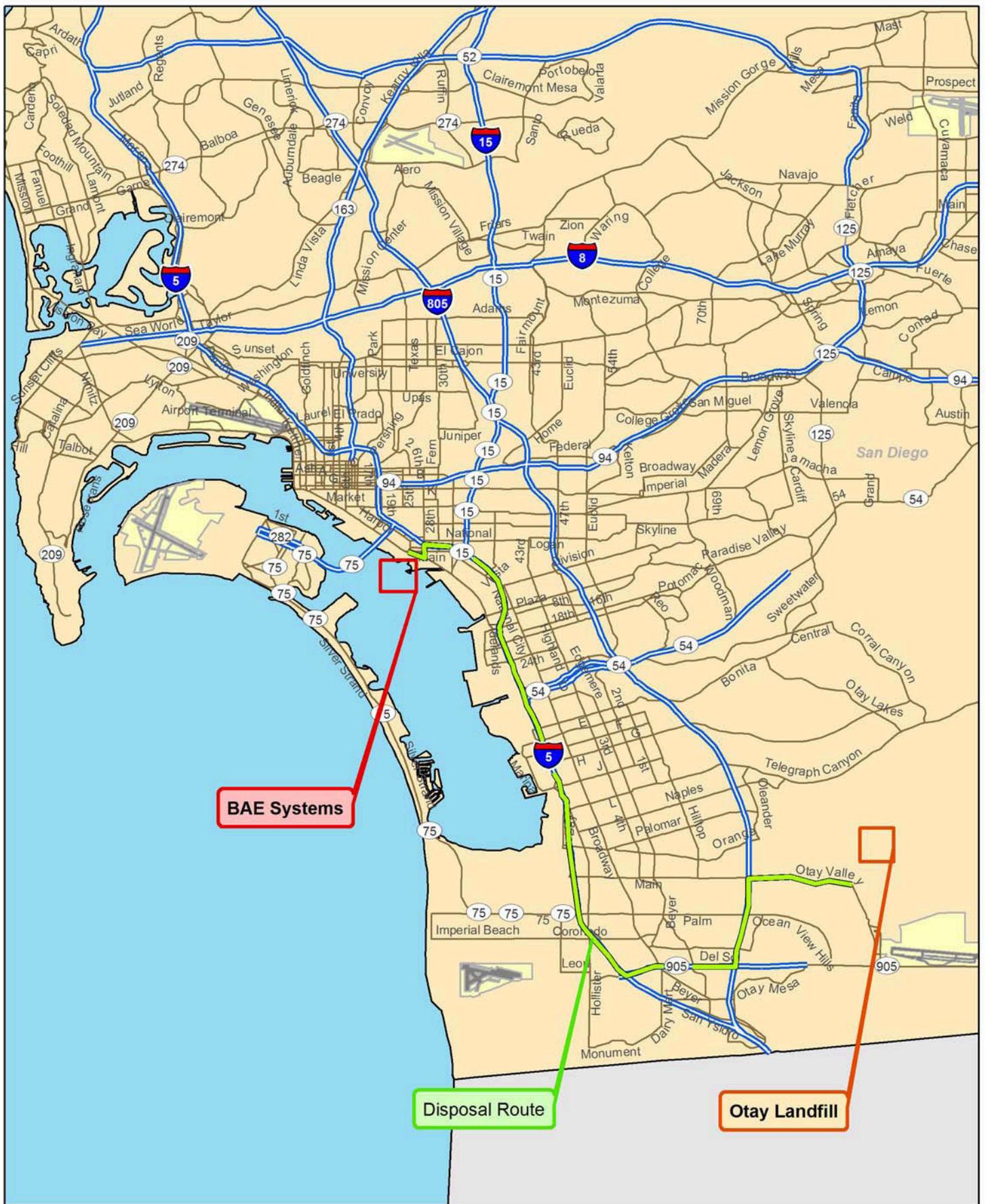
11015.202

DATE

2012-08-28

FIGURE

3



**Upland Disposal Site and Route
BAE Systems
San Diego Ship Repair**