



# PUBLIC NOTICE

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

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## **APPLICATION FOR PERMIT**

**Navy Base Point Loma Piers 5000/5002/Approach Channel Dredging and Disposal Project**

**Public Notice/Application No.:** SPL-2015-00431-RRS

**Project:** Naval Base Point Loma Piers 5000/5002/Approach Channel Dredging and Disposal Project

**Comment Period:** July 24, 2015 through August 25, 2015

**Project Manager:** Robert R. Smith Jr.; 760-602-4831; [Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil)

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### **Applicant**

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### **Contact**

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### **Location**

The Project is located in northern San Diego bay at Naval Base Point Loma Piers 5000 and 5002 and the Pier 5002 approach channel in the city of San Diego, San Diego County, CA (at: Latitude: 32.412056, Longitude: -117.2400156; See attached drawings).

### **Activity**

The proposed Project is a new dredging project at Naval Base Point Loma, with a total approximate dredging volume of 67,500 cubic yards (cy), in association with Naval Base Point Loma Piers 5000 and 5002, with dredged material disposal at the Ocean Dredged Material Disposal Site (ODMDS) LA-5 and in the nearshore at Silver Strand (see attached drawings).

Another portion of the work includes the relocation of a fender pile system which would involve moving the existing system from the Pier 5000 South Side Inner Berth to the Pier 5000 South Side Outer Berth. Dredging would meet the need for an operational depth of -39.3 feet (ft) mean lower low water (MLLW), plus 2 ft overdredge, south of Pier 5000, and -42.3 ft MLLW north of Pier 5002, plus 2 ft overdredge, and dredging at the Pier 5002 approach channel at an operational depth of -42.3 plus an additional 2 ft. of overdepth to provide improved navigation and berthing capacity for large submarines. For more information see page 3 of this notice.

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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  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: Robert Smith  
Carlsbad Field Office  
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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.

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 or Corps waiver thereof, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board and Corps regulations. 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.

**Coastal Zone Management**- The applicant will provide certified CZM compliance that the proposed activity would comply with and would be conducted in a manner 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 the project is consistent with the State's Coastal Zone Management Plan. The Corps, per lead agency guidance, will require that the Navy as lead agency provide a CZMA federal consistency determination to the Corps.

**Essential Fish Habitat**- The Navy, as the lead federal agency, has determined that the proposed action will have an adverse effect on Essential Fish Habitat (EFH). The Navy has completed consultation with NMFS for EFH and will provide the Corps with final documentation. Due to the water depth within the proposed project area, -34 ft. to -39 ft. MLLW, eelgrass surveys will not be performed as eelgrass could not survive at these water depths. Pre-construction Caulerpa surveys will be performed to document the absence of the invasive plant Caulerpa within the project footprint.

**Cultural Resources**- The location of the proposed action will occur in underwater lands created by backfilling tidelands with excavated material in the mid century timeframe, which would preclude the potential for the presence of buried archaeological deposits. Therefore the implementation of the proposed action would not affect any archaeological sites or other cultural resources. The proposed action would not affect listed, contributing or eligible properties on the National Register. Consistent with Stipulation 8A of the Navy's Metro Programmatic Agreement, the proposed action qualifies for a determination of "No Historic Properties Affected," in accordance with 36 CFR 800.4(d)(1). The Corps, per lead agency guidance, will require that the Navy as lead agency provide a NHPA determination for the Project to the Corps which will be reviewed and/or adopted by the Corps. The Corps may

adopt a “No Potential to Cause an Effect to cultural resources” determination due to historic prior disturbances.

**Endangered Species**- The proposed action will avoid in-water construction during California least tern nesting season as per the MOU between the U.S. Fish and Wildlife Service and the Navy. Therefore the Navy, as the lead federal agency, has made a determination that the proposed action will not have an effect on California least tern. 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 dredging locations. To avoid adverse effects to GST during dredging, the Navy will employ avoidance and minimization measures including visual scanning of the waters within areas of potential effect of the project. Monitoring would commence a minimum of 15 minutes prior to the activities. If a GST is seen within these visual ranges prior to or during the corresponding activity, the activity would not commence until the animal has moved out of the area or at least 15 minutes has passed since the last such sighting. The distances for visual monitoring, etc. would be determined in consultation with the regulatory agency, National Marine Fisheries Service. Monitoring, as described above, would occur prior to the start of in-water work each day, after each break of more than 30 minutes, and if any increase in the intensity of activities is required. The Navy, as the lead federal agency, will perform section 7 consultation under ESA for the proposed activities and provide documentation of consultation to the Corps upon completion.

**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., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites or eelgrass, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is dredging for military navigational 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 purpose of the project is to provide adequate operational depths and berthing capacity at Piers 5000 and 5002 and the Pier 5002 approach channel, based on current vessel and submarine requirements. The overall project purpose for the proposed project is to adequately maintain (dredging and disposal of dredged material) naval vessel and submarine berthing capacity and berthing of military vessels and submarines at the Naval Base Point Loma in San Diego, CA.

### **Additional Project Information**

Baseline information- Existing depths at the Pier 5000 South Side Outer (SSO) berth currently vary from -34 ft. MLLW to -40 ft. MLLW with no eelgrass or other aquatic resources. Existing depths at the Pier 5002 North Side Outer (NSO) berth currently vary from -38 ft. MLLW to -42 ft. MLLW. Existing depths at the Pier 5002 Approach Channel currently vary from -36 ft. MLLW to -42 ft. MLLW (Figure 3). Due to prior vessel and submarine activities and related work dating back to the 1940s the existing substrates at the dredging sites (Pier 5000/5002/Approach channel) and the nearshore disposal site off of the Silver Strand are greatly disturbed. The Navy has been in consultation with the Corps and the Environmental Protection Agency (EPA) regarding the sediment sampling and testing within these berthing areas to support disposal of the material. A sampling and analysis plan was drafted and approved by Corps and EPA for the proposed dredging sites on November 6, 2014. Sample collection was completed in November 2014. The material was tested per the Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual (Green Book). The results were presented to the Corps and EPA and all of the sediment was determined suitable for unconfined aquatic disposal in March 2015 per the Green Book and the Corps/EPA suitability determination (SUAD), with the majority of the material suitable for beneficial re-use. The proposed volume of sediment per the SUAD determined suitable for beneficial re-use is approximately 57,750 cy. The Navy's preferred beneficial use site would be along the Silver Strand at Boat Lanes 8 and 9. The remaining suitable dredged material (approximately 9,750 cy) did not meet the grain-size requirements for beneficial re-use and would be transported to the ODMDS, LA-5.

Project description- The required operational depth south of Pier 5000 is -39.3 ft. MLLW plus 2 ft. overdepth, and the Navy proposes dredging at this area from 0 to 5.3 ft. The required operational depth on the north side of Pier 5002 is -42.3 ft. MLLW plus 2 ft. overdepth, so at this area the Navy proposes dredging from 0.3 to 4.3 ft. The required operational depth of the approach area is -42.3 ft. MLLW plus 2 ft. overdepth, so at this area the Navy proposes dredging from 0 to 6.5 ft. A permitted additional over-dredge depth (to accommodate variance in the precision of dredging equipment and methods) of an additional 2 ft. would allow for a total removal of 67,500 cubic yards (cy) of sediment over approximately 39 days within a 438,805 square ft. (10.07 acre) area. The Project involves dredging generally from the south side of Pier 5000, southward to the north side of Pier 5002, and east toward the federal navigation channel. The 10 acre (438,805 square feet) proposed dredge footprint begins approximately 800 ft from the shoreline and extends across the water between Piers 5000 and 5002 North Side Outer Berth, and east of Pier 5002 across the width of the pier approach channel to the federal navigation channel for San Diego Bay (Figure 3). The Navy's preferred beneficial use site would be along the Silver Strand at Boat Lanes 8 and 9. Suitable material which does not meet the grain-size requirements for beneficial re-use would be transported to the ODMDS, LA-5, located approximately 5.4 nautical miles from Point Loma off the San Diego Coast.

This effort would most likely involve a barge-mounted clamshell dredge. A barge-mounted clamshell bucket dredge method would likely be used during dredging activities and would be expected to cause less turbidity than other dredging methods such as hydraulic dredging. Potential sources of impacts to marine water quality associated with dredging activities may include accidental release of vessel and equipment fuels and hydraulic fluids, and temporary, localized turbidity as bottom sediments become re-suspended in the water column during the dredging process. 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. Increased turbidity would cause impacts to water quality that would include temporary decreases in light penetration and levels of dissolved oxygen. Sands tend to settle out quickly, and contaminants do not typically adhere to larger-grained material such as sand.

As anticipated, sediment testing has shown that the material to be dredged is generally composed of large-grained sediments suitable for ocean disposal. The vast majority of large-grained sediments

re-suspended during dredging settle out of the water column near the dredge within one hour, and only a small fraction, the fines, take longer to resettle. Decreases in levels of light penetration and dissolved oxygen would occur only within a few hundred feet of the dredging site, and end several hours from the cessation of dredging activities, resulting in a temporary, localized reduction in aquatic primary productivity. Because the material to be dredged is mostly sand in which analytical testing did not indicate elevated levels of contaminants, it is unlikely that temporary turbidity associated with dredging would result in adverse effects to the marine environment in the vicinity of the proposed action. If turbidity is observed beyond the immediate vicinity of the project area, dredging will be adjusted to reduce the production of turbidity. Dredging operations would temporarily increase water movement in the area, but the effect would be strictly limited to the duration of dredging (approximately 39 days). Minor changes to bathymetry would not be sufficient to affect circulation patterns in San Diego Bay.

Based on historical records documenting finds of munitions and explosives of concern (MEC) and unexploded ordnance (UXO) within the San Diego Bay, the Navy has evaluated the dredge footprint and determined that there is a low probability of discovering MEC or UXO in the material to be dredged. The Navy will coordinate with Naval Ordnance Safety and Security Activity (NOSSA) explosive safety division to develop a plan to safely dredge, handle, and dispose of the dredge materials, including any MEC or UXO found in the dredge materials. Through coordination with NOSSA, the Navy, along with the Navy's dredge contractor, will develop avoidance and minimization measures and best management practices, including employing qualified UXO technicians and explosive safety quantity distance arcs, to perform the proposed activities in a manner to protect the safety of the workers, the public and the environment. The fender pile system relocation would involve the use of a derrick barge with water jet assistance or vibratory hammer to remove and relocate eight concrete piles and a steel supporting bracket bolted pier-side. A detachable foam filled fender will also move with the cluster. Dredging and pile driving operations would follow OSHA worker requirements for lighting, and other safety measures, and standards employed by the Corps in water construction operations. The removal phase for the fender pile system would take one week, with the reinstallation phase taking an additional two weeks. Other required equipment would include a barge and a second (110-120 ft.) deck barge for material support. Work boats and skiffs would be used by crewmen onsite with tug boats in use intermittently to move barges as needed.

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:** There are no Project impacts to eelgrass or other aquatic resources and the Corps and EPA have completed the SUAD insofar as finding a disposal site that avoids impacts to any aquatic resources. The nearshore disposal of dredged material at Boat Lanes 8 and 9 along the Silver Strand will be a restorative action for beach nourishment and avoid any impacts to nearby reefs and surfgrass.

**Minimization:** 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. During project implementation the Navy will regularly monitor activities and turbidity 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 reduce the production of turbidity.

Compensation: The project would not result in any loss of waters of the U.S. or any habitat conversion. No eelgrass impacts at the dredging site or nearshore reef or surfgrass impacts are expected at the disposal site. Therefore no compensatory mitigation is proposed but the Corps welcomes comments on the initial mitigation determination.

### **Proposed Special Conditions**

No special conditions are proposed for the project. 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](mailto: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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**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

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