



# PUBLIC NOTICE

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

**BUILDING STRONG®**

## **APPLICATION FOR REGIONAL GENERAL PERMIT NO. 89 (RGP89) U.S. Navy Waterfront Structure Maintenance San Diego Bay, CA**

**Public Notice/Application No.:** SPL-2012-00290-RRS

**Project:** U. S. Navy Waterfront Structure Maintenance

**Comment Period:** September 5, 2012 through October 8, 2012

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

### **Applicant**

U.S. Naval Commander,  
Navy Region Southwest  
Christopher Stathos, (619) 532-2308  
San Diego, California 92132

### **Contact**

Teresa Bresler/Kari Coler  
NAVFAC SW Coastal IPT  
2730 McKean St., Bldg. 291  
(619) 556-7315  
San Diego, California 92136

### **Location**

Perform waterfront structure maintenance for existing in and over water structures at the locations to be authorized by this RGP at various U.S. naval commands including Naval Base San Diego, Naval Station Naval Base Coronado, and Naval Base Point Loma. The docks and piers include the Fuel Pier, Piers 1-14 and 16-22, Landing Craft/Boat Ramp, SDV Pier, three Bulkheads at Naval Amphibious Base Coronado; Pier 700A, Pier 700, Pier Bravo, Small Boat Floating Dock, Fueling Pier, Pier F, Seaplane Ramp, and Carrier Quaywall at Naval Air Station North Island; Magnetic Silencing Facility, Dolphin Pen Facility, De-perming Pier, Pier 5000, Pier 5002, Pier 5003, the South Seawall and the North Seawall at Naval Base Point Loma; and Piers 1-8, Mole Pier South, Pier 10, Pier 12, Pier 13 and the Quaywall at Naval Base San Diego. All projects are within San Diego Bay, in the city and county of San Diego, California.

### **Activity**

To perform maintenance work at various piers, docks (stationary and floating), bulkhead, timber, polyethylene and concrete pile and guide pile replacement, pile supported structures, ramps, boat-ramps, fender systems, foam and steel floats, concrete and timber decks, quaywalls, and structural maintenance consisting of in-kind repair and/or replacement of damaged or broken wooden, concrete, and plastic pier and fender piles, chocks and wales, camel logs, floating camels, walls and crowns fender panels, mooring platforms, bents, wales, mooring dolphins and buoys, magnetometer arrays, booms, installation of marine fenders, and other ancillary items of work. The new piles may either be installed by jetting or driving and all routine maintenance shall be in-kind replacement (see attached drawings). For more information see page 4 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 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District,  
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](mailto: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. Also this permit action is being reviewed under Section 10 of the Rivers and Harbors 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 – San Diego Region. 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 has submitted a request for a Section 401 water certification to the Regional Board and per an email dated August 28, 2012 from the Regional Board the certification request has timed out and the Corps may assume a waiver.

**Coastal Zone Management**- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. 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 that the project is consistent with the State's Coastal Zone Management Plan. The Navy will obtain their own Federal Consistency determination from the Coastal Commission as the lead Federal agency and provide that to the Corps for adoption as a permit condition. Currently the Navy, as the Federal lead agency, has a CCND with CCC (ND-006-09) which is valid until February 2014.

**Essential Fish Habitat (EFH)**- The Corps and the Navy have made preliminary determinations indicate the proposed activity would adversely affect Essential Fish Habitat (EFH) but the maintenance activities have not substantially changed from previous historic maintenance activities. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is required and will be completed by the Corps.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and no cultural sites are listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. The Corps has made an initial preliminary determination that the proposed project shall have no potential to cause an effect to cultural resources due to previous disturbances.

**Endangered Species-** The Navy is the lead agency for Endangered Species Act (ESA) compliance and shall be performing their own ESA determinations. Preliminary determinations indicate that the proposed activity would affect the endangered Green Sea Turtles (*Chelonia mydas:GST*) and the California least tern (*Sternula antillarum browni*, "tern"). Therefore, formal consultation under Section 7 of the ESA is required and the Corps shall review and may adopt the Navy's ESA determination. The Navy already has ESA coverage for impacts to the tern via a Memorandum of Understanding (MOU) dated May 19, 2004. The terms and conditions of each consultation will be incorporated as special conditions of the Corps permit after Corps review.

**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**

**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). The basic project purpose for the proposed project is maintenance of existing in and over water structures which 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 project purpose for the proposed project is to maintain existing in and over water structures within San Diego Bay and the Pacific Ocean under the control of the U.S. Navy.

### **Additional Project Information**

The existing piers and wharves where the maintenance work is to be done includes existing areas that have been previously disturbed by industrial and marine activities including pile-driving, jetting, debris and trash dumping, and dredging. Some areas may have eelgrass and the Corps will require surveys of the project areas for eelgrass pursuant to the Southern California Eelgrass Mitigation Policy (SCEMP) and the invasive green alga (*Caulerpa*) in accordance with adopted protocols. The maintenance may require mitigation for impacts to eelgrass or additional measures such as turbidity control, green turtle monitoring and work cessation measures, grain size or contaminant testing (if Corps has reason to believe there may be contaminants issues), and endangered species avoidance and mitigation measures.

The new piles may either be installed by jetting (a Section 404 discharge) or by pneumatic pile driver and all routine maintenance work shall be in-kind replacement. No capital improvement projects, creosote pilings, expansions, or other modifications resulting in a change of the existing use

of the facility are authorized by this RGP. No dredging or adverse substantial increases in shading impacts are authorized. Also discharges of fill shall be limited to small fill increases over and above what the existing structures fill requirements are for rip rap and quay wall repair/rehabilitation.

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, and/or the need for the project to comply with the Mitigation Rule per 33 CFR 332. The Navy shall be conducting their own EFH and ESA assessments with Corps review and potential changes in addition to surveys as needed and obtaining their own biological opinions per their lead agency responsibilities under NEPA. Sensitive resources may include, but are not limited to, eelgrass, other special aquatic sites, and EFH habitat resources. The pre-construction biological survey shall map the coverage of the resource and characterize the quality of the habitat, pursuant to Corps and NMFS protocol, and when appropriate, as determined by the Corps and/or NMFS, the Navy shall submit a proposed mitigation plan to compensate for the loss of biological resources. Any Caulerpa found shall be removed as soon as possible, but to date no Caulerpa has been found in San Diego Bay or offshore areas. The Corps shall also require post-construction sensitive resource surveys pursuant to the existing agreements with the Navy and if the pre-construction survey documents the potential for impacts to a sensitive resource then the Corps may require appropriate remediation or mitigation as necessary.

### **Proposed Special Conditions**

No proposed special conditions are proposed at this time in this notice. The Corps is delegating to the Navy the need for other cultural, tribal, ESA, and NEPA compliance as required and pursuant to lead agency guidance.

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**

Los Angeles District, Corps of Engineers  
Regulatory Division, Carlsbad Field Office  
6010 Hidden Valley Rd., Suite 105  
Carlsbad, CA 92011  
WWW.SPL.USACE.ARMY.MIL

San Diego

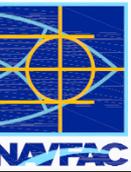
NAVAL AIR STATION  
NORTH ISLAND

Point Loma

Coronado

75

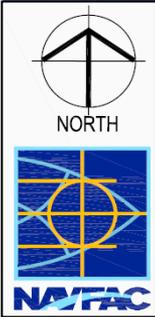
NAVAL  
AMPHIBIOUS BASE

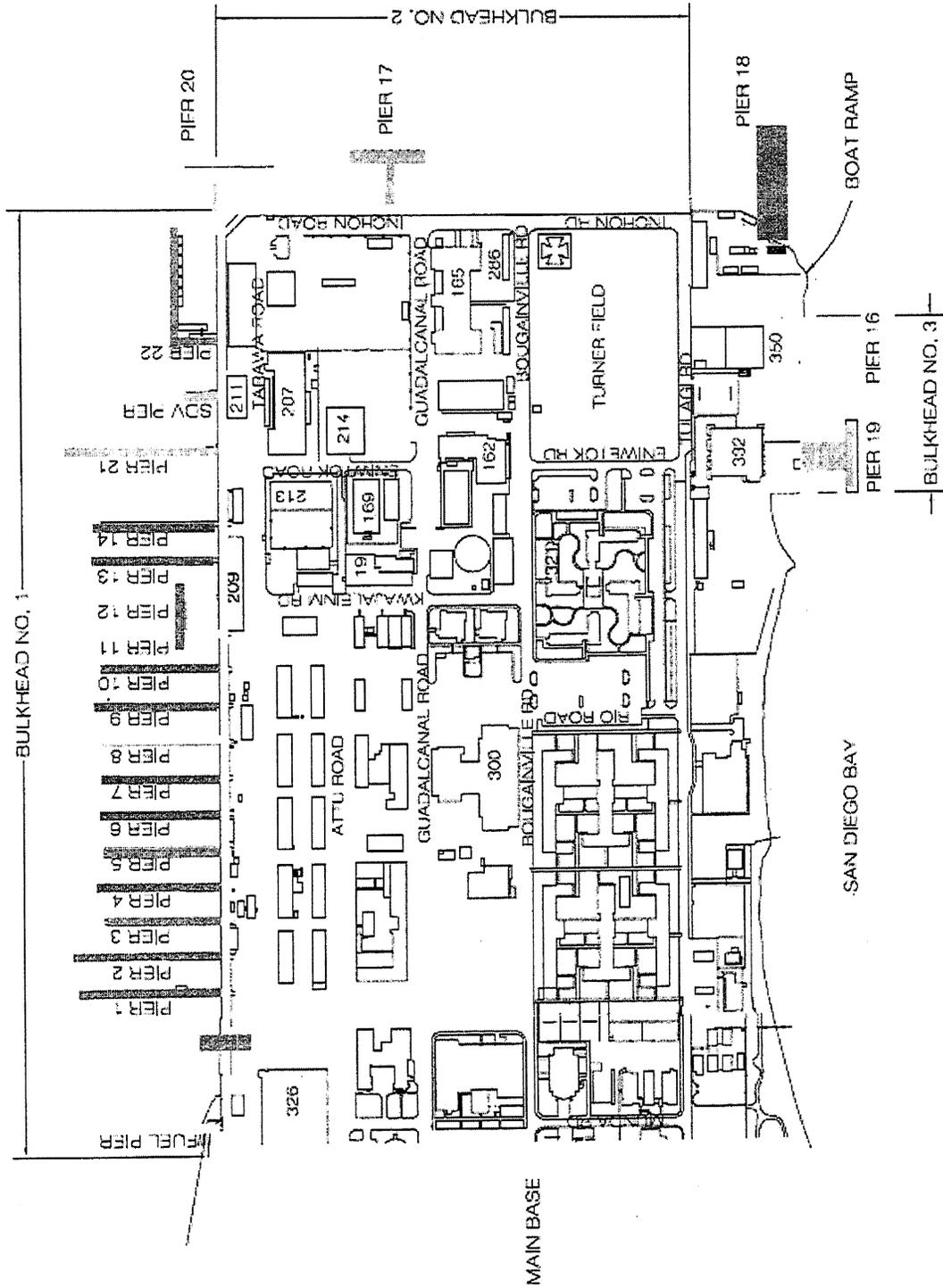




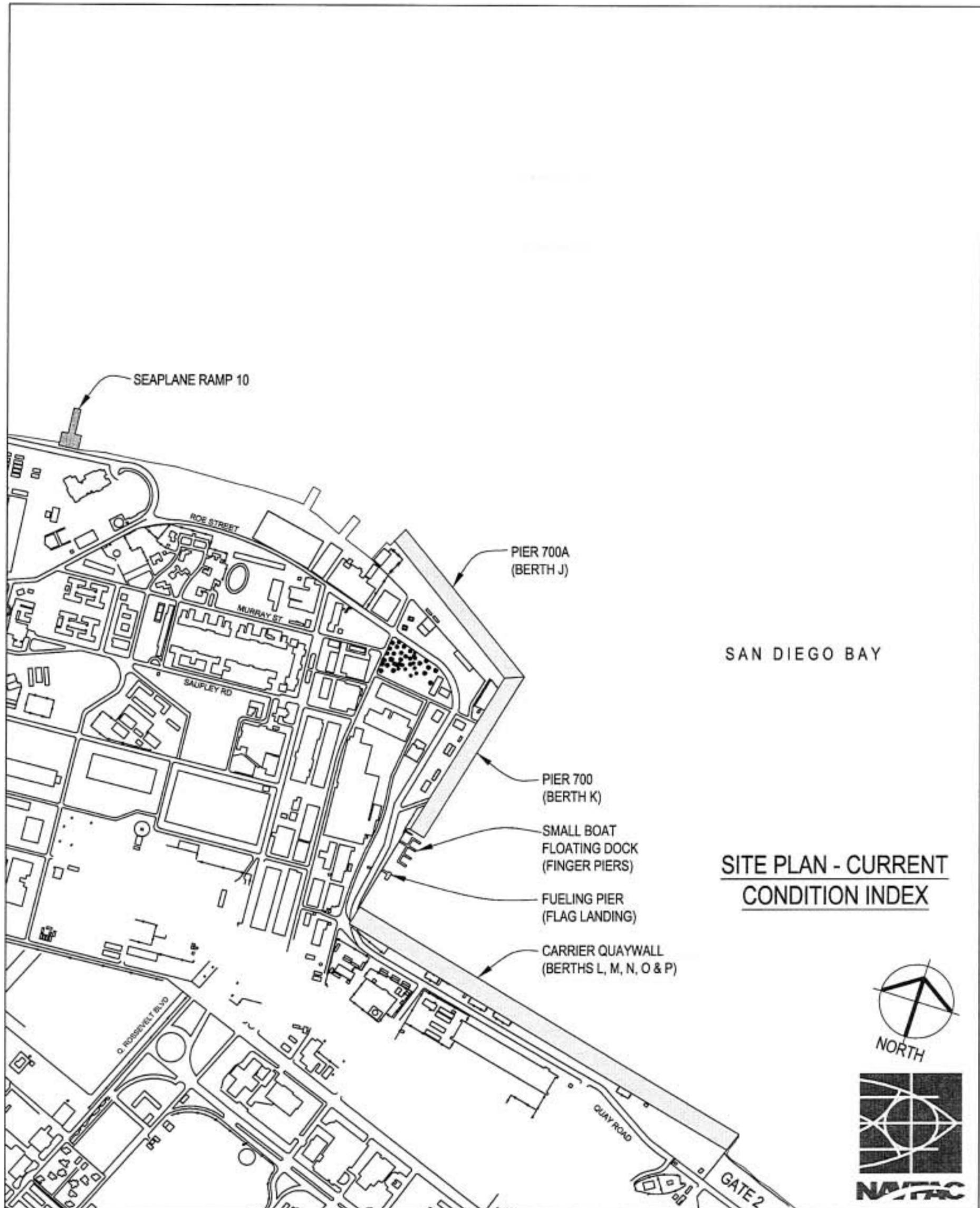
NAVAL AIR STATION  
NORTH ISLAND

NAVAL  
AMPHIBIOUS  
BASE





NAVAL AMPHIBIOUS BASE



SAN DIEGO BAY

SITE PLAN - CURRENT  
CONDITION INDEX



<p>GRAPHIC SCALE</p>	<p>DATE</p> <p>FEB 2011</p>	<p>MOFFATT &amp; NICHOL - BLAYLOCK</p> <p>Contract Number N62473-06-D-3006-0012</p>	<p>NAVAL FACILITIES ENGINEERING COMMAND ENGINEERING SERVICE CENTER WASHINGTON, D.C.</p> <p>NAVAL BASE CORONADO      SAN DIEGO, CA</p> <p>SITE PLAN CURRENT CONDITION INDEX</p> <p>FIG. NO. <b>2A</b></p>
----------------------	-----------------------------	-----------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

F:\6798-19 WF1 NEPL+NBC\Design Information\CA00\04 CONDITIONS\CORONADO\Naval Base Coronado Condition Report.dwg      Apr 14, 2011 - 2:43pm

SITE PLAN - CURRENT  
CONDITION INDEX



SAN DIEGO BAY

PIER F  
(FISHING PIER)

PIER BRAVO

LANDING CRAFT  
RAMP  
(LCU RAMP)

1647

3rd ROAD W.

5th STREET W.

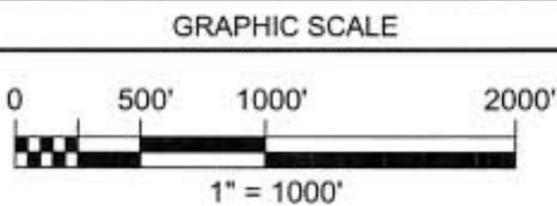
MOFFETT RD.

TAXIWAY 7

TAXIWAY 6

TAXIWAY 4

TAXIWAY 11



DATE  
FEB 2011

MOFFATT & NICHOL - HAYLOCK  
Contract Number  
N62473-06-D-3006-0012

NAVAL FACILITIES ENGINEERING COMMAND  
ENGINEERING SERVICE CENTER  
WASHINGTON, D.C.

NAVAL BASE CORONADO SAN DIEGO, CA

SITE PLAN  
CURRENT CONDITION INDEX

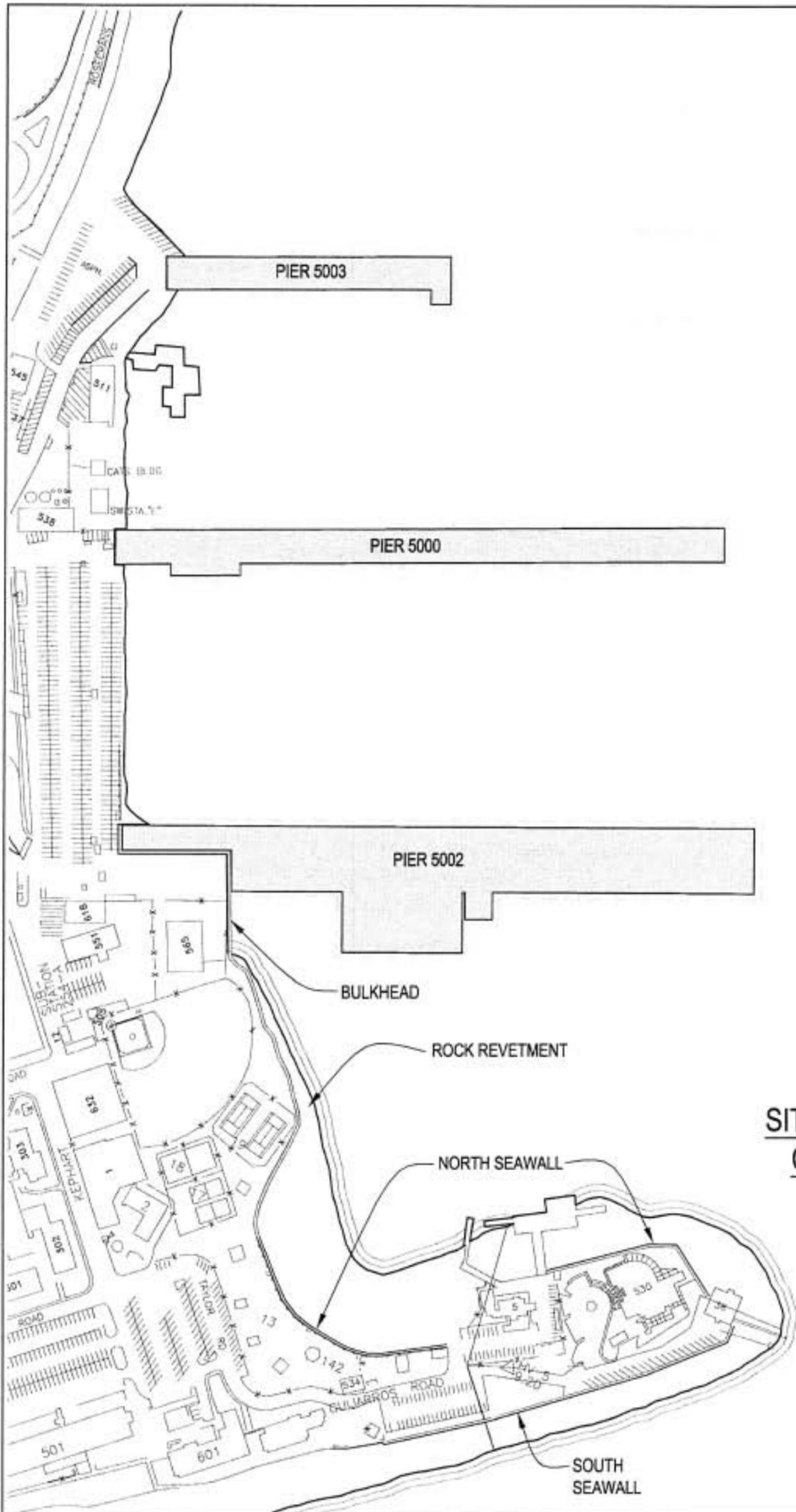
FIG. NO.  
2B

P:\1798-19 WF NBP\HSC\Y Design Information\CA00\04 CONDITIONS\CORONADO\Naval Base Coronado Condition Report.dwg Apr 14, 2011 - 2:43pm



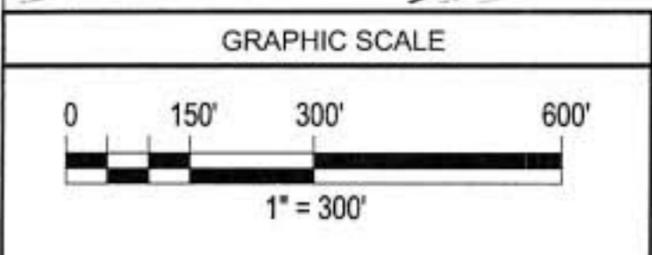
GRAPHIC SCALE	DATE FEB. 2011	 Contract Number N62473-06-D-3006-0012	NAVAL FACILITIES ENGINEERING COMMAND ENGINEERING SERVICE CENTER WASHINGTON, D.C.	
NONE			NAVAL BASE POINT LOMA      SAN DIEGO, CA <b>LOCATION AND VICINITY MAPS</b>	FIG. NO. <b>1</b>





SAN DIEGO BAY

**SITE PLAN - CURRENT  
CONDITION INDEX**



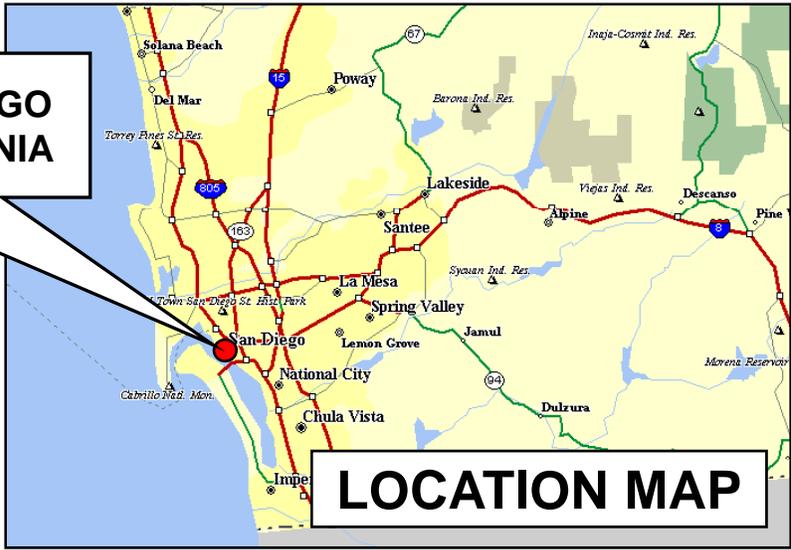
DATE  
FEB. 2011

**MOFFATT & NICHOL • HAYLOCK**  
Contract Number  
N62473-06-D-3006-0012

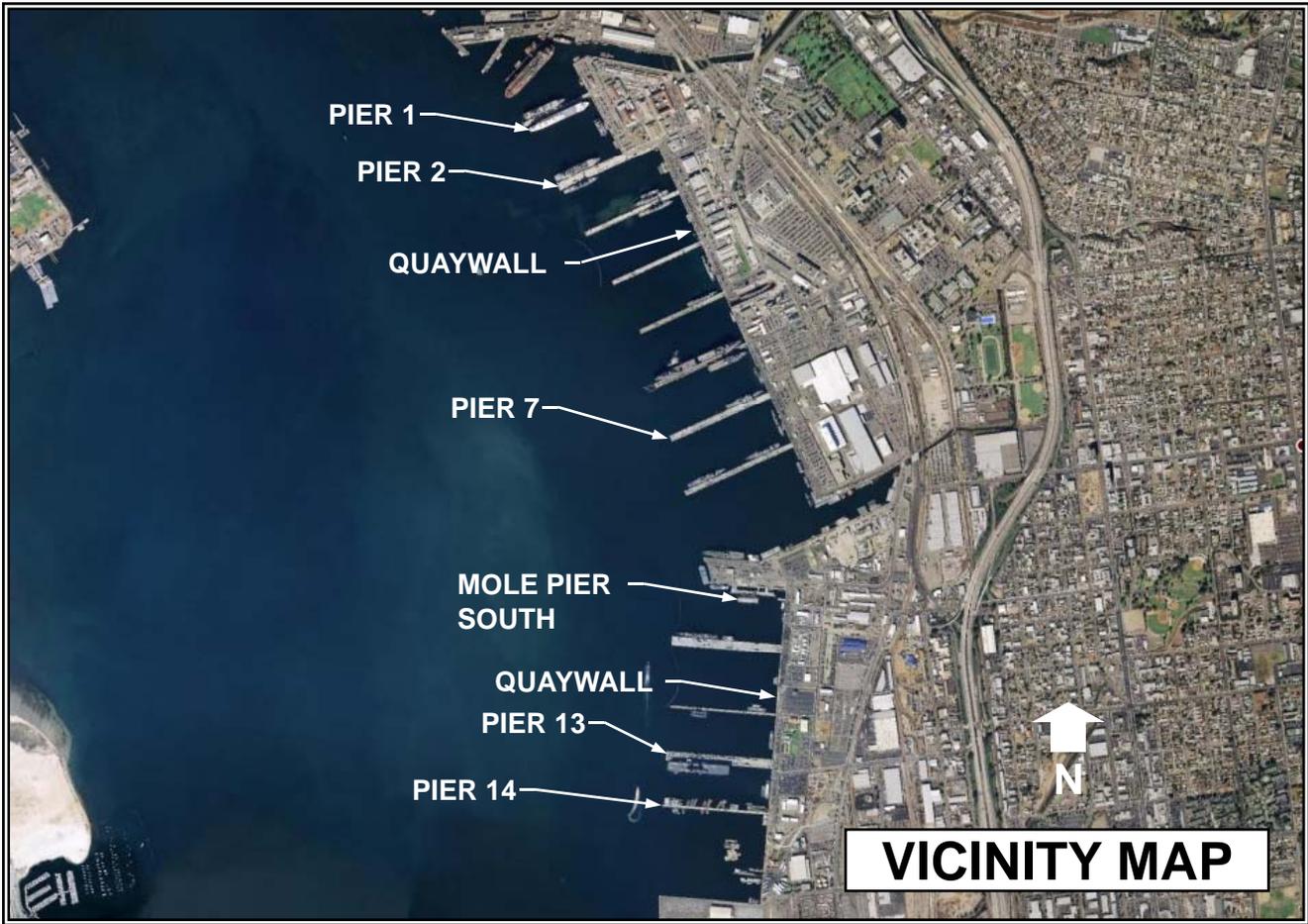
NAVAL FACILITIES ENGINEERING COMMAND ENGINEERING SERVICE CENTER WASHINGTON, D.C.		FIG. NO.
NAVAL BASE POINT LOMA	SAN DIEGO, CA	2
SITE PLAN CURRENT CONDITION INDEX		

P:\M196-06-D-3006-0012-0001\Drawings\06-D-3006-0012-0001-01.dwg - JDC AND PC MAPS.RAS    APR 28, 2011 - 3:23PM

**NAVAL BASE SAN DIEGO  
SAN DIEGO, CALIFORNIA**



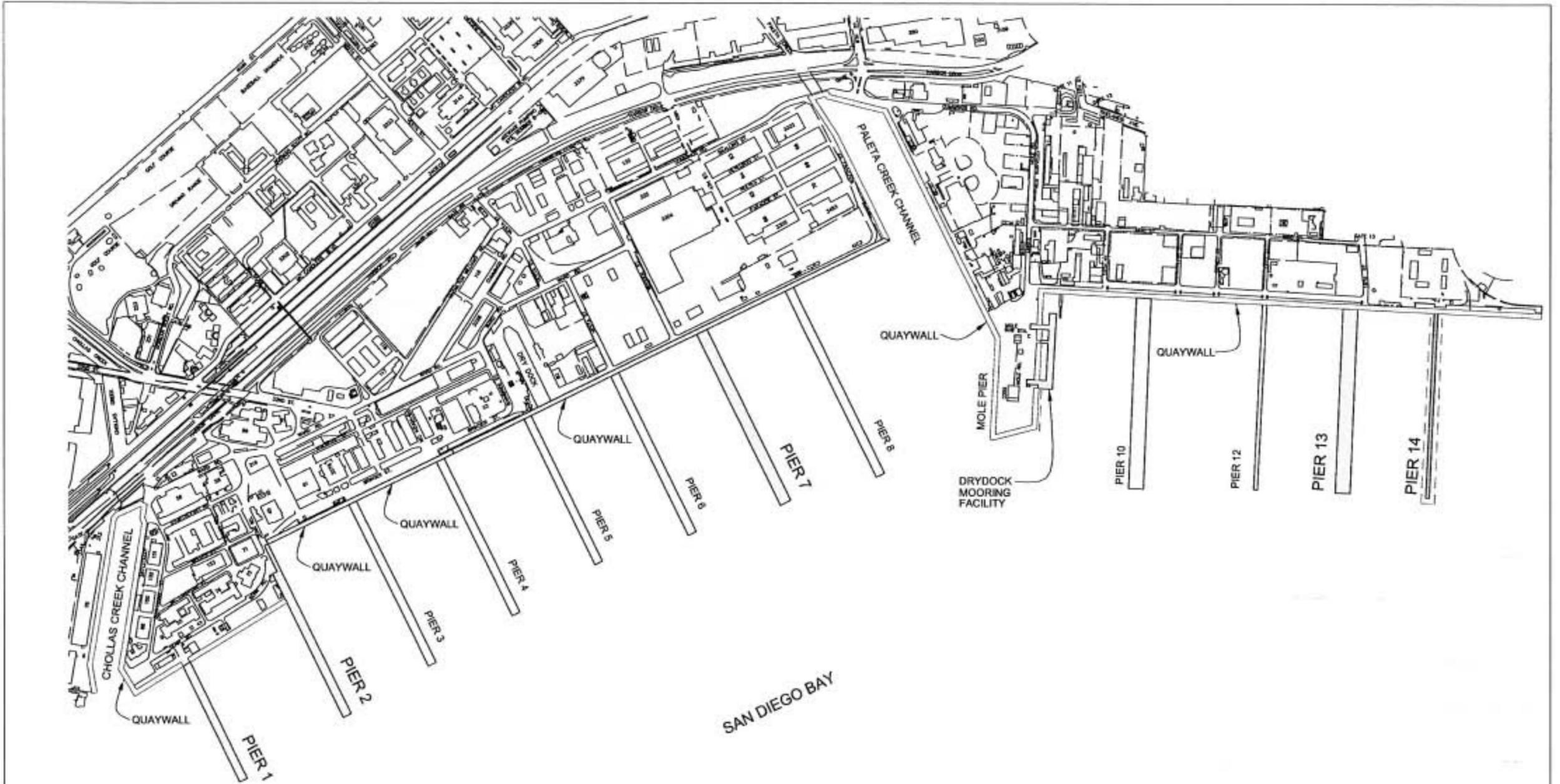
**LOCATION MAP**



**VICINITY MAP**



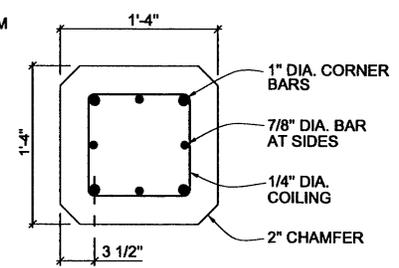
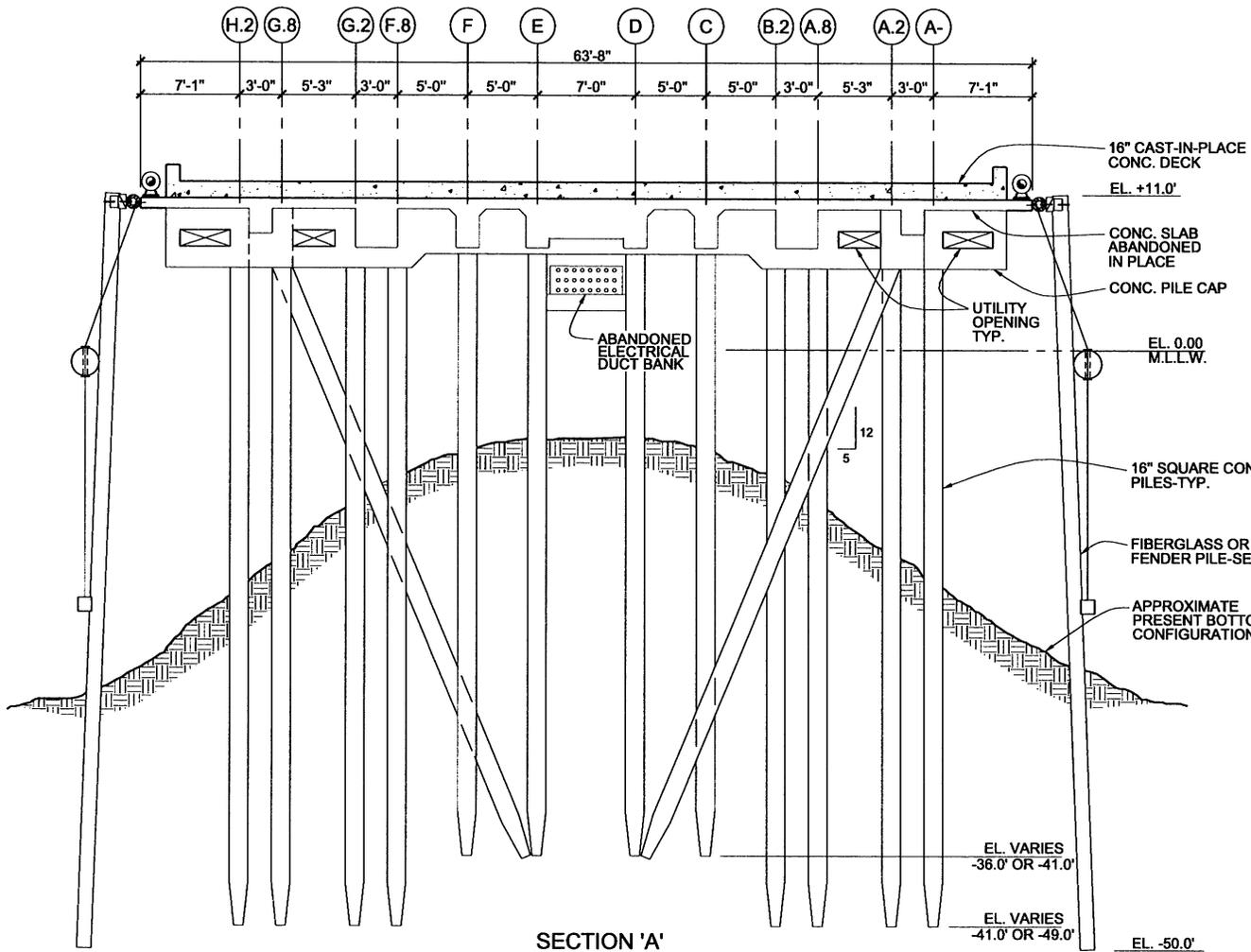
<p>DATE: NOV 2007</p>	 <p><b>Blaylock Engineering Group</b></p> <p>Contract Number: N62473-06-D-3006</p>	<p>NAVAL FACILITIES ENGINEERING SERVICE CENTER EAST COAST DETACHMENT WASHINGTON, D.C.</p>
<p>NAVAL BASE SAN DIEGO – SAN DIEGO, CA</p> <p><b>LOCATION AND VICINITY MAPS</b></p>		<p>FIG. NO. <b>1-1</b></p>



**CONDITION PLAN**  
NO SCALE



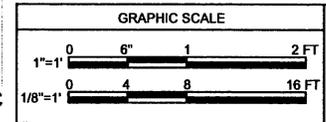
	<b>SAN DIEGO REGION</b>	
	NAVAL BASE SAN DIEGO SAN DIEGO, CALIFORNIA	
	DATE: NOV 2007	FIGURE 1



**16" SQUARE CONC. PILE SECTION**  
 1"=1'-0"

**SECTION 'A'**  
 1/8"=1'-0"

TYPICAL CROSS-SECTION  
 INCLUDING BATTER PILES AND  
 FENDERING SYSTEM



DATE  
 MAR 2007

**Blaylock Engineering Group**  
 Contract Number  
 N62473-06-D-3006

NAVAL FACILITIES ENGINEERING SERVICE CENTER EAST COAST DETACHMENT WASHINGTON, D.C.	
NAVAL BASE SAN DIEGO, CA PIER 3 TYPICAL SECTION	FIG. NO. 2.1-17