



PUBLIC NOTICE

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

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APPLICATION FOR PERMIT

Maintenance Dredging and Disposal of Piers 2, 6, 7, 13, 14
& Chollas Creek Naval Base San Diego (NBSD)

Public Notice/Application No.: SPL-2013-00405-RRS

Project: Maintenance Dredging and Disposal of Piers 2, 6, 7, 13, 14, & Chollas Creek, Naval Base San Diego (NBSD)

Comment Period: April 15, 2015 through May 16, 2016

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

Applicant

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Location

The project, per the attached figures, is located at NBSD vessel berths near Chollas Creek and Piers 2, 6, 7, 13 and Pier 14 within the city of San Diego, CA. Chollas Creek: latitude (lat.). 32.6878, longitude (long.) 117.1318; is located at the intersection of Norman Scott Rd and Surface Navy Blvd; Pier 2: lat. 32.6838, long. 117.1307; located along Senn Rd as it curves shoreward to Mclanahan St. Pier 6: lat. 32.6770, long. 117.1249; located at the intersection of Brinser St. and Vesta St. Pier 7: lat. 32.6752, long. 117.1238; located south of the intersection of Brinser St. and Wooden St. Pier 13: lat. 32.6624, long. 117.1217; located north of the intersection of Womble St. and West 19th St.; former location of Pier 14: lat. 32.6607, long 117.1217; just north of the terminus of Womble St. The LA-5 ocean disposal site (LA-5) is located 5.4 miles southwest of Point Loma in the Pacific Ocean.

Activity

The proposed action consists of maintenance dredging with 21.8 acres of impacts to navigable waters of the United States (U.S.) with ocean and landfill disposal to restore berthing areas at NBSD to previously-dredged, operational depths in association with the Navy's Maintenance Dredging Project of Piers 2, 6, 7, 13, 14, and Chollas Creek, Naval Base San Diego (see attached drawings). The original Corps and EPA Inland Testing Manual (ITM) suitability determination (SUAD) consisted of total dredging of 178,000 cubic yards (cy) but revised bathymetric information indicates a new revised volume of 241,100 cy. to be dredged. Based on the original SUAD a portion of the material from Chollas Creek and Piers 13 and 14 will be disposed of at the EPA managed disposal site, LA-5 and a portion of the material will be disposed of at an approved upland landfill.

The material to be disposed of at the upland landfill will be temporarily contained within a confined disposal facility (CDF), which, by design, will preclude any runback of water or sediment into waters of

the U.S. The CDF will process material for upland disposal and will be located at NBSD Mole Pier. All material suitable for ocean disposal was originally investigated for beneficial re-use; however grain-size of the material was not suitable for beneficial re-use. New additional testing is now being performed that could allow for a second review of other beneficial disposal alternatives. For more information see page 3 of this notice.

Interested parties are hereby notified 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 supports 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, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
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REGULATORY DIVISION
ATTN: Robert Smith, (760) 602-4831
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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 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. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. If the project is on Tribal land the applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the U.S. Environmental Protection Agency unless the Tribe has authorized 401 authorities. Also prior to permit issuance the Corps may deem, per Corps regulations, that the Section 401 water quality certification has been waived.

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 the project is consistent with the State's Coastal Zone Management Plan. After a review of the comments received on this public notice and in consultation with the Navy per lead agency, the Corps will make a final determination of whether this project affects to coastal zone resources based on the Navy's lead agency determination after review of the comments received on this Public Notice.

Essential Fish Habitat- Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and EFH is affected by the proposed project. The Navy, as the lead Federal agency, has determined that the proposed action will

adversely affect EFH due to turbidity during dredging within the immediate vicinity of the dredging area. If water depths within the proposed project area are less than 15 feet, pre-construction eelgrass surveys will be conducted per the California Eelgrass Mitigation Policy (CEMP) to document that no eelgrass habitat would be impacted as a result of the project. Post-construction surveys will be conducted if the pre-construction surveys indicate the potential for eelgrass impacts resulting from the proposed action. If it is determined that eelgrass has been impacted as a result of the proposed action, the Navy will provide eelgrass mitigation per CEMP. The Navy will consult with National Marine Fisheries Services (NMFS) and provide documentation of EFH consultation upon completion which the Corps will review and may adopt per lead agency guidance. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is required at this time.

Cultural Resources- The area of potential effects (APE) for this proposed project has no recorded archaeological sites within or near a 30 meter radius, nor any expected potential to harbor buried archaeological deposits as the action is to return the area to previous operational depths and the area has been previously disturbed. Neither are there any built historic properties within 100 meters of the APE. As prescribed under Stipulation 6a of the Navy's 2003 San Diego metro Area Programmatic Agreement (PA), the proposed action is defined to include the project site and the areas of laydown and staging associated with the proposed action, and to consider the potential for direct or indirect effects. This APE contains no historic properties and as such, under the authority of the PA, the Commander Navy Region Southwest Cultural Resources Management Program has determined that the proposed action meets the standard for "No Historic Properties Affected" consistent with 8a of the PA. This review constitutes the extent of cultural resources investigations by the Navy and per lead agency guidance the Corps will review and potentially adopt their lead agency determination.

Endangered Species (ESA)- The Navy, as the lead Federal agency, has determined that the proposed action would have no effect on the California least tern (*Sterna antillarum browni*). The project footprint is not located within a designated California least tern (CLT) foraging area per the Navy/U.S. Fish and Wildlife Service (FWS) Memorandum of Understanding (MOU), therefore, in accordance with the CLT MOU, in-water construction will not require any seasonal restrictions. Also the Navy, as the lead Federal agency, has determined that the proposed action may affect, but is not likely to adversely affect the green sea turtle (*Chelonia mydas*) (GST). The proposed action would generate temporary and localized noise and turbidity within the immediate vicinity of the construction locations. The Navy will implement avoidance and minimization measures to minimize the potential for effects to GST. The Navy will provide documentation to the Corps at the completion of consultation with NMFS and the Corps will review and potentially adopt the Navy's ESA determination per lead agency guidance.

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). 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., eelgrass, wetlands, mudflats, ocean reefs). Because there may be fills that directly or indirectly impact

eelgrass from the dredging, identification of the basic project purpose is necessary. The basic project purpose for the proposed project is military vessel berthing. The project 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 perform maintenance dredging at Piers, 2, 6, 7, 13, 14, and Chollas Creek and dredged material disposal at an appropriate site near NBSD and near San Diego Bay.

Additional Project Information

Baseline information- The proposed action consists of maintenance dredging (mostly sandy material with some silts) to restore berthing areas aboard NBSD at Piers 2, 6, 7, 13, former Pier 14 and Chollas Creek to previously-dredged operational depths with ocean and upland disposal. The Navy has been in consultation with the Corps and the Environmental Protection Agency (EPA) from 2013 thru 2015 regarding the sediment sampling and testing to support disposal of the material. Sampling and analysis plans (SAPs) were drafted and approved by the Corps and EPA for each proposed dredging site, samples were collected and analyzed, and results were evaluated by the Corps and EPA per the Ocean Disposal Testing Manual (OTM) in 2013. The Corps and EPA have tentatively re-approved testing for a new round of testing in late 2015 due to OTM requirements for maintaining current testing results. Currently, per the original SUAD, the Corps and EPA had tentatively determined that 63,500 cy are suitable for ocean disposal at LA-5 and 112,400 cy will be transported to an approved upland landfill. The material at the six berthing areas included in this application will be dredged using a clamshell dredge. Material suitable for ocean disposal will be taken to LA-5. The material to be disposed of at an upland landfill will be temporarily contained within a temporary confined disposal facility (CDF) located on Mole Pier, NBSD prior to being truck hauled to the approved landfill. In November 2015 the Corps and EPA and the Navy started retesting and currently the Corps and EPA have approved the latest testing SAP on March 30, 2016.

Due to historic operations in the project area, such as the decommissioning of vessels and munitions handling, and previous unanticipated finds of munitions and explosives of concern (MEC) and radiological commodities (RAD), dredge material removed from Piers 2, 6, 7, 13, and 14 berthing areas that requires disposal at an approved upland location will be screened for these items prior to disposal. The Navy, as the lead federal agency, will coordinate handling and screening processes and plans for these items with the appropriate stakeholders with the assistance of the Naval Ordnance Safety and Security Activity (NOSSA) and the Navy's Radiological Affairs Support Office (RASO). Due to water depths and previous operations at Chollas Creek, the Navy does not anticipate finding MEC or RAD in the Chollas Creek dredge material. Bathymetry surveys were performed in 2011. These surveys were compared with existing operational depths and previous dredging data. Many locations within NBSD were determined to contain shoaled material and currently not meeting required operational depths. Chollas Creek and Piers 2, 6, 7, 13, and the berthing area adjacent to the former location of Pier 14 were determined to be the highest priority for maintenance dredging based on operational needs. Dredging at the former Pier 14 location would provide additional space for larger vessels to maneuver into berthing at Pier 13, "ship swing space."

Project description- The Navy's revised project description consists of the following per the revised bathymetry information: For Chollas Creek will dredge up to -20 ft. Mean Lower Low Water (MLLW), plus 2 ft. overdredge, for a total volume of 47,000 cy of material (2.3 acres of impacts). Pier 2 will be dredged to -37 ft. MLLW plus 2 ft. overdredge, for a total volume of 42,500 cy of material (1.4 acres of impacts to waters of the U.S.); this material will be disposed of at an approved upland facility. Pier 6 will be dredged to -30 ft. MLLW, plus 2 ft. overdredge, for a total volume of 5,600 cy of material (0.3 acre of impacts); this material will be disposed of at an approved upland facility. Pier 7 will be dredged to -37 ft. MLLW, plus 2 ft. overdredge, for a total volume of 14,000 cy of material (2.6 acres of impacts); this material will be disposed of at an approved upland facility. Pier 13 will be dredged to -37 ft. MLLW, plus 2 ft. overdredge, for a total volume of 72,000 cy of material (6.8 acres of impacts). The former location of the Pier 14 area will be dredged to -29 ft. MLLW, plus 2 ft. overdredge, for a total volume of 60,000 cy of material (8.4 acres of impacts). The new total volume of material to be dredged within the entire project footprint is approximately 241,100 cy. Based on the revised volumes of material and the sediment characterization analysis performed in 2012, approximately 108,000 cy of material is anticipated to be suitable for unconfined aquatic disposal at LA-5. An updated sediment characterization study is currently being conducted by the applicant to further substantiate the dredge material SUAD per the OTM.

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 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: Since the project is a maintenance dredging activity then other various alternatives for the maintenance dredging that would avoid impacts were not evaluated due to onsite need to maintain operational depths. Other disposal alternatives for the dredged material were evaluated during the OTM process and other potential beneficial reuse sites. Such beneficial reuse sites such as areas near the Navy's in bay eelgrass mitigation bank (NEMS) sites, nearshore disposal at Imperial beach, or other beach nourishment sites near or in San Diego Bay, were originally eliminated due to either the dredged material had insufficient grain size compatibility or was not compliant with OTM chemistry thresholds. Additional new testing may allow for a second review of the above disposal alternatives once a revised SUAD is determined.

Minimization: The Contractor shall discharge only clean construction materials suitable for use in the aquatic environment. The Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project the Contractor shall completely remove any and all excess material or debris from the work area and recycle or dispose of these materials in an appropriate upland location. Every reasonable and practical effort shall be employed to minimize any accidental release into waters of the U.S. Spill kits and cleanup materials will be present during construction, should there be an accidental spill or release of debris, construction materials, etc. A debris boom will be installed during in-water construction. Any debris accidentally discharged into the water will be collected, transported to, and disposed of, at an appropriate upland disposal site, or recycled, if appropriate.

Compensation: During project implementation the Navy will regularly monitor activities to ensure that no deviation from the proposed action is occurring. If turbidity is observed beyond the immediate vicinity of the project area, dredging will be adjusted to allow turbidity to dissipate. The majority of the dredging will occur in unvegetated substrate that has been previous impacted by historic dredging, vessel groundings and propeller wash, and anchoring impacts and no mitigation is

currently proposed except for CEMP compliance. Eelgrass monitoring, per CEMP, will occur and if any impacts do occur to eelgrass then the Navy will mitigate either using credits from their NEMS bank or providing other eelgrass mitigation per CEMP.

Proposed Special Conditions

No special conditions are proposed at this time.

For additional information please call Robert Smith 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.

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