



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT (Corps)

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**APPLICATION FOR PERMIT MODIFICATION  
Maintenance Dredging of Piers 1, 4, 5, 8,  
North Mole Pier, & Paleta Creek, Naval Base San Diego (NBSD)**

**Public Notice/Application No.:** SPL-2016-00703-RRS

**Project:** Modification for Maintenance Dredging and Disposal of Piers 1, 3 & Paleta Creek, Naval Base San Diego (NBSD)

**Comment Period:** May 6, 2020 through May 21, 2020

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

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**Applicant**

Commander U.S. Navy  
Jackson Habeck  
Public Works Officer  
Naval Base San Diego (NBSD)  
2730 McKean Street, Bldg. 121, Floor 2  
San Diego, California 92136

**Contact**

Kari Coler, (619) 532 4163  
U.S. Navy Coastal IPT  
937 North Harbor Drive  
Bldg. 1, 3<sup>rd</sup> Floor  
San Diego, California 92132

**Location**

The project, per the attached figures, is located at Naval Base San Diego (NBSD) vessel berths near Pier 3 and Pier 1, Paleta Creek and near Piers 1, 4, 5, 8 and the north side of Mole Pier within the city of San Diego, CA. (Latitude 32.68186111 N, Longitude -117.12950833 W) The upland disposal sites are upland landfills located at Miramar or Otay landfills in San Diego County, CA.

**Activity**

The proposed action consists of modification to an existing Corps permit for maintenance dredging for an additional 40,000 cy of dredged material at Pier 3 at NBSD. The Navy is requesting an amendment to the original Naval Base San Diego (NBSD) Dredging (Maintenance) permit for Piers 1, 4, 5, Paleta Creek, Mole Pier and Pier 8, San Diego (USACE permit number SPL-2016-00703-RRS) dated November 2, 2018. The amendment request includes the addition of a maintenance dredge footprint at Pier 3 NBSD and changes to the dredging yardages. Piers 1 and Paleta Creek dredging remains to be dredged under the previous permit to be modified. For more information see page 3 of this notice.

## **Submittal of Public Comments**

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, (760) 602-4831  
Carlsbad Field Office  
5900 La Place Ct., Suite 100  
Carlsbad, CA 92008

**During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: [Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Robert Smith directly at (760) 602-4831.**

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. Also prior to permit issuance the Corps may deem, per Corps regulations and lead agency guidance and Regional Guidance Letters, that the Section 401 water quality certification has been waived.

**Coastal Zone Management**- The applicant, per lead agency guidance, has certified 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. 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 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. T The Navy concluded formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is completed by the lead agency which the Corps will review and adopt per lead agency guidance.

**Cultural Resources**- The Corps has received the Navy's acknowledgement that per their role as lead agency (for Section 106 compliance under the National Historic Preservation Act (NHPA)) the project has been greatly disturbed and there is no potential to disturb any cultural resources. Also based on the Navy's reports 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 or shipwrecks. Since the proposed activity is maintenance dredging with upland landfill the action is to return the area to previous operational depths and the area has been previously disturbed due to both previous dredging and vessel berthing impacts such as anchoring and groundings.

**Endangered Species (ESA)**- The Corps is reviewing the Navy's determination, that as the lead Federal agency, the proposed action would have no effect on the California least tern (*Sterna antillarum browni*). The Navy has consulted informally with USFWS and consulted for Piers 1 and Paleta Creek per the MOU. The Navy will provide documentation for the proposed Pier 3 work to the Corps at the completion of the USFWS consultation which has been completed with the USFWS and the Corps will 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). 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 dredging. 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 1, 3, and Paleta Creek at Naval Base San Diego, CA.

### **Additional Project Information**

Baseline information- The Navy has completed dredging at Piers 4, 5, 8, North Mole, and the Graving Dock Entrance under the original Corps permit (2016-00703-RRS). Material has been processed, dried and screened for munitions and rad, in the Confined Disposal Facility at Mole Pier. This process is anticipated to be completed for the above dredging. All final dredge volumes were near or below the permitted volumes. All close-out data was provided to the Corps and EPA electronically on November 20, 2019.

The material from Pier 3 has been characterized per the Inland Testing Manual and determined to be unsuitable for disposal back into water of the U.S. and is shown in Table 1 of the permit application. The Navy is requesting an amendment to this permit to include maintenance dredging at Pier 3 NBSD as Pier 1 and Paleta Creek were previously permitted, see attached figures. Dredging at Pier 3 would involve maintenance dredging to restore berthing and fleeting areas to the previously-dredged operational depth of -37 ft. MLLW, plus 2 ft. of overdredge. Based on 2014 bathymetry, the current project footprint requiring maintenance dredging has depths ranging between -29 ft. MLLW to -37 ft. MLLW. The total volume of material to be dredged from the berthing and fleeting areas around Pier 3 is approximately 40,000 cy. A final volume will be estimated based on pre-construction bathymetry to be performed within 30 days of the start of dredging.

The Corps and EPA reviewed the latest sampling information and responded in an email dated April 14, 2020 and reference is made to the subject attached Corps permit modification action with the Navy NBSD permit issued November 2, 2018 (also reference is made to testing data from 2017) along with the final attached Sampling Analysis and Plan (SAPr) dated April 15, 2020 and proposed Navy Pier 3 Z layer testing plan for Pier 3. Based on EPA's comments in our review of the SAPr the Corps concurred with Allan Ota's comments based on a teleconference on April 14, 2020 acknowledging that the area shown in Figure 3-1 with the cores P3-A-C1 thru P3-A-C5 in Composite A will not be dredged and left in place due to a reduction in current navigation requirements. Also Figure 2 shows the dredge footprint for 40,000 cy (with a depth of 37 ft. MLLW with 2 ft. of overdredge depth) shown in Table 3 of the SAPr that now represents the Pier 3 portion of the Corps permit modification action. The remaining maintenance dredge footprints authorized by the permit referenced above (SPL-2016-00703-RRS) is anticipated to begin late spring 2020.

Project description- The amendment request includes the addition of a maintenance dredge footprint at Pier 3 NBSD for 40,000 cy of maintenance dredging. The dredged material for Pier 1, Paleta Creek, and Pier 3 material proposed to be dredged from Pier 3 is unsuitable for aquatic disposal and would be disposed of at an approved upland facility, likely Otay Landfill, after being dried and processed for disposal within a temporary confined disposal facility (CDF) located on Mole Pier, NBSD. The total permit updated volume to be dredged, including material already removed, is approximately 130,777 cy as shown in Table 1 of the Corps permit action.

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:** Avoidance is achieved through an analysis of appropriate and practicable alternatives and a consideration of impact footprint. Since the project is a maintenance dredging activity then other various alternatives (spatial location change or review of offsite alternatives for other disposal methods) for the maintenance dredging within existing berthing infrastructure at NBSD that would avoid impacts were not evaluated due to onsite need to maintain operational depths. For the disposal options and alternatives the Corps has consulted under the OTM with EPA and the Navy in 2017 and again with EPA in April 2020 regarding the volume and location for discharge (and Z layer evaluation) of the material unsuitable for ocean disposal and the entire amount of dredging of the material was determined to be unsuitable for ocean disposal and/or beneficial reuse and must be disposed of at an approved upland site.

**Minimization:** Minimization is achieved through the incorporation of appropriate and practicable design and risk avoidance measures. Clamshell dredging is the preferred method given the need for upland disposal of the unsuitable material per the Inland Testing Manual testing requirements. Other dredging methods like pipeline dredging or hopper dredging were impracticable due to logistics and cost and would have more environmental impacts with aquatic disposal.

**Compensation:** Compensation means mitigating an aquatic resource impact by replacing or providing substitute aquatic resources for impacts that remain after avoidance and minimization measures have been applied, and is achieved through appropriate and practicable restoration, establishment, enhancement, and/or preservation of aquatic resource functions and services. The majority of the dredging will occur in unvegetated deepwater substrate that has been previously impacted by historic dredging, vessel groundings and propeller wash, and anchoring impacts and no mitigation is currently proposed except for California Eelgrass Mitigation Policy (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](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.

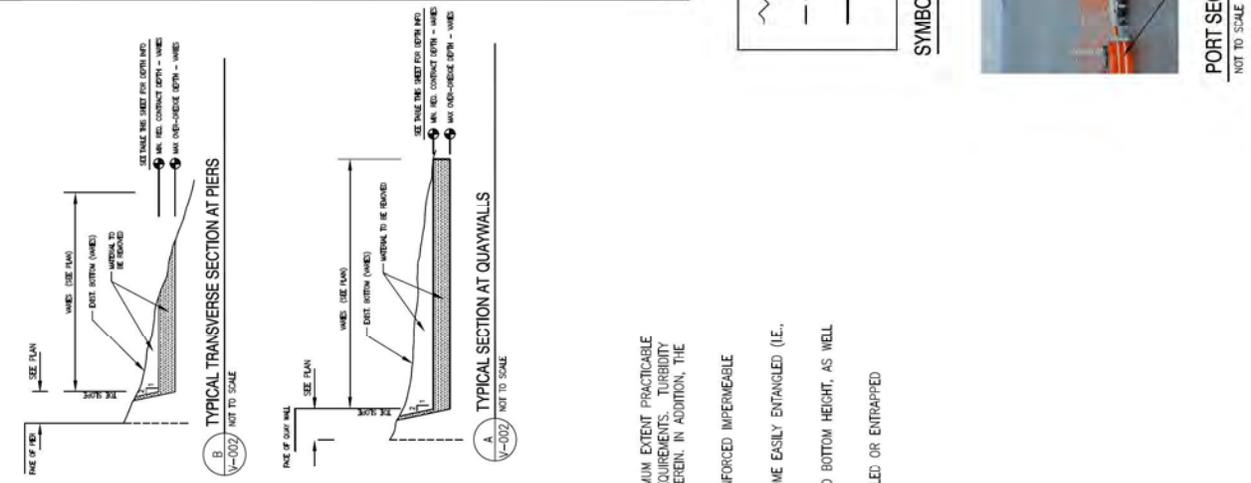
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**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
Carlsbad Field Office  
5900 La Place Ct., Suite 100  
Carlsbad, CA 92008  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



**DREDGING AND DESIGN NOTES**

- NAVAL BASE SAN DIEGO HAS IMPLEMENTED ADDITIONAL SECURITY BARRIERS TO THE WORK AREAS FROM THE WATER'S RESTRICTED PORT APPROXIMATES THE RESTRICTED AREA IN THE WATERS SURROUNDING NAVAL BASE SAN DIEGO. THE CONTRACTOR SHALL REPLACE THIS LINE WITH THE CONTRACTOR'S RESTRICTED AREA NOTIFICATION AT LEAST 72 HRS IN ADVANCE OF ANY WORKING OF THE PORT. NAVAL BASE SAN DIEGO WILL ADVISE THE CONTRACTOR OF ANY CHANGES TO THE PLAN AND BETWEEN SUNSET AND SUNRISE. CONTRACTORS SHOULD PLAN ACCORDINGLY. FOR PSB TRANSITS TO BE CONDUCTED DURING NORMAL WATERFRONT WORKING HOURS (0500 TO 1700 HOURS) NOTIFY PORT OPS A MINIMUM OF 72 HOURS IN ADVANCE. FOR LONG TERM PSB OPENING REQUESTS (>1 HOUR) NOTIFY PORT OPS A MINIMUM OF SEVEN DAYS IN ADVANCE. ALL WORKING SHALL BE COMPLETED WITHIN A MINIMUM OF 72 HOURS IN ADVANCE FOR NOTIFICATION TO PORT OPS.
- LARGE ORANGE AND WHITE PORT SECURITY BARRIER (PSB) MOORING BUOYS ARE LOCATED WITHIN THE DREDGE AREA. CONTRACTORS SHALL BE ALLOWED TO MOVE THESE BUOYS DURING DREDGING OPERATIONS.
- ALL CONTRACTOR CREW/SHIFT CHANGES AND OTHER SUPPLIES SHALL BE CONDUCTED FROM WITHIN NAVAL BASE SAN DIEGO OTHER APPLICABLE PERMITS.
- NAVAL BASE DREDGING AUTHORIZED UNDER C.O.E. PERMIT AND OTHER APPLICABLE PERMITS.
- DREDGE LIMITS SHOWN USE APPROXIMATIONS BASED ON ESTABLISHED SURVEY. REQUIRED DREDGING AREA SHALL BE ESTABLISHED USING THE REQUIRED CONTRACT DEPTH CONTOUR AS DETERMINED BY PRE-DREDGE SURVEY PERFORMED BY THE GOVERNMENT.



**BASE BID - ESTIMATED VOLUMES**

Location	Project Depth (MLLW)	Volume (CY) SUAD Material (Ocean Disposal)		Volume (CY) Upland Disposal (Arizona Class III Landfill)		Volume (CY) Upland Disposal (STC/TCIP Lead Limits Exceeded) (Arizona Class I Landfill)		Total PD	Total (PD + OD)
		Project Depth	2' OD Depth	Project Depth	2' OD Depth	Project Depth	2' OD Depth		
Pier 1N	-30	32	4,578	7,524	638	878	4,578	12,102	
Pier 1S	-30	-32	8,472	11,671	638	878	9,110	21,659	
Palaeta Creek	-20	-22	3,234	3,249	3,234	3,249	3,234	6,583	
<b>Sub Totals</b>			<b>0</b>	<b>16,284</b>	<b>22,544</b>	<b>638</b>	<b>878</b>	<b>16,922</b>	<b>40,344</b>
			<b>0</b>	<b>Total Class III</b>	<b>39,828</b>	<b>Total Class I</b>	<b>1,516</b>		

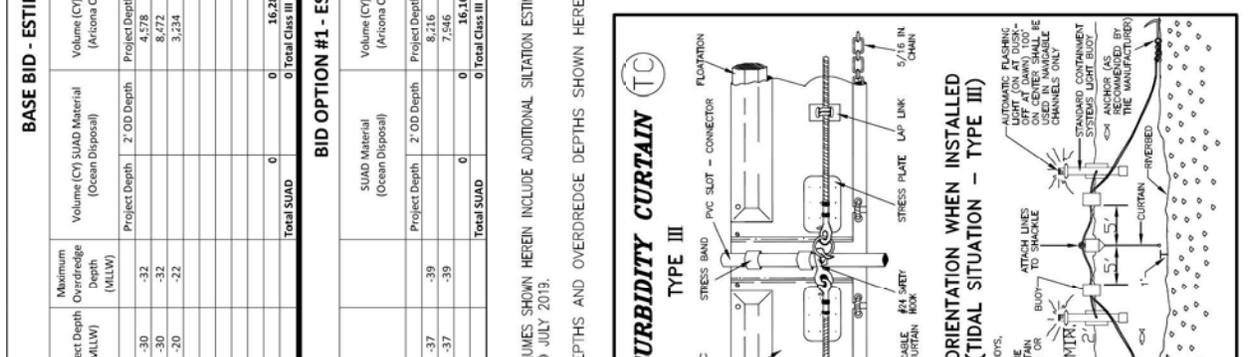
  

**BID OPTION #1 - ESTIMATED VOLUMES**

Location	Project Depth (MLLW)	SUAD Material (Ocean Disposal)		Volume (CY) Upland Disposal (Arizona Class III Landfill)		Volume (CY) Upland Disposal (STC/TCIP Lead Limits Exceeded) (Arizona Class I Landfill)		Total PD	Total (PD + OD)
		Project Depth	2' OD Depth	Project Depth	2' OD Depth	Project Depth	2' OD Depth		
Pier 3N	-37	-39	8,216	10,605	8,216	10,605	8,216	18,821	
Pier 3S	-37	-39	7,546	12,727	7,946	12,727	7,946	20,673	
<b>Sub Totals</b>			<b>0</b>	<b>16,162</b>	<b>23,332</b>	<b>0</b>	<b>16,162</b>	<b>23,332</b>	<b>39,494</b>
			<b>0</b>	<b>Total Class III</b>	<b>39,494</b>	<b>Total Class I</b>	<b>0</b>		

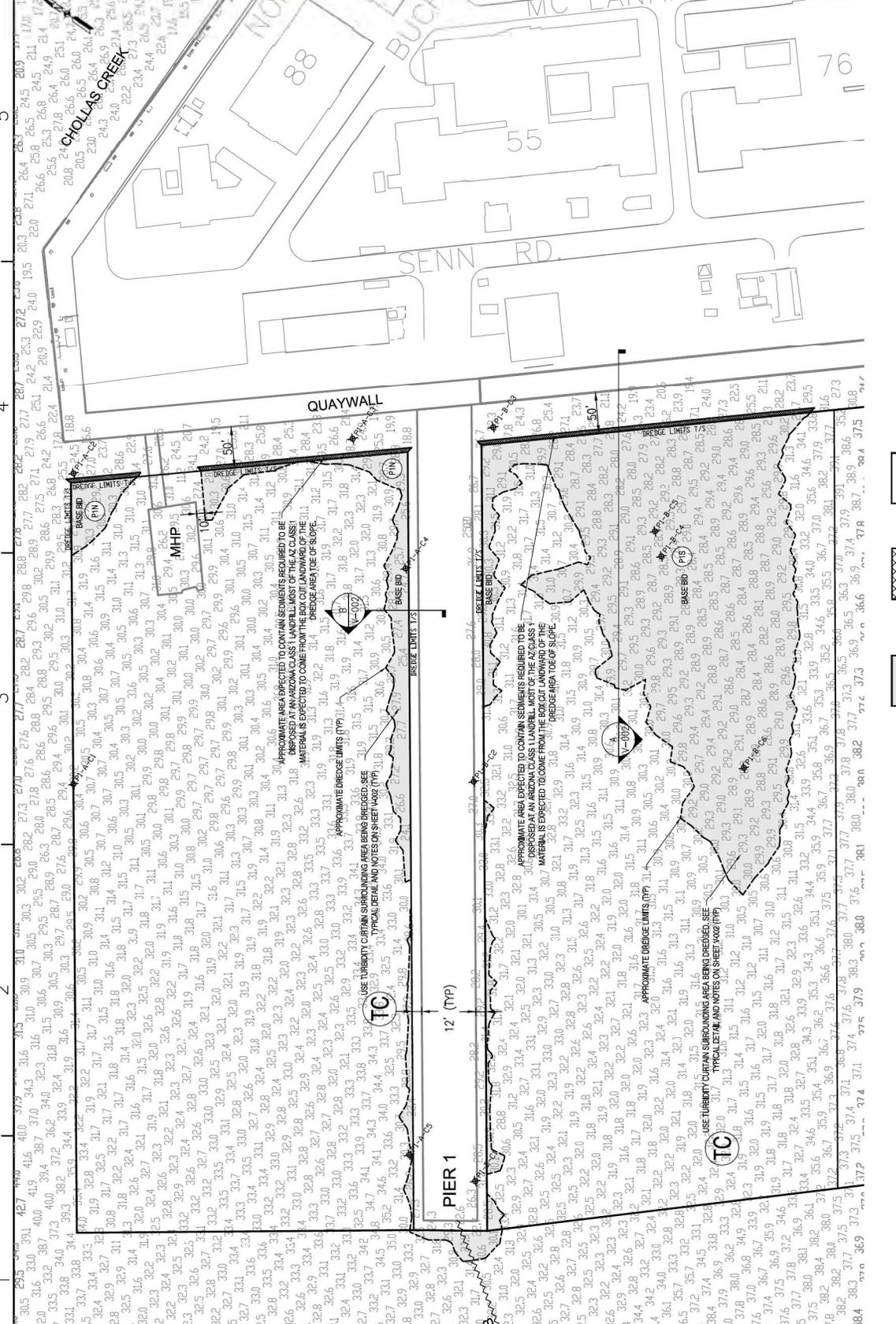
**NOTES:**

- ESTIMATED VOLUMES SHOWN HEREIN INCLUDE ADDITIONAL SITUATION ESTIMATED TO OCCUR FROM THE DATE OF THE MOST RECENT CONDITION SURVEY PROJECTED TO JULY 2019.
- PROJECT DEPTHS AND OVERDREDGE DEPTHS SHOWN HEREIN REFER TO NOAA MEAN LOWER LOW WATER DATUM (MLLW).



**TURBIDITY BARRIERS/CURTAINS NOTES:**

- MADE OF A MATERIAL THAT IS UNLIKELY TO ENTANGLE ANY MARINE ANIMALS (I.E., REINFORCED IMPERMEABLE POLYCARBONATE VINYL FABRIC (PCV) COATED FABRIC)
- INSTALLED IN A MANNER IN WHICH A SEA TURTLE OR MARINE MAMMALS CANNOT BECOME EASILY ENTANGLED (I.E., STRETCHED OUT TIGHTLY WITH VERY LITTLE SLACK)
- INSTALLED WITH THE MINIMUM EXTENT OF CURTAIN NEEDED (IN TERMS OF SURFACE TO BOTTOM HEIGHT, AS WELL AS TOTAL AREA SURROUNDED) WHILE STILL MEETING RWOCB REQUIREMENTS
- INSPECTED DAILY TO ENSURE PROPER INTEGRITY AND FOR THE PRESENCE OF ENTANGLED OR ENTRAPPED PROTECTED SPECIES
- REMOVED IMMEDIATELY UPON PROJECT COMPLETION



DEPARTMENT OF THE NAVY  
 NAVAL FACILITIES ENGINEERING COMMAND - MID ATLANTIC  
 NAVAL FACILITIES CORP - HYDROGRAPHIC ENGINEERING TEAM  
 NAVAL BASE SAN DIEGO  
 PIY19 MAINTENANCE DREDGING  
 NAVAL BASE SAN DIEGO  
 PER 1 NORTH & SOUTH

PROJECT: PIY19 MAINTENANCE DREDGING  
 DRAWING NO: 191210009  
 SHEET NO: 191210009  
 DATE: 12/14/19  
 SCALE: 1" = 60'-0"  
 DRAWN BY: J. M. [unreadable]  
 CHECKED BY: [unreadable]  
 APPROVED BY: [unreadable]

NAVAL FACILITIES ENGINEERING COMMAND  
 NAVAL BASE SAN DIEGO  
 3500 LA JOLLA VILLAGE DRIVE, SAN DIEGO, CA 92161-5001

NATICK

**GRAPHIC SCALE**

1" = 60'-0"

0 30' 60' 120'

**NOTES:**

- DEPTHS ON THIS SHEET REFER TO NOAA MEAN LOWER LOW WATER DATUM (MLLW).
- BATHYMETRIC CONTOURS ARE FROM HYDROGRAPHIC CONDITION SURVEYS CONDUCTED IN SEPTEMBER 2014.

DREDGE MATERIAL DESIGNATED FOR UPLAND DISPOSAL AT AN ARIZONA (CLASS III LANDFILL)  
 DREDGE MATERIAL DESIGNATED FOR UPLAND DISPOSAL AT AN ARIZONA (CLASS II LANDFILL)  
 NOT IN CONTRACT  
 DREDGE AREA ID

1 2 3 4 5  
 A B C D



