# PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT**
**Naval Pier 5000 North Outer Berth and Approach Area Dredging and Disposal Project**

**Public Notice/Application No.:** SPL-2019-00522-RRS
**Project:** Pier 5000 North Side Outer Berth and Approach Area Dredging Project at NBPL
**Comment Period:** August 5, 2019 through September 6, 2019
**Project Manager:** Robert Smith; (760) 602-4831; Robert.R.Smith@usace.army.mil

**Applicant**
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## Location

The Pier 5000 Dredging Project site is located at Naval Base Point Loma (NBPL) in the city of San Diego, in San Diego County, California. Pier 5000 is located on Point Loma, which comprises the western shore of the mouth of San Diego Bay just southwest of Naval Air Station North Island. The project area at NBPL is just off of Rosecrans Street onto Fort Rosecrans Boulevard and right onto Sylvester Road to Kephart Road. (Latitude 32.689801 N, Longitude -117.235137 W). The LA-5 ocean dredged material disposal site (LA-5 or ODMDS) is located 5.4 miles southwest of Point Loma at the mouth of the San Diego bay in the Pacific Ocean.

## Activity

To perform new dredging construction of the Naval Pier 5000 Dredging and Disposal Project located at Naval Base Point Loma (NBPL) in San Diego Bay which involves dredging approximately 110,619 cubic yards (cy) of sediment from the northeast side of submarine Pier 5000 in the North Side Outer Berth and Approach Area. Suitable dredged material and disposal would occur either at the Silver Strand Boat Lanes 8 and 9 beneficial use site or the LA-5 Ocean Dredged Material Disposal Site (ODMDS). The 15.60-acre dredge footprint is currently at a depth of -38 feet mean lower low water (MLLW) or deeper and would be dredged approximately 4 to 7 feet using a barge-mounted clamshell dredge to a depth of -42.5 feet MLLW, plus 2 feet overdredge depth. In addition, the work consists of removal of approximately 15 or more obstructions consisting of embedded creosote treated timber pile stubs, a mooring dolphin, concrete anchors, blocks and/or slabs, and other concrete rubble within the dredging footprint in association with Pier 5000 North Side Outer Berth and Approach Area Dredging Project at NBPL (see attached drawings). 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, and Section 103 of the Marine Protection, Research and Sanctuaries. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Robert Smith
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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.

**Coastal Zone Management**- The Navy as the lead federal agency and 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. The California Coastal Commission has issued a letter dated May 30, 2019 concurring 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 area is too deep for eelgrass or wetlands. 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 has consulted with NMFS for EFH and received a letter dated June 3, 2019 from NMFS concluding the EFH consultation. The Corps will review and make our EFH determination per lead agency guidance.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Implementation of the Proposed Action would not affect any archaeological sites or other cultural resources, because none occur within the Area of Potential Effect (APE), as defined under the Commanding Officer Naval Base Point Loma (CONBPL) Programmatic Agreement (PA) (CONBPL 2014). Consistent with Stipulation 6.A. of the CONBPL PA, the APE is defined as the discrete site of the undertaking and any associated staging or laydown areas. The Proposed Action consists of in-water dredging activities only and would not require any associated staging or laydown areas.

Therefore, the APE for the Proposed Action consists of the submerged 15.60-acre (679,451-square feet sq. ft. dredge area and the two acre disposal area at either Imperial Beach or the LA-5 ODMDS. The project is located on bay bottom that was created in 1942 by backfilling tidelands with excavated material; given that development history, the potential for buried archaeological resources (including shipwrecks) to either occur or to be adversely affected by the Proposed Action is precluded. The Proposed Action would not affect listed, contributing, or eligible properties on the National Register. Consistent with Stipulation 8.A. of the CONBPL PA, the Proposed Action qualifies for a determination of "No Historic Properties Affected," in accordance with 36 Code of Federal Regulations (CFR) 800.4 (d)(1). The Corps will review the Navy's determination and make a determination under Section 106 of the NHPA per lead agency guidance.

**Endangered Species (ESA)**- The Navy as lead agency has initiated Section 7 consultation with NMFS for project impacts to the federally-listed as endangered green sea turtle (*Chelonia mydas;* GST) and received a letter dated June 3, 2019 from NMFS with an ESA determination that the project may affect but would not likely adversely affect GST. The work is to occur outside of September 15, 2019 to April 1, 2019 which is outside of the California Least Tern nesting season. The Corps will review the Navy's ESA determination and make our ESA determination.

**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 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 Pier 5000 and dredged material disposal at an appropriate site near NBPL, near San Diego Bay, in San Diego County, CA.

**Additional Project Information**

Baseline information- The project area is currently an existing submarine base within the northern portion of San Diego bay adjacent to an existing floating naval dry-dock (the ARCO Navy drydock), the existing naval submarine base, a U.S. Coast Guard station, naval marine mammal pens, the Navy Fuel Pier, other developed facilities and shoreline developments within the area. Depths within the dredge footprint currently vary from approximately -37 ft. MLLW to -40 ft. MLLW. The required operational depth for navigation and berthing of large current and future submarines is -42.5 ft. MLLW. Based on the current sea floor elevation, the proposed action would remove between 4 and 7 ft. of material from the dredge footprint, plus 2 ft. of overdredge. The project is scheduled to be dredged in September 2019 and is new construction.

The project area is largely a sandy substrate with eelgrass nearby. Previous dredging in this area identified approximately 15 or larger obstructions in the Pier 5000 dredging footprint that will need to be investigated and removed prior to the start of dredging. The Navy has researched historical documents and performed surveys with the latest available technology and has determined that the obstructions potentially consist of embedded creosote treated timber piling stubs approximately 25 feet long potentially remaining after demolition of mooring dolphin, concrete anchors – blocks and/or slabs, and other concrete rubble. No munitions or hazardous waste are expected.

The USCG maintenance dredged the Ballast Point facility in spring 2019 and placed the material on a naval facility nearby at Smugglers Cover at NBPL. The dredge material was placed at Smuggler's Cove beach to be used beneficially to support the restoration of the beach at Smuggler's Cove and the creation of shallow subtidal habitat with eelgrass. The Navy has also been permitted to build an artificial reef within Smugglers Cove which may start in the near future. The shallow subtidal habitat will be maintained in place by the construction of a reef from the recycled concrete piles from the NBPL Fuel Pier replacement project. The footprint of the south arm of the old Fuel Pier contains accreted sand and pile stubs from the structure recently removed which is causing navigation issues in board of the new Fuel Pier. The current dredge footprint provides two berthing locations for submarines to accommodate double-berthing. A Navy EA was processed and executed for this work and dredging was complete at the beginning of 2015 for Pier 5000 and the approach channel. Also the Corps maintains (dredging and disposal) and the Federal Channel project which is located just south of the project was previously dredged. Also the Corps and EPA approved the dredged material as suitable material under a suitability determination under the Inland Testing Manual via emails on June 4th and June 5th, 2019.

Project description- Dredging of the Pier 5000 site would meet the need for a new operational depth of -42.5 feet MLLW in new approach areas, with a potential additional 2 feet of allowed overdredge, to provide improved navigation and berthing for all classes of submarines and technological improvements. Previous historic depths that were maintained were less than 42.5 ft. MLLW with a wider approach and the size of the project has varied on the previous construction projects. The Navy will provide pre-construction environmental education to contract personnel to instruct on environmental resources within the project footprint and avoidance and minimization measures and permit conditions to be implemented to protect resources during construction.

All debris will be transported to, and disposed of at, an appropriate upland disposal site, or recycled, if appropriate. A barge-mounted clamshell bucket dredge or backhoe dredge would be used during dredging activities because both cause less turbidity than other dredging tools. No bottom stockpiling or multiple bites of the clamshell bucket will be allowed. The dredge bucket and scow will not be overfilled. Material will not be allowed to leak from the bins or the scow or overtop the walls of the barge/scow. The dredge bucket will be swung directly to the barge after it breaks the water surface

using the minimal swing distance. During offloading, metal spill aprons, upland spill control curbing and collection systems, and other spill control measures will be implemented. If a bucket is used, a dribble apron will be used. Surface booms, oil-absorbent pads, and similar materials will be maintained onsite to contain any sheen that may occur on the surface of the water during dredging. Prior to any bottom-disturbing activities, a pre-construction survey of the project area for *Caulerpa taxifolia* will be conducted and furnished to NMFS and the California Department of Fish and Wildlife (CDFW) in accordance with the *Caulerpa* Control Protocol (CCP). In the event that *Caulerpa* is detected within the project area, the Navy will not commence work until such time as the infestation has been isolated, treated, and the risk of spread eliminated.

The water depths in the dredge footprint as well as the proposed disposal site, Silver Strand Boat Lanes 8 and 9, are too deep to support eelgrass therefore no eelgrass surveys are proposed. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. Additionally, barges en route to disposal sites would operate at 3-4 knots.

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 Navy has stated that since the project is onsite new construction maintenance dredging the depth is based on the operational requirements of the submarine draft requirement. NBPL provides pier side berthing and support services for submarines of the U.S. Pacific Fleet. The two disposal areas are the best available disposal sites and would avoid any special aquatic sites. Pursuant to NAVSEA Memo 3120 Ser 39T236/088 and in order to support maximum utilization of pier facilities and accommodate the entirety of the current Navy fleet and future vessels, dredging of the transit and berthing areas at Pier 5000 are required to provide adequate clearance for all classes of submarine. No eelgrass or wetlands are onsite so no avoidance of these special aquatic sites is needed.

Minimization: No bottom stockpiling or multiple bites of the clamshell bucket will be allowed. The dredge bucket and scow will not be overfilled. Material will not be allowed to leak from the bins or the scow or overtop the walls of the barge/scow. The dredge bucket will be swung directly to the barge after it breaks the water surface using the minimal swing distance. During offloading, metal spill aprons, upland spill control curbing and collection systems, and other spill control measures will be implemented. If a bucket is used, a dribble apron will be used. Surface booms, oil-absorbent pads, and similar materials will be maintained onsite to contain any sheen that may occur on the surface of the water during dredging.

Compensation: The Navy is not proposing any compensatory mitigation as there is no eelgrass or wetlands are onsite so no avoidance of these special aquatic sites is needed.

**Proposed Special Conditions**

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

No special conditions are currently 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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**DEPARTMENT OF THE ARMY**
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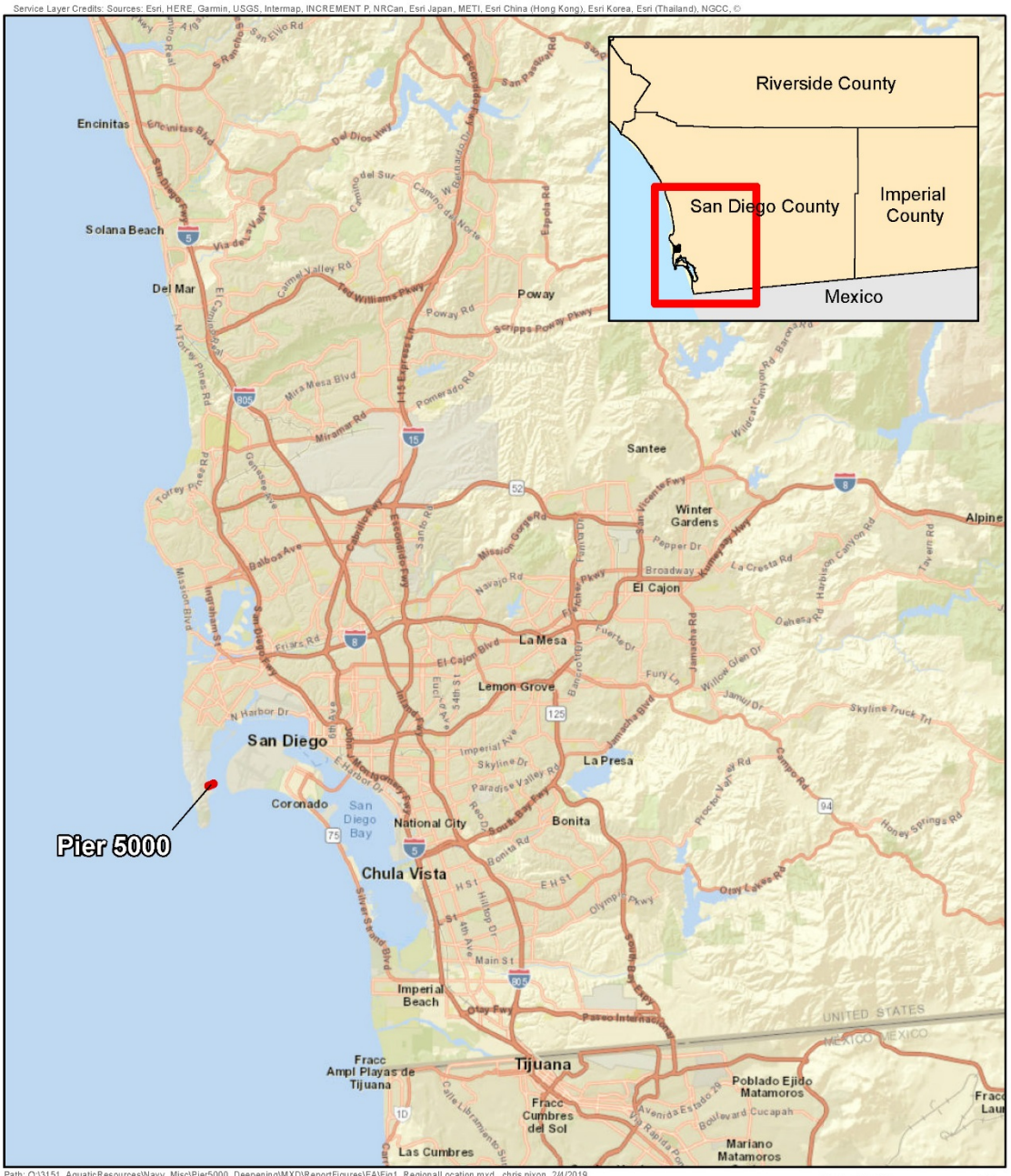
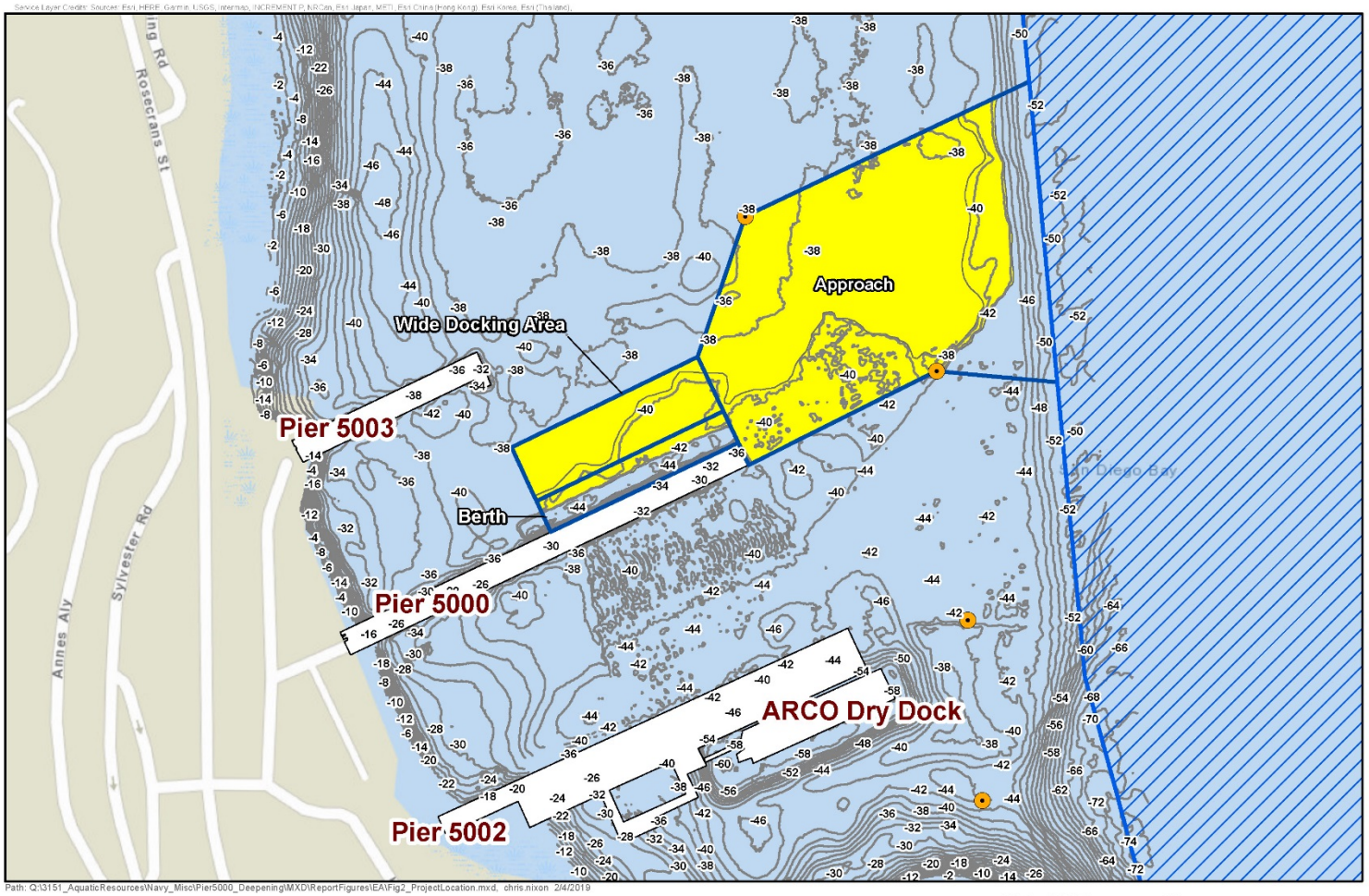



**FIGURE 1-1**
Regional Location
Pier 5000 North Side Outer Berthing and Approach Area Dredging Project
Naval Base Point Loma
San Diego, CA

1

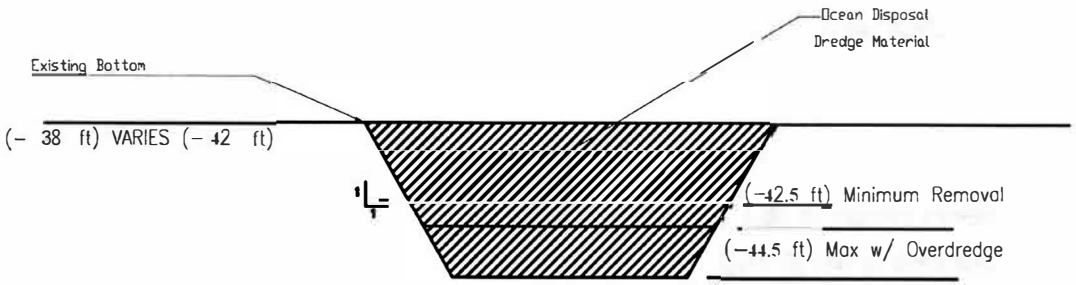



Notes: MLWW = Mean Lower Low Water, OD = Over Dredge

**FIGURE 2-1**

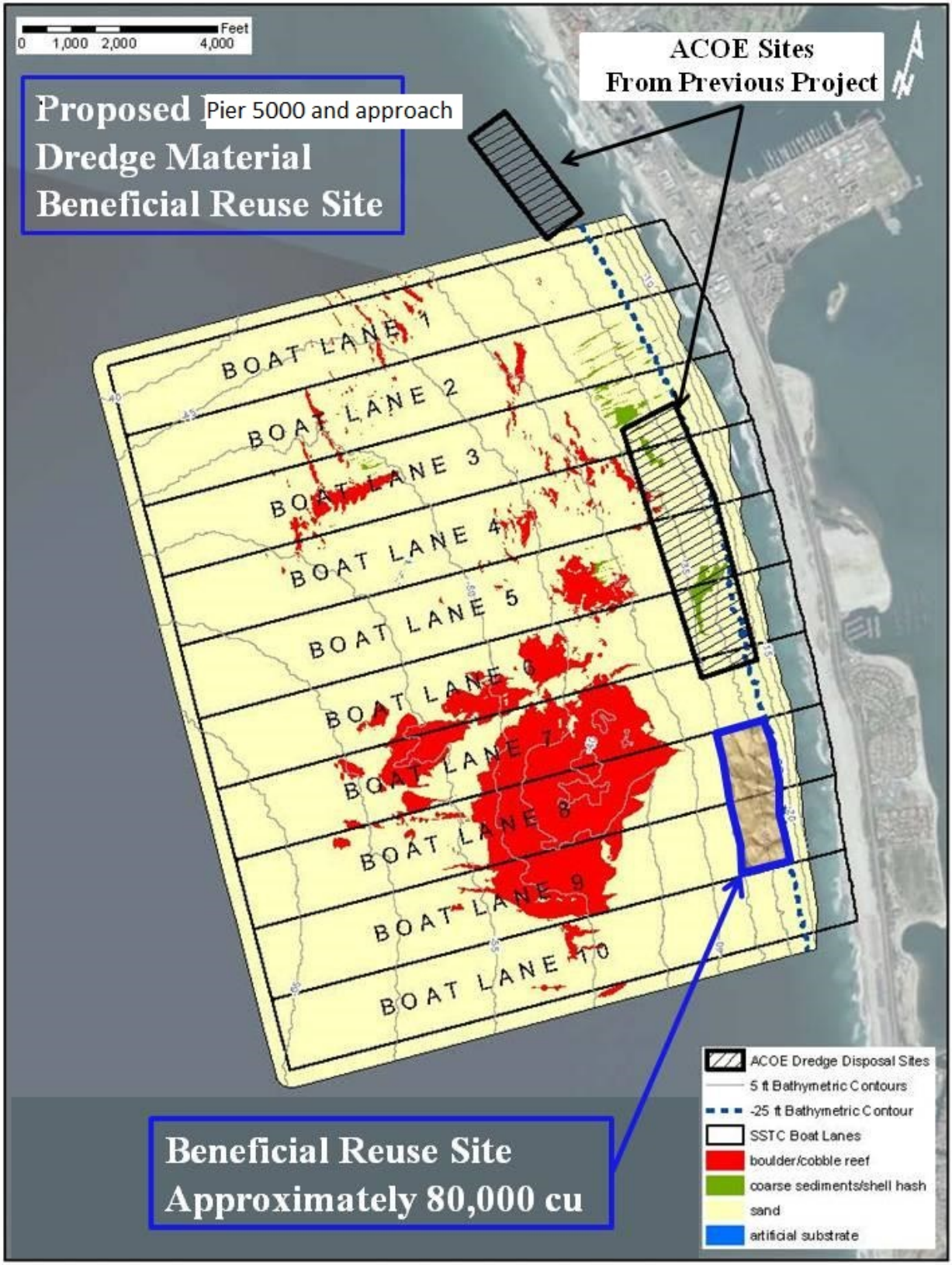
Project Location
Pier 5000 North Side Outer Berthing and Approach Area Dredging Project
Naval Base Point Loma
San Diego, CA

Pier 5000 Dredging Project, NBPL Design
depth: -42.5 ft MLLW




DESIGN DEVELOPMENT SUBMITTAL

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


Feet
0 1,000 2,000 4,000
ACOE Sites
From Previous Project
Proposed
Dredge Material
Beneficial Reuse Site
Pier 5000 and approach
BOAT LANE 1
BOAT LANE 2
BOAT LANE 3
BOAT LANE 4
BOAT LANE 5
BOAT LANE 6
BOAT LANE 7
BOAT LANE 8
BOAT LANE 9
BOAT LANE 10
Beneficial Reuse Site
Approximately 80,000 cu
ACOE Dredge Disposal Sites
5 ft Bathymetric Contours
-25 ft Bathymetric Contour
SSTC Boat Lanes
boulder/cobble reef
coarse sediments/shell hash
sand
artificial substrate

# Encountered obstructions in Area C-2

0 100 200 400 Feet

1:1200

N W E S

Pier 5000

CUT 4

CUT 5

Area A1 CUT 6

-39.3

CUT 7

-39.8 -39.8 -39.8

-40.8 -40.8 -40.8

-41.8 -41.8 -41.8

CUT 8

Area B1

-42.3

CUT 9

Area B2

CUT 10

Pier 5002

CUT 24 CUT 25 CUT 26 CUT 27 CUT 28 CUT 29 CUT 30 CUT 31

Area C2

-39.3

-39.3

Area A2

-42.3

-42.3

-42.3

CUT 21 CUT 20 CUT 19 CUT 18 CUT 17 CUT 16 CUT 15 CUT 14 CUT 13 CUT 12 CUT 11

Area B3

-42.3

CUT 1

CUT 2

CUT 3

CUT 22

-42.3

CUT 23

First area of Dredging Priority


Two Distinct Large Items
Separated by ~20m