PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT

NAVY ARCO DRYDOCK SUMP PROJECT

Public Notice/Application No.: SPL-2018-00052-RRS
Project: Navy ARCO Drydock Sump Project
Comment Period: June 26, 2019 through July 27, 2019
Project Manager: Robert Smith; (760) 602-4831; Robert.R.Smith@usace.army.mil

Applicant
James Alger
Naval Base Point Loma
4635 Pacific Highway; Bldg 1
San Diego, California 92110

Contact
Kari Coler
(619) 532-4163
US Navy Coastal IPT
2730 McKean St, Bldg 291
San Diego, California 92136

Location

Naval Facilities Engineering Command Southwest (NAVFAC SW) is proposing to conduct a maintenance dredging project (Project) at Naval Base Point Loma (NBPL) (Figure 1-1a). For the Project, dredging would occur within a footprint (525 ft. in length and 153 ft. width) used by the ARCO dry dock (ADD) in the south-side outer berthing area of Pier 5002 (Figure 1-1b). Project dredging site is located at Latitude: 32.687765; Longitude: -117.234992 at NBPL. The LA-5 ocean disposal site (LA-5 ODMDS) is located 5.4 miles southwest of Point Loma from the mouth of San Diego Bay and is in the Pacific Ocean (See Corps figure for LA-5 ODMDS) and the beneficial sites in the near shore of Naval Base Coronado and Imperial Beach are shown in the attached figures.

Activity

Naval Facilities Engineering Command Southwest (NAVFAC SW) and NBPL is proposing to conduct a maintenance dredging project (Project) at Naval Base Point Loma (NBPL) (Figure 1-1a). For the Project, dredging would occur within a footprint used by the existing ARCO dry dock (ADD) in the south-side outer berthing area of Pier 5002 (Figure 1-1b). The currently proposed Project includes dredging and removal of approximately 16,485 cubic yards (cy) of material (including a 2-foot overdredge [OD] allowance) within the 1.85-acre proposed dredge area in association with Navy ARCO Drydock Sump Project (see attached drawings). The proposed dredge design depth is -60.0 feet mean lower low water (MLLW) for the ADD sump. Samples of the proposed dredged materials were collected and tested according to protocols for unconfined aquatic disposal determination for potential placement at the LA-5 Ocean Dredged Material Disposal Site (ODMDS) or a beneficial use site shown in the attached figures. For more information see Additional Project Information section below.

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, Section 103 of the Marine Protection, Research and Sanctuaries Act, Section 10 of the Rivers and Harbors Act, and Section 404 of Clean Water 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
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

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. 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. 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 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 (CCC) the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

The CCC has agreed with the Navy in their letter dated May 30, 2019 that the proposed dredging is similar to previous Commission and Commission staff concurrences with the above described consistency and negative determinations submitted by the Navy for San Diego Bay dredging activities (CD-64-92, CD-51-94, CD-89-99, CD-031-01, ND-011-11, ND-052-12, CD-011-13, ND-007-14, ND-0031-14, ND-0011-16, ND-0002-18, and ND-0040-18), and would not adversely affect public access and recreation, sensitive habitats, or other coastal zone resources. The CCC therefore **concurred** with the Navy’s negative determination made pursuant for 15 CFR Section 930.35 of the NOAA implementing regulations.

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 Corps of Engineers preliminary determination indicates the proposed activity would adversely affect EFH. The Navy, as the lead Federal agency, has determined that the proposed action would adversely affect Essential Fish Habitat due to temporary, localized turbidity within the immediate vicinity of the dredging and disposal areas. The Navy will consult with National Marine Fisheries Services and provide documentation of consultation upon completion. The Corps will review the Navy's EFH determination per lead agency guidance and review and adopt as needed.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and there are no historic properties within the project area. 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 Navy as the lead federal agency has determined that there will be no effect on historic properties since none exist within the project area. The Navy maintains that the project area falls under the coverage of the NBPL Programmatic Agreement (PA) executed in May 2014 between Commander, Navy Region Southwest (CNRSW), the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer. In conformance with Stipulation 8A of the NBPL PA, CNRSW has determined that the proposed activity would not affect listed, contributing or eligible National Register of Historic Places (NRHP) properties. Consistent with 36 CFR 800.4(d)(1), CNRSW has accordingly made a determination of "no historic properties affected" for the proposed action.. The Corps will review the Navy's Section 106 determination per lead agency guidance.

Endangered Species- Preliminary determinations indicate the proposed activity would affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does appear to be required at this time. The proposed dredging would be performed outside of California least tern (*Sterna antillarum browni*) nesting season, therefore the Navy, as the lead Federal agency, has determined that the proposed action would have no effect on California least tern. The Navy, as the lead Federal agency, has determined that the proposed action may affect the green sea turtle (*Chelonia mydas*), the blue whale (*Balaenoptera musculus*), the fin whale (*Balaenoptera physalus*), the western northern Pacific gray whale (*Eschrichtius robustus*), the sperm whale (*Plyseter microcephalus*), the humpback whale (*Megaptera novaeangllae*), and the Guadalupe fur seal (*Arctocephalus townsendi*).

The proposed action would generate temporary and localized noise and turbidity within the immediate vicinity of the dredging footprints and at the proposed disposal location, LA-5. Of the species listed above, only the green sea turtle has been documented in the vicinity of the dredging footprints at NBPL. All personnel associated with the project shall be instructed of the potential presence of protected species and the need to maintain a 20 meter (m) buffer and avoid collisions with sea turtles and marine mammals.

All construction personnel are responsible for observing water-related activities for the presence of these species. The blue whale, fin whale, western northern Pacific gray whale, sperm whale, humpback whale, and Guadalupe fur seal may transit through the disposal area. The proposed disposal area, LA-5, is not located in or near any important marine mammal feeding or breeding areas therefore all ESA species listed above, if present, would likely only be transiting through the project footprints. With the implementation of the proposed avoidance and minimization measures stated above, dredging and disposal activities would be temporary and minimal. Therefore the Navy will request concurrence that the proposed project may affect, but is not likely to adversely affect the species listed above. The Navy will consult with National Marine Fisheries Services and provide documentation to the Corps of consultation 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, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is military vessel repair. 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 perform maintenance dredging for the naval ARCO drydock to allow for proper drydock repairs and operation at NBPL.

Additional Project Information

Baseline information- In 2011, a bathymetric survey was conducted at NBPL and the existing water depths were compared with Navy operational needs (i.e., the water depth needed for safe navigation and berthing of Navy vessels). Following the survey, the ADD sump area was identified as in need of maintenance dredging (Figure 1-1b). The currently proposed Project includes dredging and removal of approximately 16,485 cubic yards (cy) of material (including a 2-foot overdredge [OD] allowance) within the 1.85-acre proposed dredge area. Note that per the last 2016 bathymetry survey the amount of dredged material may be 19,000 cy and the Corps and EPA may have to evaluate the difference within the current suitability determination SUAD. The proposed dredge design depth is -60.0 feet mean lower low water (MLLW) for the ADD sump. Samples of the proposed dredged materials were collected and tested according to protocols for unconfined aquatic disposal determination for potential placement at the LA-5 Ocean Dredged Material Disposal Site (ODMDS) or a Navy-determined beneficial reuse location.

The ADD was installed on the south side outer berth of Pier 5002 on June 23, 1986. Since this time, the ADD has serviced nuclear-powered submarines and small support vessels. The dry dock is 492 feet long by 96 feet wide and displaces approximately 5,400 tons of water while lifting up to 7,800 tons of materials. The ADD is the Navy's only sailor-operated dry dock and is assigned to Submarine Squadron Eleven. The ADD is semi-permanently berthed on the southern end of Pier 5002, and is held in place by spud moorings (vertical steel shafts used to hold the dry dock in place while it is berthed to perform repairs on Navy vessels). The dry dock can be moved for service and repairs as needed, and was scheduled to depart Point Loma for a docking period in August, 2016.

The most recent maintenance dredging project for the ADD sump was performed in 2001 under Navy project R7-00 (Navy, 2017). At that time, approximately 20,000 cy of dredged material (including a 2-foot OD allowance) were removed. A Project-specific Sampling and Analysis Plan (SAP) was

submitted to the United States Environmental Protection Agency (USEPA) and the United States Army Corps of Engineers (USACE) for review on January 3, 2018. Based upon input from the agencies provided on January 4, 2018, the SAP was revised and then approved by the two agencies on January 11, 2018, and a final version of the SAP was submitted to the agencies on January 17, 2018. The Study used a tiered approach to assess the physical, chemical, toxicological, and bioaccumulation potential characteristics of the proposed dredged materials. In support of the proposed Project, NAVFAC SW conducted a dredged material characterization study (Study) of the ADD sump. The objective of the Study was to identify and confirm suitable disposal option(s) for the dredged materials with a Sampling and Analysis Plan Report (SAPr) for the Study was submitted to Corps and EPA for review. The SAPr describes the federally approved sampling and analysis procedures that were used to assess the disposal suitability of the proposed dredged materials as well as the results of these analyses. The Corps and EPA are now about to conclude the final suitability determination in compliance with the Ocean Testing Manual and Inland Testing Manual per the last SUAD meeting on May 23, 2019. The Corps and EPA have determined that the dredged material appears to meet OTM/ITM criteria and is suitable for ocean disposal and beneficial reuse.

Project description- The center of the ADD sump dredge footprint is located at 117º14.070' west, 32º41.270' north. The maintenance dredging depth for the ADD sump is -60 feet MLLW, plus a 2-foot OD allowance to -62 feet MLLW. In total, approximately 16,485 cy of sediment (which includes the 2-foot OD allowance) are proposed for removal from the ADD sump (Table 3-1 in the SAPr). Material will be dredged using a clamshell and the dredging will take approximately 30 days to complete. The drydock will be removed in August 2019 to perform maintenance on the structure so the installation would like to dredge during this relocation. The proposed project would restore the design depth below the drydock to ensure that the drydock can lower to the design depth to receive submarines safely for maintenance.

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: The project naval drydock maintenance dredging is to a pre-approved design depth and length and width and overdepth so a review of other dredging sites is not warranted and there is no eelgrass or wetlands to be impacted for necessary avoidance. The Navy, EPA, and the Corps will review the disposal options for the dredged material and it appears that the beneficial reuse of the dredged material to the near shore sites shown in Figure 1-1-d are preferred. The Corps and EPA have determined in June 2019 that the dredged material appears to meet OTM/ITM criteria and is suitable for ocean disposal and beneficial reuse.

Minimization: The Navy's contractor shall utilize 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 U.S. 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. All debris will be transported to, and disposed of at, an appropriate upland disposal site, or recycled, if appropriate. The release of debris into the water will be controlled by use of surface booms and other methods, as appropriate. If turbidity is observed beyond the immediate vicinity if the project area, dredging will be adjusted to reduce turbidity or allow turbidity to fall from the water column. No re-fueling of equipment shall occur where it could enter waters of the U.S. All work included under the

proposed Maintenance and Construction Program will occur during daylight hours that allow for sighting of protected species within all project areas and defined monitoring zones.

Compensation: Since there is no eelgrass or wetlands to be impacted then no eelgrass or wetlands mitigation is necessary but the Navy has an existing eelgrass wetlands bank if there are eelgrass impacts.

Proposed Special Conditions

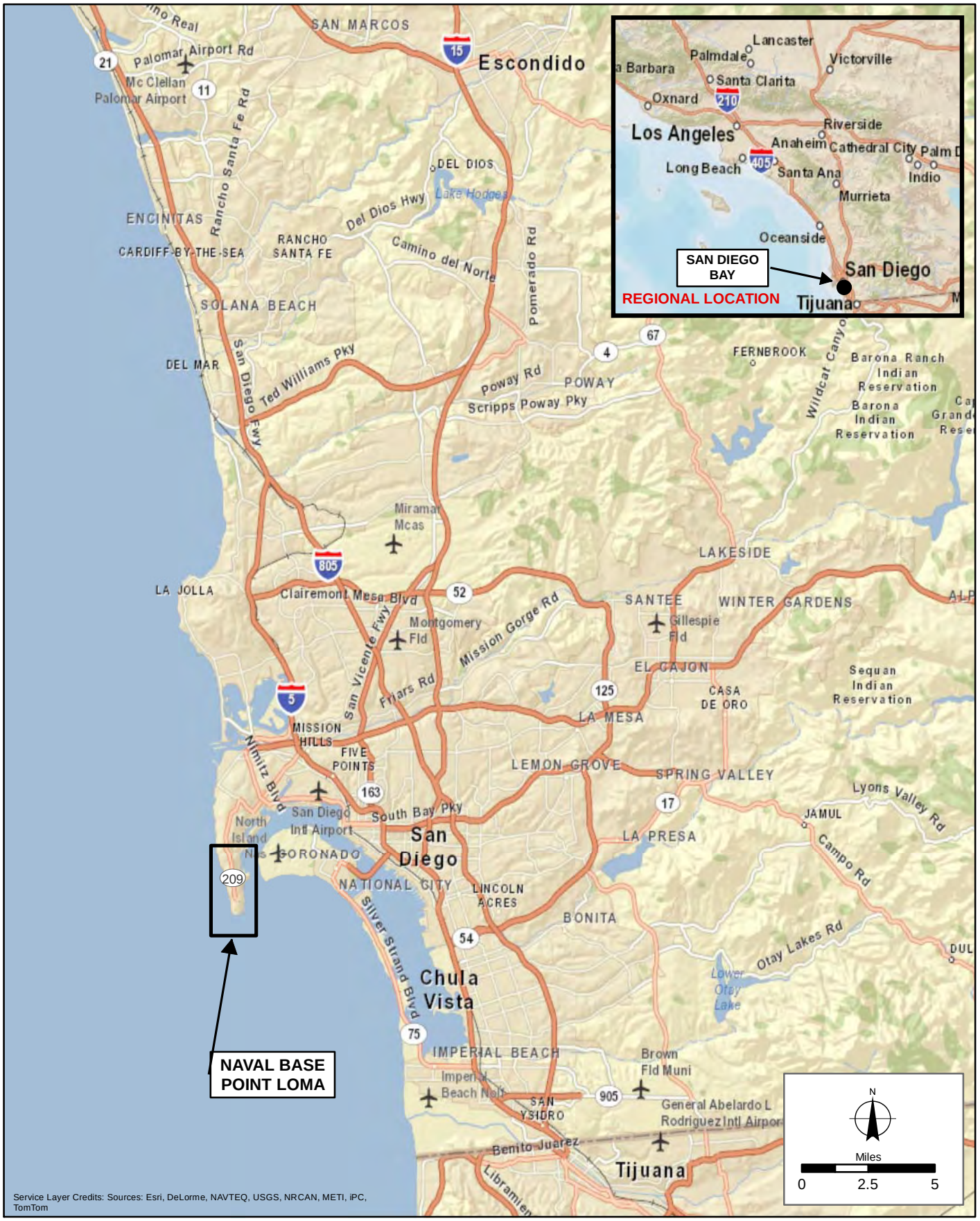
The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

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.

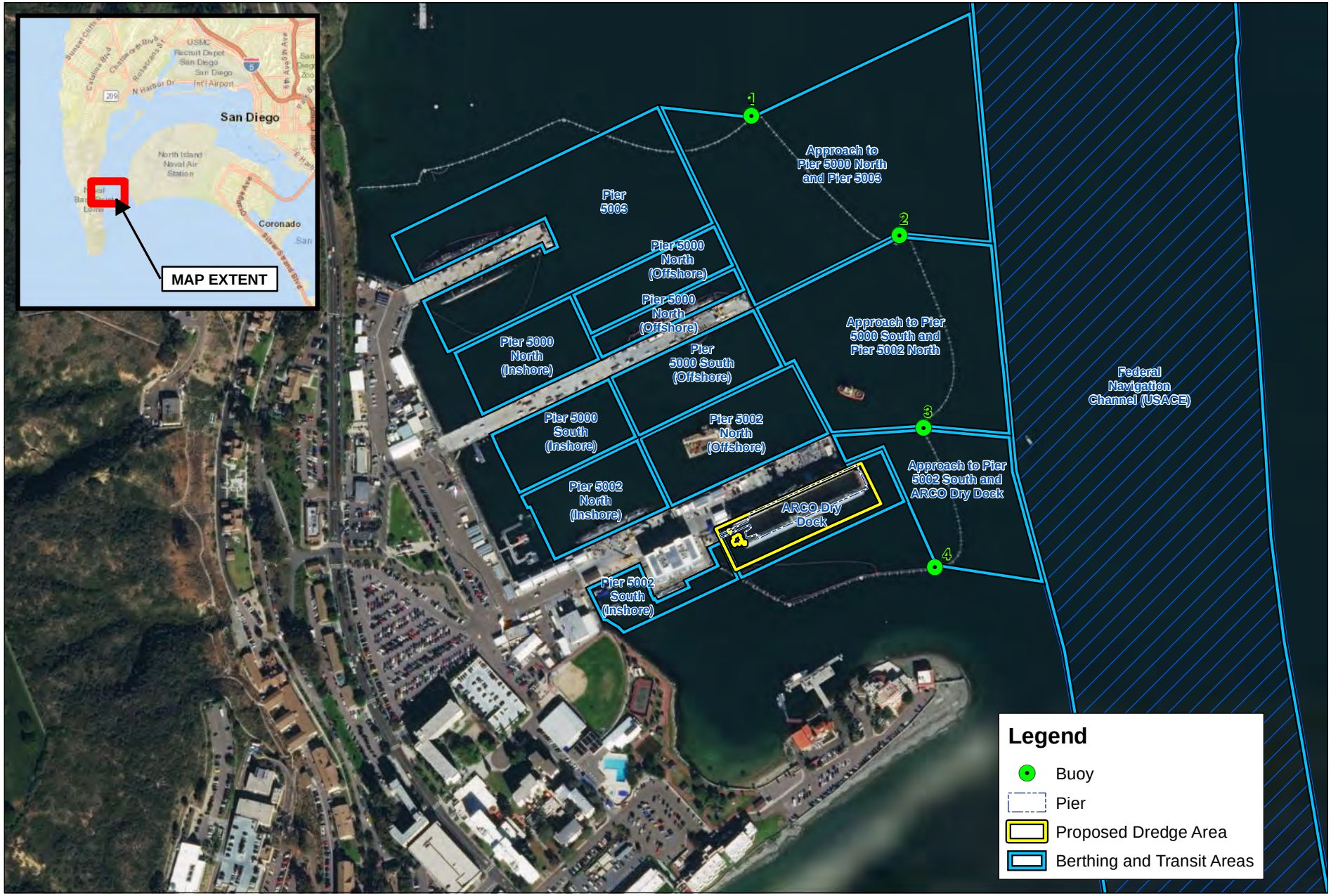
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
Carlsbad Field Office
5900 La Place Ct., Suite 100
Carlsbad, CA 92008
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY



Regional Location
FY 2014 Sediment Testing to Support Future Dredging
Naval Base Point Loma
San Diego Bay, California

FIGURE
1-1

Path: Q:\Aquatics\SanDiegoMaintenanceDredging\MXD\ReportFigures\2014\NBPL\SedTesting_FutureDredging_2014\Regional_Location_NBPL.mxd, jessie.lee 10/15/2014



Path: Q:\Aquatics\SanDiegoMaintenanceDredging\MXD\ReportFigures\2017\NBPL_ARCO\Fig1-2_ProjectLocation.mxd, chris.nixon 1/11/2018

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Project Location
Naval Base Point Loma
San Diego, CA

1 inch = 450 feet
0 100 200 400
Feet

N

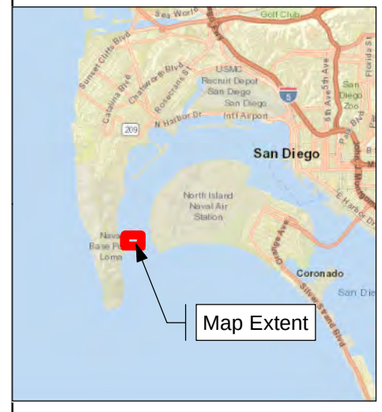
FIGURE
1-2

ADD-C6
ADD-C5
ADD-C4
ADD-C3
ADD-C2
ADD-C1
ADD-PD1
ADD-PD2
ADD-PD3

Legend

Proposed Sampling Locations

- Diver Assisted Vibracore Sample
- Vibracore Sample
- Bathymetric Contour
- Proposed Pipe Dredge Track
- Pier
- Berthing and Transit Areas (Maintenance Dredging Verified)
- Proposed Dredge Area
- Area Meets Design Depth, No Dredging Required



Path: Q:\Aquatics\SanDiegoMaintenanceDredging\MXD\ReportFigures\2017\NBPL_ARCO\Fig3-1_Berthing_TransitAreas.mxd, chris.nixon, 1/11/2018

Berthing and Transit Areas
Naval Base Point Loma
San Diego, CA

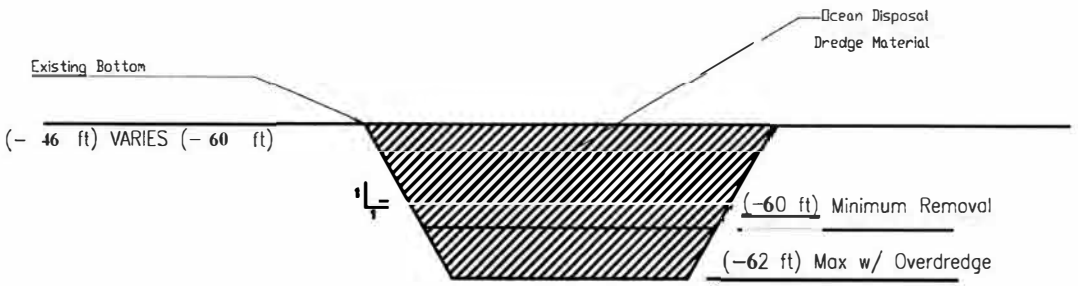
N

1 inch = 50 feet

0 50 Feet

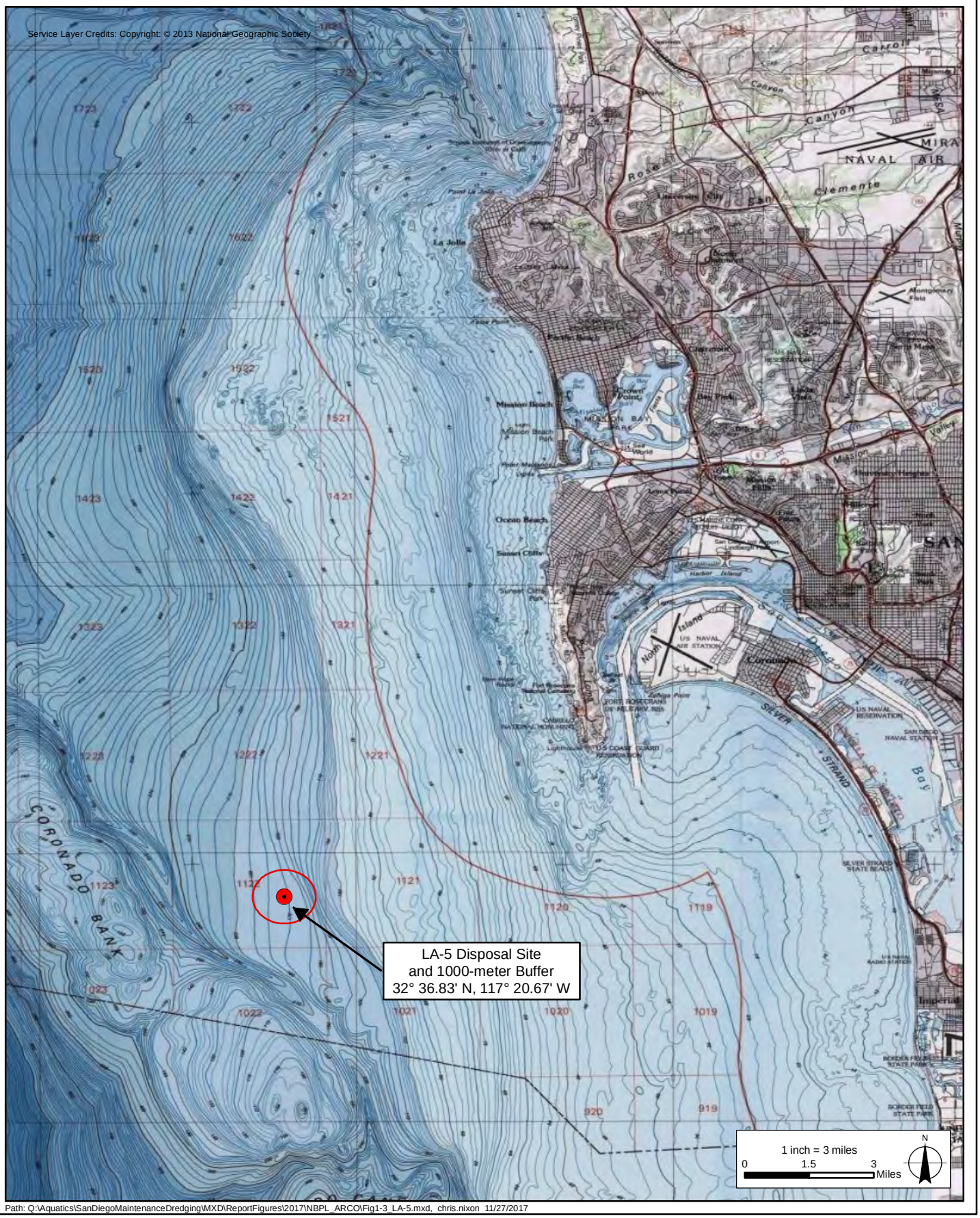
FIGURE 3-1

ARCO Maintenance Dredging Project, NBPL
Design depth: -60 ft MLLW



DESIGN DEVELOPMENT SUBMITTAL

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
Coronado, CA
DREDGING
Naval Air Station North Island



Path: Q:\Aquatics\SanDiegoMaintenanceDredging\MXD\ReportFigures\2017\NBPL_ARCO\Fig1-3_LA-5.mxd, chris.nixon 11/27/2017

Location of LA-5 Ocean Dredged Material Disposal Site
Naval Base Point Loma
San Diego, CA

FIGURE

1-3