



# PUBLIC NOTICE

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

**BUILDING STRONG®**

## **APPLICATION FOR PERMIT**

**Naval Fuel Pier Inboard Pile Removal and Dredging Project at Naval Base Point Loma (NBPL)**

**Public Notice/Application No.:** SPL-2021-00137-RRS

**Project:** Naval Fuel Pier Inboard Pile Removal and Dredging Project at Naval Base Point Loma

**Comment Period:** March 30, 2021 through April 30, 2021

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

---

### **Applicant**

Commander (CDR) James Alger  
US Navy NBPL Public Works Officer  
4635 Pacific Highway  
Building 1  
San Diego, California 92110

### **Contact**

Lisa Seneca  
(619) 705-5674  
Dept of Navy NAVFACSYSCOM  
750 Pacific Highway 12th Floor  
San Diego, California 92132

### **Location**

The Fuel Pier Inboard Pile Removal and Dredging Project (project) is located at Naval Base Point Loma (NBPL) in San Diego and is located on the northwest shore of the mouth of San Diego Bay in substrate within the city of San Diego, San Diego County, CA (at: 32.6999 N, -117.237217 W). Ocean disposal of the suitable dredged material will occur at the LA-5 ocean dredged material disposal site (LA-5 ODMDS) in the Pacific Ocean, CA 32 36.83' N, -117 20.67' W.

### **Activity**

The Fuel Pier Inboard Pile Removal and Dredging Project would perform maintenance dredging of sediment across a 5,074 square foot (sf) site at the inboard area of the NBPL Fuel Pier and subsequently transport the dredged material at the LA-5 ODMDS. The site would be dredged to increase water depth from depths of approximately -14 to -24 feet MLLW to -22.0 feet MLLW and an additional 2 feet of overdredge allowance (to -24 feet MLLW). Approximately 10,097 cubic yards (cy) would be dredged from the project. (see attached drawings). In addition to dredging, the project would include 1) clipping or cutting and then removing 409 pilings and any other obstruction (debris, relict pilings, concrete, etc.) on the seafloor in the vicinity of the former Pier 180 footprint and 2) disposal of this material to an upland site. For more information see Additional Project Information section below.

---

### **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.

**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. 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. The Navy as the lead Federal agency will be processing the Section 401 water quality certification/waiver through the new EPA 401 rule recently implemented in September 2020 along with supplemental guidance.

**Coastal Zone Management Act (CZMA)**- The Navy as the lead Federal agency and applicant will have to certify the proposed activity would comply with and would be conducted in a manner consistent with the CZMA as the project would affect the coastal zone. The Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain compliance with CMZA. The Navy has indicated that the project is integrally related to another project considered in a previous CZMA action (CD-011-13) thus, they are seeking a modification to the subject consistency determination to support this activity.

**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 is coordinating with NMFS for adverse impacts to EFH. Therefore, formal or informal EFH consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is required at this time.

**Cultural Resources**- The Navy, as the lead federal agency, has determined that the proposed action will not affect any historic properties. Consistent with the Processes for Review of Undertakings under Stipulation 6 [C] of the 2014 Naval Base Point Loma Fuel Pier Inboard Pile Removal Dredging Project Metro Area Programmatic Agreement (PA). The Proposed Action would be outside the 100 meter (328 feet) prescribed area of potential effects (APE) of identified historic properties. Accordingly, under Stipulation 8[A] of the Metro Area PA, the Navy has determined that the proposed undertaking meets the standard for a determination of "no historic properties affected" in accordance with 36 CFR 800.4(d)(1). The Corps will review the lead agency determination and complete our responsibilities under Section 106 of the National Historic Preservation Act. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** The Navy, as the lead Federal agency, has identified that the only Federally listed threatened or endangered species known to occur within the vicinity of the project area are the California least tern (CLT; *Sterna antillarum browni*) and green sea turtle (GST; *Chelonia mydas*). Pile removal and dredging activities have the potential to disturb sea turtles in the immediate vicinity near the Corps Federal channel just south of the project site because of vessel movement, pile removal and dredging-related noise, and water quality degradation. Therefore, the Navy has concluded that the project may affect, but is not likely to adversely affect, the green sea turtle. The Navy is conducting informal consultation with NOAA Fisheries for GST. The NBPL Fuel Pier project area is not located within a nesting or foraging area and in-water work will take place outside of the CLT nesting season of 15 April to 15 September. The Corps will review the lead agency determination and complete our responsibilities under Section 7 of the Endangered Species Act.

**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 navigation. 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 and adequate disposal to maintain existing use of the Navy Fuel Pier facility at NBPL in the city of San Diego, CA.

### **Additional Project Information**

**Baseline information-** The original Fuel Pier (or Pier 180) was completed in the early 1940s and the pier has been periodically upgraded since World War II with requirements for new vessels and seismic requirements, the old Pier 180 had become obsolete, and a new fuel pier was proposed to replace the aging Pier 180. In 2014, construction began on a new fuel pier that would meet the new vessel requirements of the Navy, as well as meet all seismic requirements. The new fuel pier construction was completed in 2017, and demolition of the old Pier 180 was completed in 2018. However, the area associated with the old Pier 180 remains too shallow (-11 feet at some points) for maneuvering of vessels on the inboard side of the new fuel pier.

The proposed project is necessary to support fueling operations at the newly constructed NBPL Fuel Pier. Fueling operations are currently impeded by shallow mooring depths and remnant pilings of the former Pier 180. During demolition, remnant pilings were cut at (or as close as possible to) the mudline, but the shallow area and remnant pilings continue to obstruct the passage and berthing of large vessels and maneuvering of tugboats. The Navy has conducted similar projects at this location in recent years including the Naval Base Point Loma Fuel Pier Replacement and Dredging Project,

which was started in 2013 and completed in 2018. During the demolition of the old NBPL Fuel Pier, the Navy was unable to fully extract all piles due to the depth to which the piles were entrenched in the sediment. Those piles will need to be removed during this effort to both remove the piles as obstructions within the area and to access the areas needed for dredging. The proposed project area has never supported eelgrass. The nearest known eelgrass is approximately 328 feet south of the closest point of the project area (Merkel & Associates, Inc. 2020a). A subaquatic vegetation (SAV) survey of the project area was completed in March 2020 and no eelgrass was identified (Merkel & Associates, Inc. 2020a, 2020b). A habitat survey was conducted in the fall of 2017, which identified the area to be dominated by silty mud and pier structures.

Project description– The Fuel Pier Inboard Pile Removal and Dredging Project would perform maintenance dredging of sediment over 1.05 acres (5,074 square foot) at the inboard area of the NBPL Fuel Pier. The site would be dredged to increase water depth from depths of approximately -14 to -24 feet MLLW to -22.0 feet MLLW and an additional 2 feet of overdredge allowance (to -24 feet MLLW). Approximately 10,097 cubic yards (cy) would be removed from the project area. Dredging would be performed using a clamshell bucket or backhoe dredge. The Navy has completed compliance with the Ocean Disposal Manual (ODM) consultation with the Corps and EPA regarding bulk sediment sampling conducted in May 2020 and December 2020. Based on the results of the bulk sediment tests, the dredged material was approved in a Sampling and Analysis Plan (SAPr) as suitable for unconfined aquatic disposal (SUAD) at the LA-5 Ocean Dredged Material Disposal Site (ODMDS) in December 2020.

In addition to the dredging, the project would include pile removal with clipping or cutting and then removing 409 pilings (13-inch plastic (12 piles), 14-inch concrete fenders (56 piles), and 16-inch concrete (341 piles)) that would be removed by large pile clippers, underwater chainsaw/saws, and diamond wire saw, and any other obstruction on the seafloor. Removal of all 409 piles (predominantly 16-inch square concrete piles) would occur within an approximately 6-month period.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance:** Since the project is a maintenance dredging activity then other various alternative for the maintenance dredging that would avoid impacts were not evaluated due to onsite need to maintain operational depths at the naval facilities. For the disposal options the Corps has consulted under the ODM with EPA regarding the volume and location for discharge of the material suitable for ocean disposal and most of the material was determined to be suitable for ocean disposal as well as nearshore disposal. Also, with the implementation of the proposed measures (turbidity and water quality monitoring, use of turbidity curtains or booms, monitor for listed species with work cessation, pre-construction contractor education, and spill kits), dredging and disposal activities would avoid impacts to listed species.

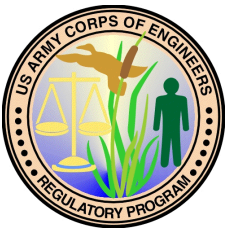
**Minimization:** Permittee shall ensure no debris, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States. Every reasonable and practical effort shall be employed to minimize any accidental release into waters of the U.S. Spill kits and cleanup materials will be present during construction, should there be an accidental spill or release of debris, construction materials, etc.

Compensation: All the dredging will occur in un-vegetated deep-water substrate that has been previously impacted by historic dredging and fuel pier construction and pile removal, vessel groundings and propeller wash, and anchoring impacts and no mitigation is currently proposed except for compliance with the California Eelgrass Mitigation Policy (CEMP). Eelgrass monitoring, per CEMP, will occur and if any impacts do occur to eelgrass then the Navy will utilize their existing eelgrass bank to mitigate the impacts.

### **Proposed Special Conditions**

The Corps is not proposing any special conditions 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.

---

**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



Path: Q:\3151\_AquaticResources\SanDiegoMaintenanceDredging\MXD\ReportFigures\2020\NBPL\_InnerBerths\_FuelPier\SAP\Fig1-2a\_ProjectLocation.mxd, aaron.johnson 2/18/2020

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

-  Buoy
-  Berthing and Transit Area
-  Dredge to -22 MLLW Plus OD Allowance
-  Bathymetric Contour

1 inch = 300 feet  
0 150 300 Feet



## FIGURE 1

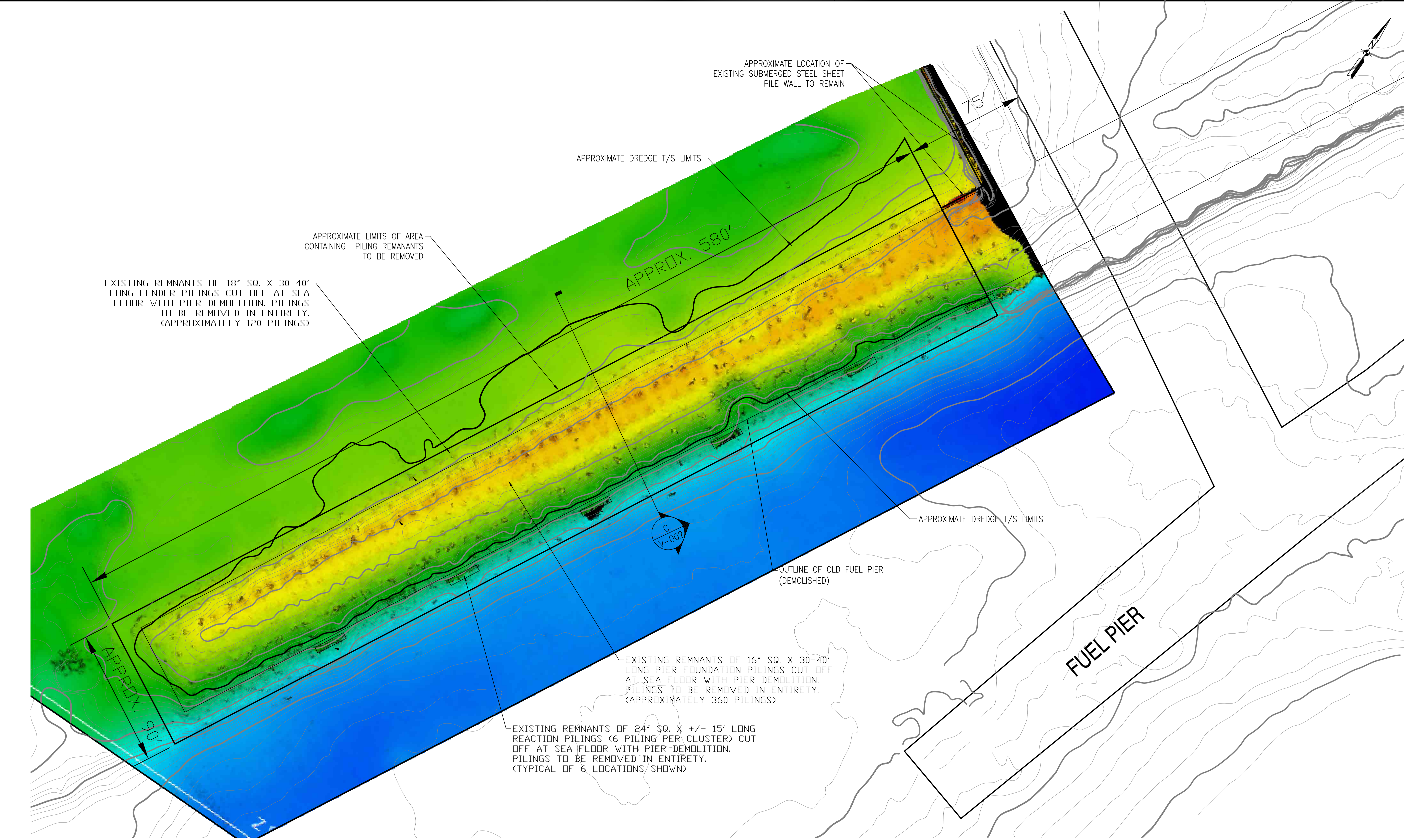
Project Location  
Navy Base Point Loma Fuel Pier Inboard  
Pile Removal and Dredging  
San Diego Bay, CA



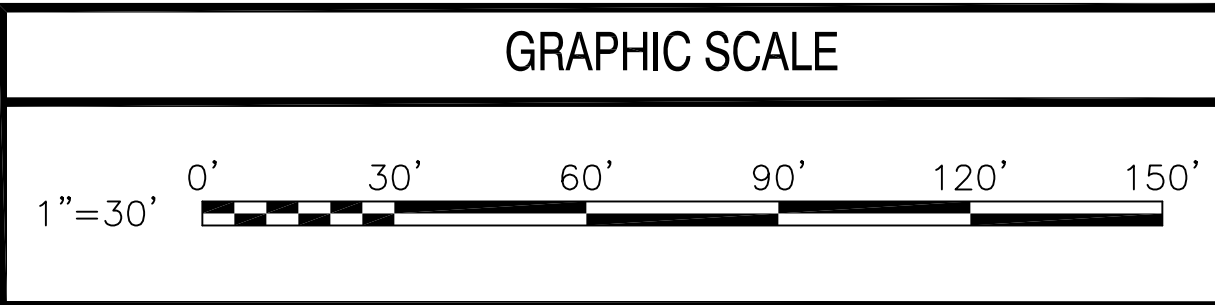




FILE NAME: D:\VSGeorgia\_Documents\NB Point\_Loma\_FY19\_Dredging\_Pier\_5000\_W00\1611904\00\WPB\_FY19\_Dredging\_Pier\_5000.dwg LAYOUT NAME: V-103 Old Fuel Pier Demo PLOTTED: Monday, April 08, 2019 - 9:42pm USER: james.georgio



- NOTES:
1. DEPTHS ON THIS SHEET REFER TO NOAA MEAN LOWER LOW WATER DATUM (MLLW).
  2. SOUNDINGS SHOWN ARE FROM A HYDROGRAPHIC CONDITION SURVEY CONDUCTED IN AUGUST 2018.



SYMBOL		DATE		APPROVED	
DESCRIPTION					
APPROVED BY					
CL-CORE HYDRO TEAM SUPERVISOR					
APPROVED					
JAMES E. DONAHUE, R.A. DESIGN PRODUCTION DIRECTOR FOR COMMANDER NAVFAC					
APPROVED					
XXXXXXXXXXXXXX ACTIVITY - SATISFACTORY TO DATE					
PROJECT MGR BRIAN P. SNYDER					
DES JSG   DRW JSG   CHK JSG					
FIRE PROTECTION N/A					
BRANCH MGR DEBORAH L. BREWSTER, PE					
CHIEF ENG/ARCH ERIC J. ALLEN, PE					
DEPARTMENT OF THE NAVY NAVAL FACILITIES ENGINEERING COMMAND CAPITAL IMPROVEMENTS CORE - HYDROGRAPHIC ENGINEERING TEAM		NAVAL STATION - NORFOLK, VIRGINIA NAVAL BASE SAN DIEGO		SAN DIEGO, CA	
FY19 MAINTENANCE DREDGING NAVAL BASE POINT LOMA, SAN DIEGO, CA		OLD FUEL PIER PILING REMNANT REMOVAL PLAN			
CODE ID. NO. 80091		SIZE D			
SCALE: AS NOTED					
MAXIMO NO.					
JOB ORDER NO.					
WORK ORDER NO. 1611904					
CONSTR. CONTR. NO.					
NAVFAC DRAWING NO. XXXXXXXX					
SHEET 5 OF 5					
V-103					
DRAWFORM REVISION: 2 FEB 2011					