



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT U.S. NAVAL BASE POINT LOMA FUEL PIER 180 PIER REPLACEMENT, DREDGING, AND BEACH NOURISHMENT

Public Notice/Application No.: SPL-2012-00668-RRS

Project: Naval Base Point Loma (NBPL) Fuel Pier Replacement and Dredging

Comment Period: October 23, 2012 through November 26, 2012

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

Applicant

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Location

Fuel Pier Replacement (Naval Pier No. 180 and Military Construction Project P-151) and dredging at Naval Base Point Loma in San Diego Bay within the city and county of San Diego, California, and dredged material disposal in the near shore zone of the Pacific Ocean at 825 Imperial Beach Blvd. in the city of Imperial Beach, San Diego county, California (32.7002 N, -117.2361 W).

Activity

Replacement of the existing 1.61-acre single deck naval fuel pier located at NBPL with a 1.51-acre ramped double deck pier including four additional dolphins to increase mooring capability; dredging of 80,000 cubic yards (cy) from 17.9 acres within the adjacent turning basin, with disposal of the beach-suitable sand in the nearshore at Imperial Beach. The project is necessary to safely accommodate re-fueling and berthing requirements of current and future naval deep-draft vessels (see attached drawings). The project also includes the temporary relocation of the marine mammal pens (2.99

acres), including pens, piers, floating walkways, and equipment floats due to anticipated noise impacts. Amendments of regulated navigation zones will be necessary due to the altered footprint of the new fuel pier and the temporary relocation of the Navy's marine mammals. Other infrastructure proposed to support the new fuel pier include the Indicator Pile Program to support construction design and a temporary mooring dolphin (approximately 0.009 acre), to support use of the fuel pier during construction. For more information see page 5 of this notice.

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). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Comments should be mailed to:

Los Angeles District, Corps of Engineers
Regulatory Division, Carlsbad Field Office
Attn: Robert Smith, P.E.
6010 Hidden Valley Rd., Suite 105
Carlsbad, CA 92011

Alternatively, comments can be sent electronically to: Robert.R.Smith@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 EPA Guidelines (40 CFR Part 230) as required by Section 404 (b) (1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian 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 of Engineers 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality 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 water quality certification to the Corps of Engineers prior to permit issuance. The Navy sent a Section 401 application to the Regional Water Quality Control Board on August 2, 2012. Additional information was provided to the Regional Water Quality Control Board in support of this application on September 28, 2012. The RWQCB certification is pending.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The Navy, as the lead federal agency, has determined that the proposed action would affect the coastal zone and has initiated consultation with the California Coastal Commission. Upon conclusion of consultation, the Navy will provide documentation to the Corps demonstrating compliance with the CZMA.

Essential Fish Habitat (EFH)- Preliminary determinations indicate the proposed activity may adversely affect essential fish habitat. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Navy, as the lead federal agency, has initiated EFH consultation with National Marine Fisheries Services to address impacts to EFH. Upon conclusion of consultation, the Navy will provide documentation to the Corps demonstrating consultation and compliance with MSA.

Cultural Resources- The Navy is the lead agency for cultural resource analysis and the Corps shall review and may adopt what they have determined for cultural resource impacts. Implementation of the proposed action would not affect any archaeological sites or other cultural resources as none are found within the Area of Potential Effect (APE), as defined under the Navy Region Southwest Metro San Diego Programmatic Agreement (Metro PA). The proposed action is located more than 100 meters from identified historic properties. Consistent with Stipulation 6.A of the Metro PA, the APE is defined as the discrete site of the undertaking and any associated staging or laydown areas.

The fuel pier itself, Pier 180, was constructed in 1908 and 1942. Through consultation with the California State Historic Preservation Office, the pier was determined not eligible for listing in the National Register of Historic Places.

A 1997 investigation inventoried and evaluated all of Naval Mine and Anti-submarine Warfare Command (NMAWC), the area proposed for temporary relocation of the Navy Marine Mammal Program during the construction of the fuel pier. This investigation concluded that the installation contains no historic properties or archaeological resources eligible for listing in the National Register of Historic Places. The State Historic Preservation Officer concurred with this determination in 2001.

While the project has no known archaeological resources, its onshore quay wall lay-down area is on land that was created as a leveled platform from original bay shore terrain (circa 1905). This now-buried beach was the location of hide houses and a custom house, with residences and other associated structures set further back from the bay. No investigations have ever been made for the presence of archaeological features or deposits. Therefore in this location there is currently an unknown potential for affecting buried cultural sites, if any exist. Compliance with Section 106 for the P-151 military construction project proceeds under the Metro PA. Under Stipulation 6.C of the Metro PA for compliance with 36 CFR 800.4(a)(1) written historic evidence identifies buried archaeological potential under the quay wall fill. Under Stipulation 9 of the Metro PA, the Navy "will provide for archaeological monitoring of ground disturbing activities within areas of known or provisional archaeological sensitivity" for identifying the presence or absence of any sub-surface archaeological deposits of features during construction. Monitoring would not be required for in-water project activities including dredging and pier demolition.

In the absence of known historic properties, but with an identified archaeological potential assessing effect in conformance with Stipulation 8.A of the Metro PA here requires that Section 106 compliance be as a conditional finding of "no historic properties affected" under 36 CFR 800.4(d)(1). As such, the demonstration of Section 106 compliance here is provisional, pending results of the monitoring to be conducted during the ground disturbance site preparation phase.

If eligible deposits or features are found, but the project work would not adversely affect these, then the current "no adverse effect" determination would apply and the EA would remain unchanged. However, if newly-identified eligible deposits or features would be adversely affected by project activities, then the project work affecting the deposits or features would stop for a period sufficient to

provide for an expedited consultation to define resolution of the adverse effect in accordance with 36 CFR 800.6. This would require execution of a memorandum of agreement with the California State Historic Preservation Officer and the Advisory Council on Historic Preservation, stipulating actions required for resolving the adverse effect. Project work would continue following completion of the stipulated actions.

Endangered Species Act (ESA)- The Navy is the lead agency for ESA analysis and consultation, and the Corps will review and may adopt the Biological Opinion for impacts to the endangered California least tern (*Sternula antillarum*) and the threatened Green Sea Turtle (*Chelonia mydas*). The Navy has determined that the proposed action may affect, but is not likely to adversely affect both the California least tern and the green sea turtle.

A Memorandum of Understanding currently exists between the U.S. Fish and Wildlife Service and the U.S. Navy which establishes conservation measures to protect California least tern in San Diego Bay. The replacement of the fuel pier and the temporary location for the Navy's marine mammals would occur within established foraging areas for the California least tern. Therefore, the Navy will follow the established conservation measures by avoiding dredging, in-water demolition, and construction activities from April 1 through September 15, least tern nesting season. No persistent effects on foraging conditions are expected once in-water construction/demolition activities are halted as on-shore activities associated with the proposed action at both locations would be similar to ambient noise in this area.

Potential impacts to green sea turtles would primarily be from noise generated during demolition, construction, or dredging activities. Green sea turtles are only anticipated to be found transiting through the proposed project areas. As green sea turtles are thought to be more active seasonally when the water temperature rises, the proposed action would only overlap at the tail end of the summer season, after September 15. Sea turtle monitoring would reduce the potential for sea turtles to be exposed to in-water construction and noise. Sound-generating activities would cease upon detection of a sea turtle within the proposed action areas. No sea turtle habitat would be lost as a result of the proposed action. Any impacts to eelgrass would be mitigation per the Southern California Eelgrass Mitigation Policy or California Eelgrass Mitigation policy, as applicable.

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 replacement of the existing 1.61-acre single deck naval fuel pier located at NBPL with a 1.51-acre ramped double deck pier including four additional dolphins to increase mooring capability; the dredging of 80,000 cubic yards (cy) from 17.9 acres within the adjacent turning basin, with disposal of the beach-suitable sand in the nearshore at Imperial Beach. Portions of existing fuel pier are over 100 years old and do not meet current California State Lands Commission Marine Oil Terminal Engineering and Maintenance Standards Level 1 (operational) and Level 2 (spill prevention) seismic criteria. Due to water depth and loading conditions anticipated at the new fuel pier, including seismic loading, the new pier design calls for steel abutment/structural piles. The new pier will require approximately 310 steel piles and 250 concrete/concrete-fiberglass piles. Demolition of the old fuel pier and construction of the new fuel pier will take place in phases over four years to ensure that the structure's re-fueling capability is maintained throughout construction.

Currently the adjacent turning basin contains a high spot too shallow to accommodate all of the existing and future classes of vessels. This 17.9-acre area adjacent to the federal navigation channel will be dredged to support navigation of vessels to the new fuel pier. The sediment proposed for dredging has been tested and determined to be beach-quality sand. This material is proposed for beneficial re-use in the nearshore at Imperial Beach.

Due to the anticipated noise impacts from in-water construction, primarily pile driving, the project also includes the temporary relocation of the Navy's Marine Mammals, including pens, piers, floating walkways, and equipment floats to the existing Morale, Welfare and Recreation (MWR) marina at NMAWC. Existing structures associated with the marina will be used to support the temporary mammal facilities however, additional piles, approximately 50 concrete piles, are necessary to support the temporary facility at NMAWC. The EBBCO Bait Barge will also be relocated temporarily outside of the noise zone of influence during pile driving activities. Since this is not a Navy asset, the owner/operator of the bait barge is currently administering this action.

Amendments of regulated navigation zones will be necessary due to the extended approach of the new fuel pier and the temporary relocation of the Navy's marine mammals at NMAWC. The existing U.S. coast Guard Security Zone at the fuel pier would be amended to provide adequate security standoff distance to the east for the proposed new fuel pier alignment. A temporary Security Zone would be established at the NMAWC for the period that the Navy marine mammals are present at that location.

As the fuel pier needs to remain operational during construction, the new pier will be built adjacent to the existing structure. A temporary mooring dolphin will be constructed south of the existing pier to facilitate mooring during construction. To support pile design and pier construction indicator piles will be driven, some supporting the temporary mooring dolphin, at the start of demolition/construction. For more information see page 3 of this notice.

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 (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is berth repair, dredging and beach nourishment which are 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 project purpose for the proposed project is to enhance naval navigation and national security by replacing a naval fuel pier in northern San Diego Bay, CA.

Additional Project Information

Baseline information- The proposed project is located within an existing Security Zone and currently supports a re-fueling pier. The fuel pier is located in San Diego Bay, near the mouth of the Bay, with upland supporting facilities located on Naval Base Point Loma. The upland areas adjacent to the fuel pier are developed and are not open to the public. The temporary location proposed for the Navy's marine mammals is currently an active MWR marina which is accessed through NMAWC, an

active military installation. Slip leases with the current vessels berthed at the marina will be terminated to allow the marine mammal pens to be moved to this location temporarily. According to the California least tern Memorandum of Understanding between the Navy and the U.S. Fish and Wildlife Service, both the fuel pier and NMAWC sites are within foraging areas for least tern colonies. The majority of the habitat around the proposed fuel pier and dredging locations are deep subtidal habitat, (-20 feet MLLW). Along the quaywall, south of the existing fuel pier, the habitat is moderately deep subtidal habitat (-12 to -12 ft MLLW). Shallow subtidal habitat (-2.2 to -12 ft MLLW) exists north of the existing fuel pier along the shoreline, at the current location of the Navy's marine mammal pens, and at NMAWC, the proposed temporary location for the marine mammals.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, the result of resource agency consultations, and/or to address compliance with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The footprint of the new fuel pier will be 5,315 square feet (0.12 acre) smaller than the existing fuel pier. The location of the new fuel pier and the location for the temporary marine mammal pens at NMAWC will both be situated to avoid eelgrass impacts to the maximum extent practicable. The existing sheet piles located beneath the existing fuel pier would be left in place to minimize sediment and eelgrass disturbance. Pre- and post-construction eelgrass surveys will be performed at all project locations capable of supporting eelgrass. Pre-construction *Caulerpa taxifolia* surveys will also be performed at all project locations. A Water Quality Monitoring Plan and a Spill Prevention Plan will be drafted and implemented by the construction contractor once the construction contract is awarded. The construction contractor would be required to prepare a Storm water Pollution Prevention Plan (SWPPP) to manage potential storm water and erosion issues. The proposed action will avoid in-water construction during California least tern nesting season at both the fuel pier and NMAWC sites. Only clean construction materials suitable for the ocean environment will be used. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, chemicals, oil, or petroleum products from construction would be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the U.S. The beach and adjacent strand/coastal scrub habitat inshore of the fuel pier and southward along the shore would not be used during construction for any purpose. The potential for impact to green sea turtles will also be reduced by avoiding in-water construction during the summer season. In addition, the Navy proposes to monitor for green sea turtles and cease noise-generating activities if a green sea turtle is detected within the vicinity of the project. The Navy has applied for an Incidental Harassment Authorization for marine mammals from the National Marine Fisheries Service and will abide by all conditions of the authorization once it is issued.

Minimization: The proposed action involves moving the existing marine mammal pens from their current location to the temporary location at NMAWC thereby further reducing the temporary impacts resulting from the relocation of the marine mammals during construction. The Construction Contractor would be required to prepare a SWPPP to manage potential storm water and erosion issues. Debris booms would be deployed at in-water construction sites. Spill kits would be available on site for any unanticipated releases into Waters of U.S.

Compensation: Any impacts to eelgrass resulting from the proposed action will be mitigated per the Southern California Eelgrass Mitigation Policy or California Eelgrass Mitigation Policy, as applicable, through mitigation credits from the Navy Region Southwest Eelgrass Mitigation

Bank, if necessary. The 80,000 cy of sand dredged from the project site, will be beneficially re-used by being placed in the nearshore area at Imperial Beach.

Proposed Special Conditions

No special conditions are proposed at this time. 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.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

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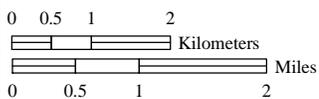
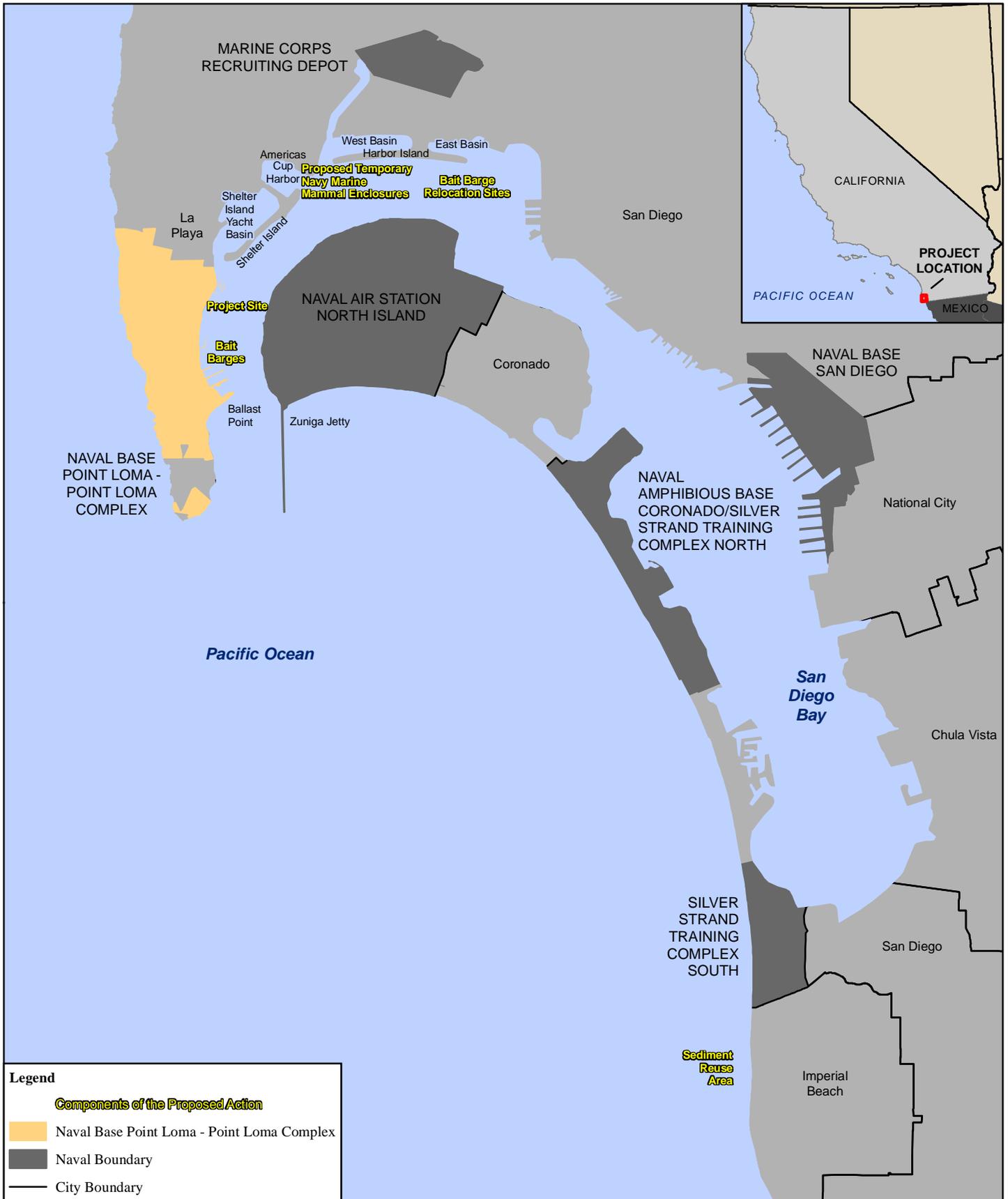
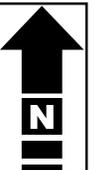


Figure 1
 Regional Location - Pier 180 Replacement
 Naval Base Point Loma - Point Loma Complex



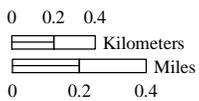
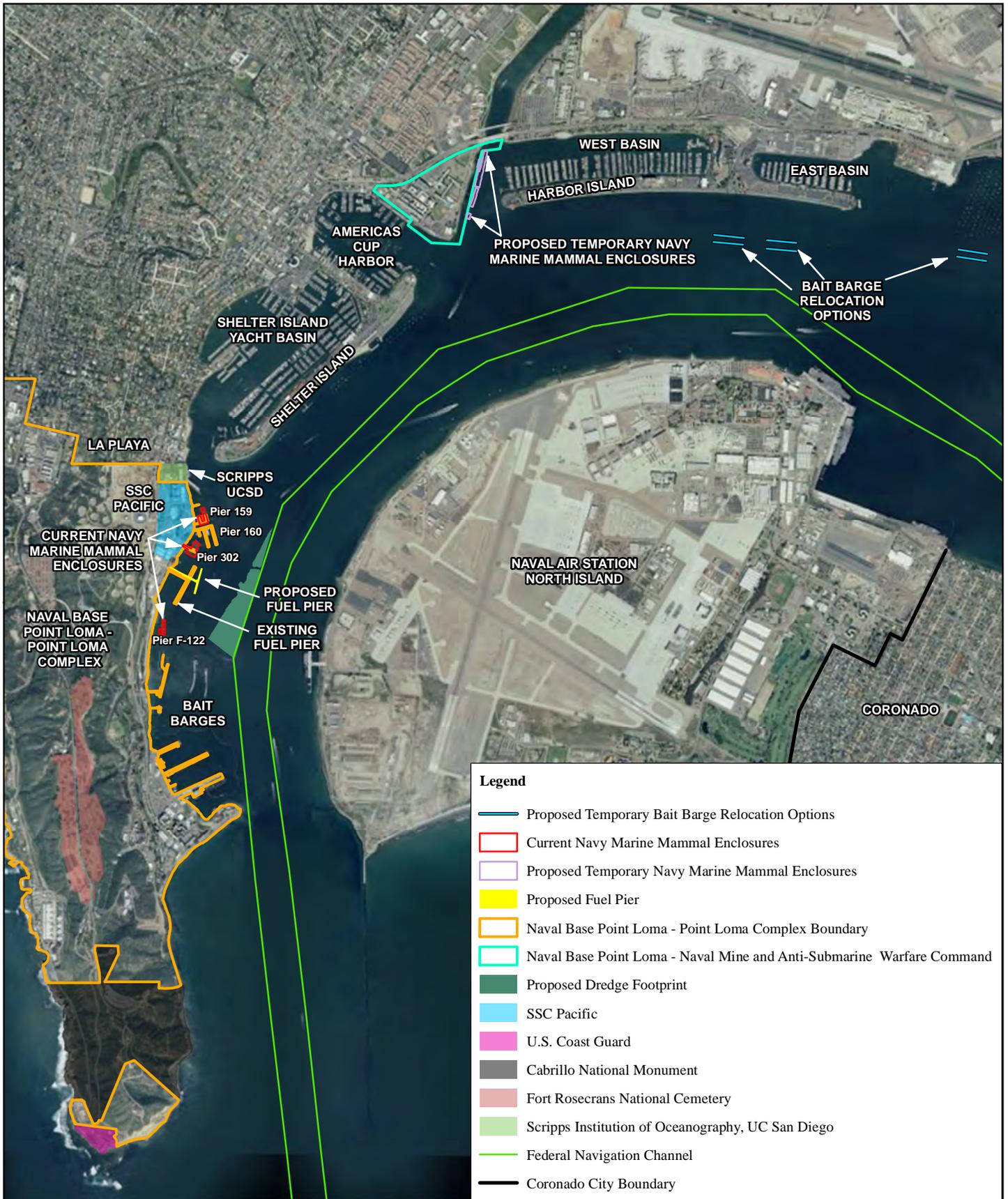


Figure 2
 Project Site Map

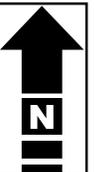
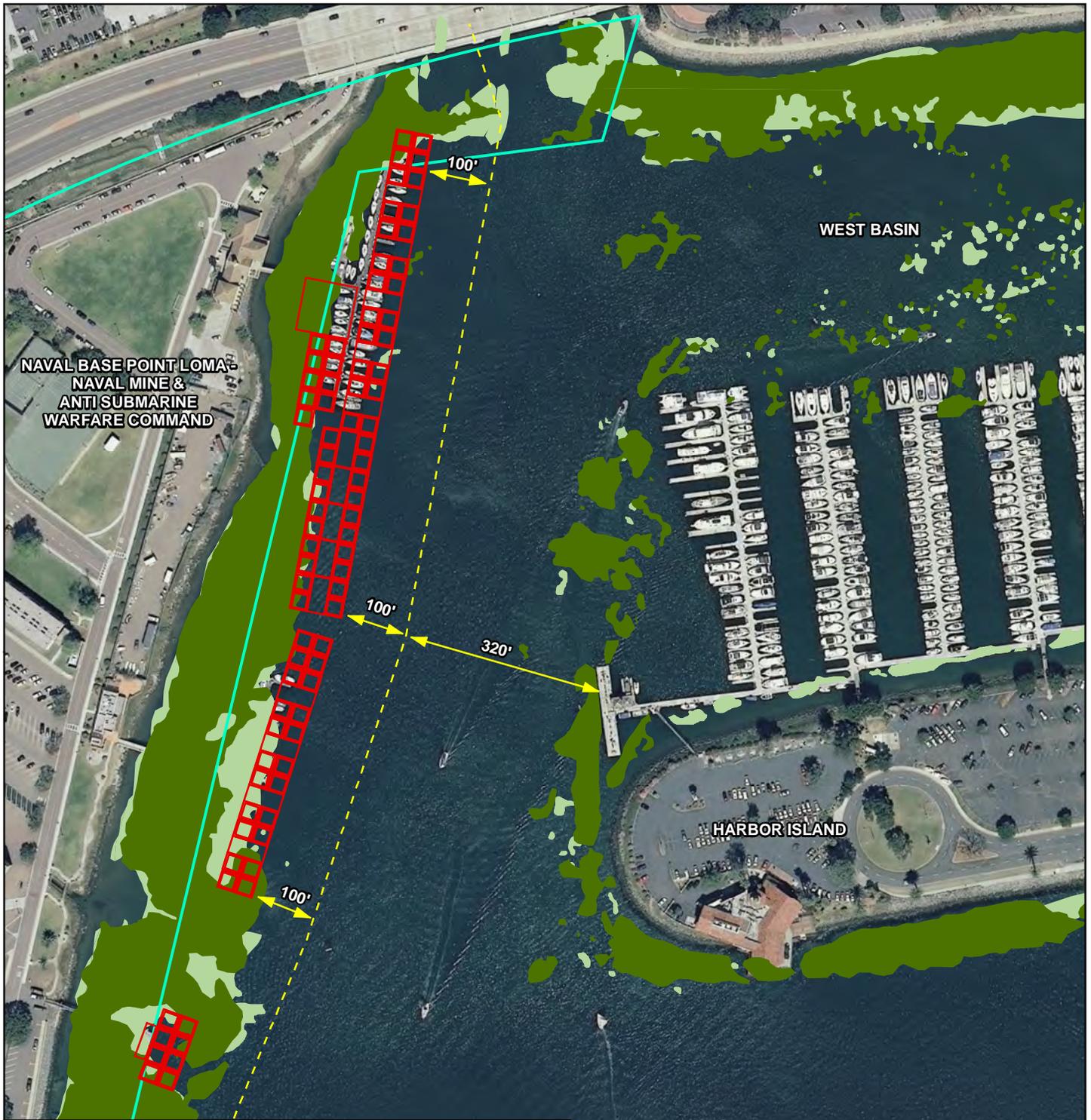




Figure 3
View of existing Fuel Pier 180 looking toward the northeast.



Legend

- Historic Eelgrass (1994 - 2008)
- Eelgrass 2011
- Proposed Temporary Navy Marine Mammal Enclosures
- Naval Base Point Loma - Naval Mine and Anti-Submarine Warfare Command
- Temporary Security Zone

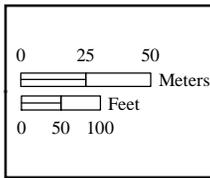


Figure 4
Proposed Configuration of Temporary Navy Marine Mammal Enclosures at
Naval Mine and Anti-Submarine Warfare Command Piers 619/548/607



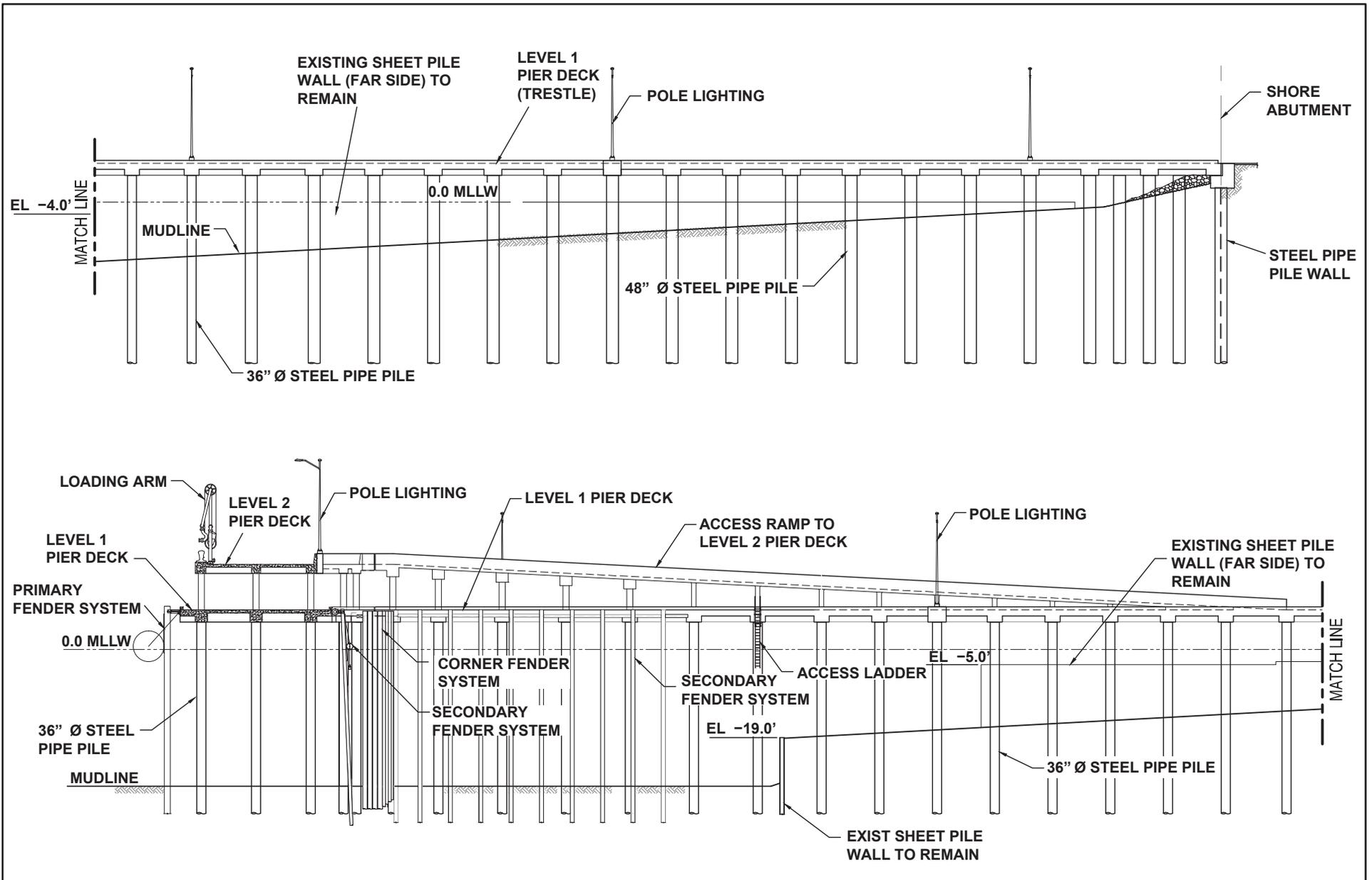


Figure 5
 Proposed New Fuel Pier
 Approach Segment (Side View)

Note: Not to scale. Entire length not shown.

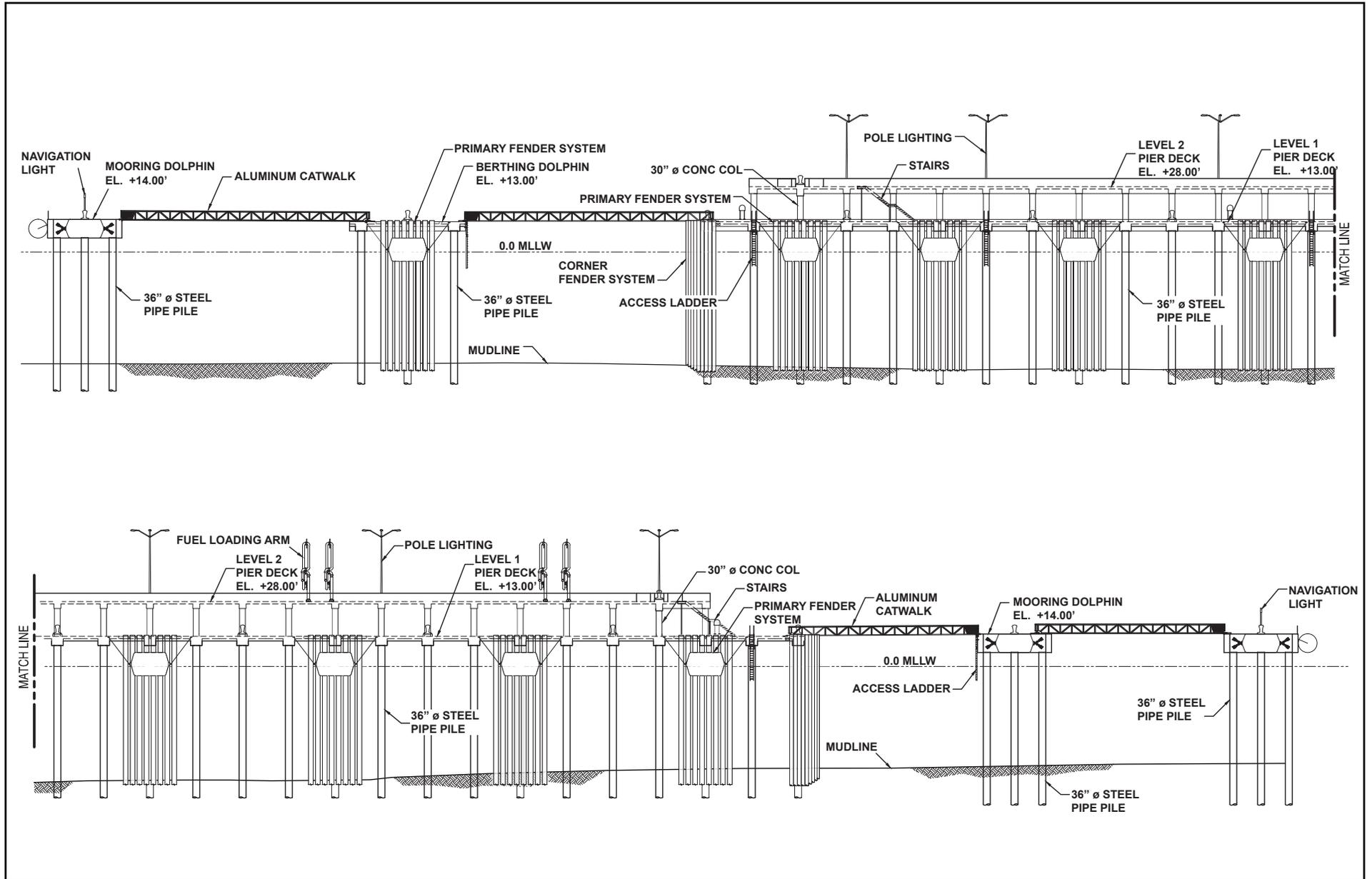


Figure 6
Proposed New Fuel Pier
Berthing Segment (Side View)

Note: Not to scale. Entire length not shown.

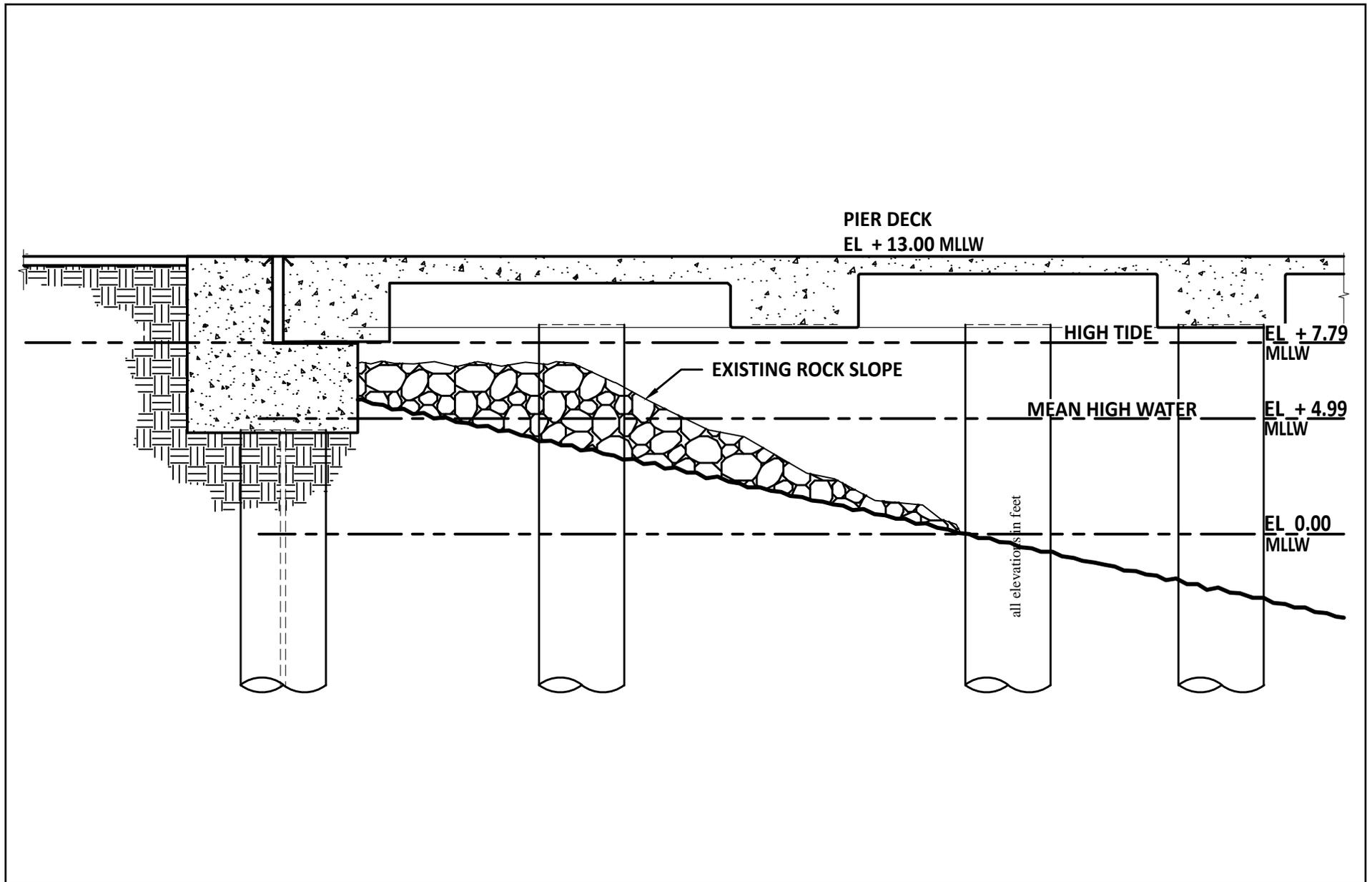


Figure 7
Proposed New Fuel Pier
Approach Segment at Shore Abutment (Side View)

Notes: Not to scale. Entire length not shown.
MLLW = Mean Lower Low Water Level (reference datum).
All elevations in feet.

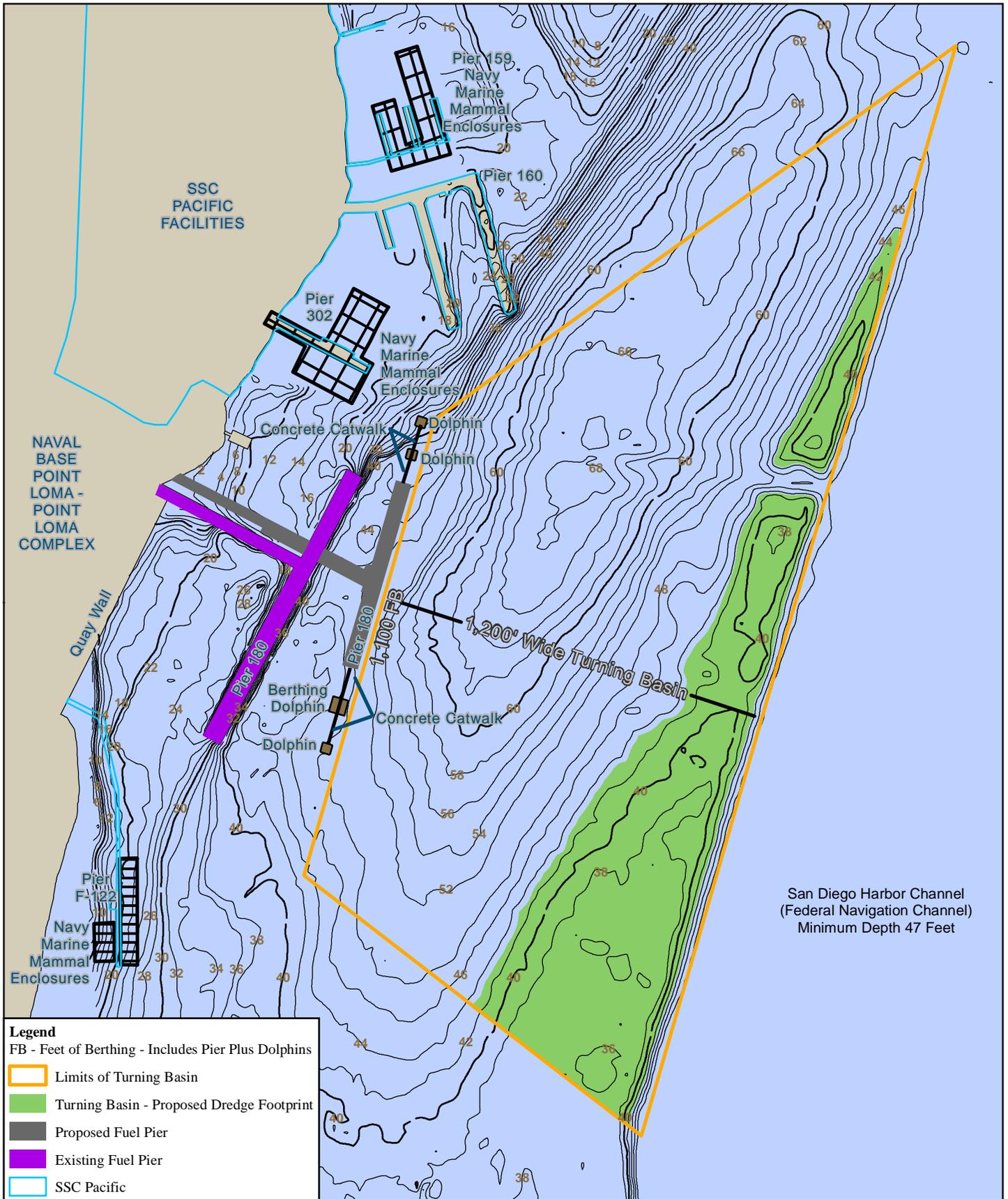


Figure 8
Proposed New Fuel Pier and
Turning Basin Dredge Footprint

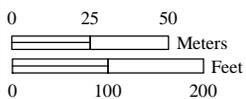
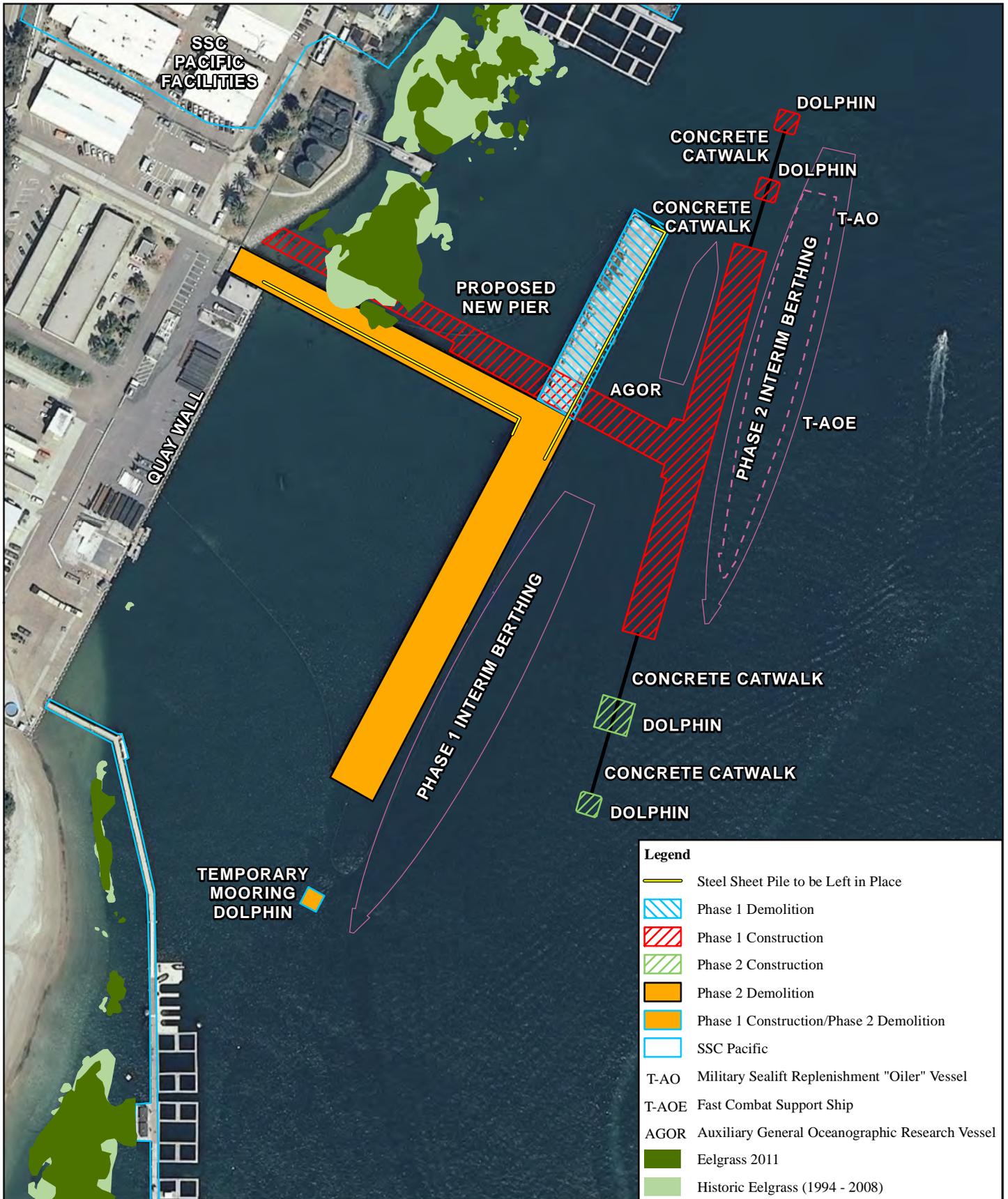
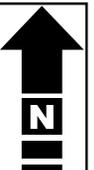
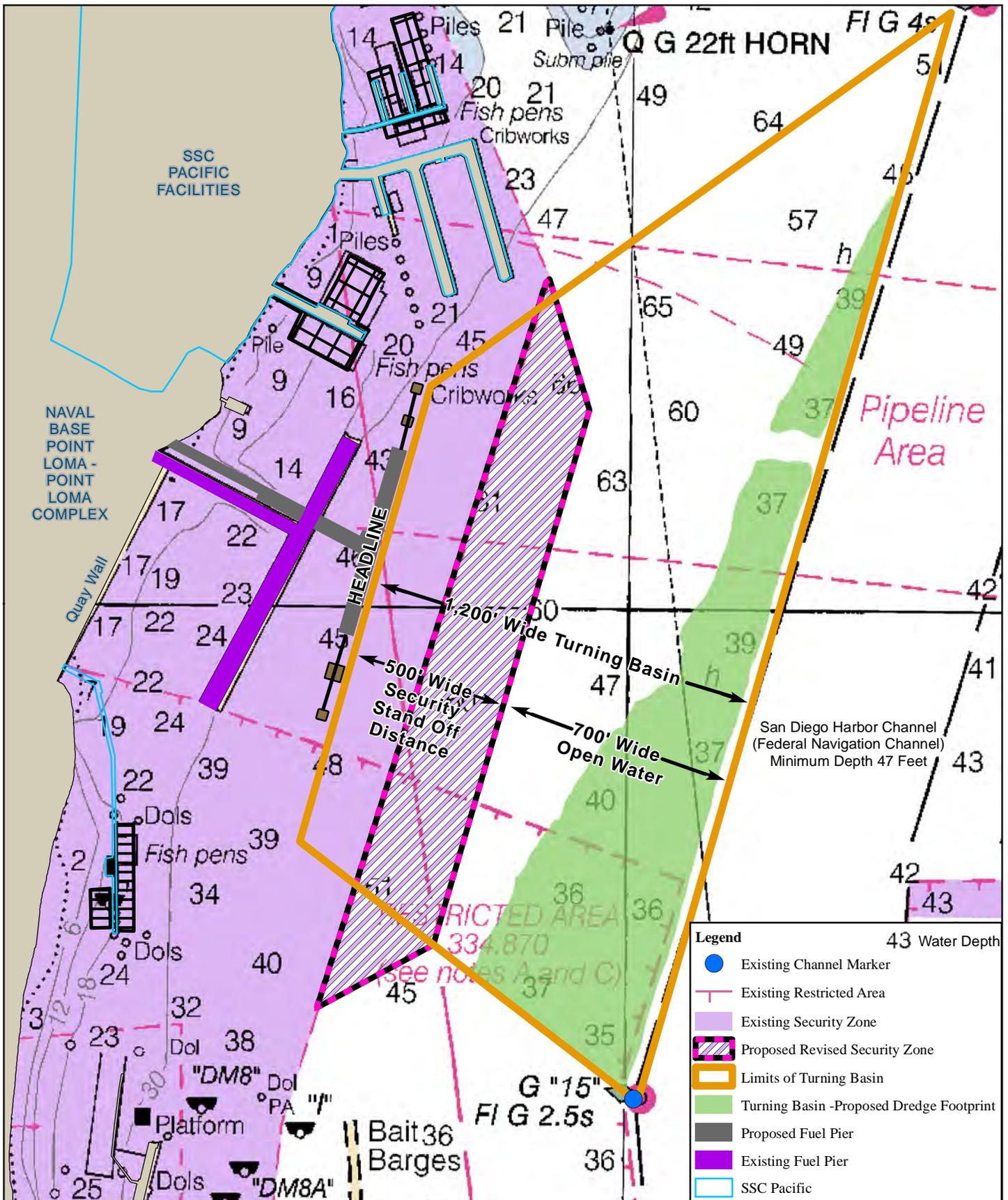


Figure 9
Demolition and Construction Phasing Plan





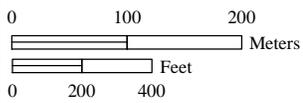


Figure 11
Imperial Beach Sediment
Beneficial Reuse Receiver Site

