



# PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT  
Piers 5000 & 5002 Inner Berths Dredging Project at Naval Base Point Loma (NBPL)**

**Public Notice/Application No.:** SPL-2021-00138-RRS

**Project:** Piers 5000 & 5002 Inner Berths Dredging Project at NBPL

**Comment Period:** April 5, 2021 through May 6, 2021

**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**

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**Contact**

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**Location**

Dredging project is located at NBPL (Figure 1-2b) in the northern part of San Diego Bay at the naval Pier 5000 and 5002 facilities near the Corps Federal Channel within the city of San Diego, San Diego County, CA (Latitude: 32.6891 N, -117.238083 W). The nearshore disposal area is located at the Silver Strand Training Complex Naval Base Coronado Replenishment Site in the nearshore area just offshore in the Pacific Ocean. (Figure 1-4).

**Activity**

Project includes maintenance dredging of sediment across a 6.66-acre (290,133-square foot [sf]) site located at the NBPL Pier 5000 North Inner Berth (100,008 sf), Pier 5000 South Inner Berth (106,740 sf), and Pier 5002 North Inner Berth (83,385 sf) and subsequently place sediment off-site at the Silver Strand Boat Lanes in water depths between -25 to -35 feet MLLW. The site would be dredged to increase water depth currently between approximately -30 and -37 feet MLLW to the maintenance depth of -36.6 feet MLLW plus a 2-foot overdredge allowance (to -38.6 feet MLLW). Approximately 24,306 cubic yards (cy) of sediment would be removed for the project. Dredging will be performed using a clamshell or backhoe dredge in association with Piers 5000 & 5002 Inner Berths Dredging Project at Naval Base Point Loma (see attached drawings). For more information see Additional Project Information section below.

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## **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.

**Coastal Zone Management Act (CZMA)**- The Navy is the lead federal agency for CZMA and has coordinated with the California Coastal Commission (CCC) for CZMA authorization and has received a concurrence from the CCC that the project complies with the CZMA and would be conducted in a manner consistent with the approved State Coastal Zone Management Program.

**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 within the proposed project area. The proposed project is located within an area designated as EFH for two Fishery Management Plans (FMPs): The Pacific Groundfish and Coastal Pelagics FMP's (Pacific Fishery Management Council [PFMC] 1998a, 1998b). According to the Navy adverse impacts to EFH managed species are not anticipated. Impacts to EFH managed species would likely disperse from the area due to daily operational vessel mooring activity and temporary construction work proposed. According to the Navy NMFS has previously determined that the chance of injury or death from interactions with mechanical clamshell and/or hydraulic dredging equipment is discountable as these species are highly mobile and are likely to avoid the project area. The intertidal and sub-tidal habitat has historically supported shorebird foraging. Eelgrass beds are found extensively throughout the bay, providing significant habitat and supporting juvenile and adult fish populations throughout the bay, with nearly twice as many individual fish and fish species found over eelgrass beds than in non-vegetated areas (U.S. Navy 2000-8). Eelgrass is not found at the proposed work site. Eelgrass surveys will be conducted prior to any in water work activities. The Navy subject matter expert has determined that no adverse effects to essential fish habitat (EFH) or special aquatic sites (SAS i.e.,

eelgrass) will occur. The Corps will review the Navy's lead agency determination under EFH regulations and review and adopt as necessary.

**Cultural Resources-** The Navy is the lead agency for compliance with Section 106 of the National Historic Preservation Act and maintains that there will be no effect on historic properties since none exist within the project area. 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 determination per lead agency guidance and review and adopt as necessary.

**Endangered Species (ESA)-** The Navy is the lead federal agency for ESA and is coordinating with for impacts to the federally-listed as endangered green sea turtle (*Chelonia mydas*; GST) and the federally-listed as endangered California least tern (*Sterna antillarum browni*; CLT) as necessary. The proposed project is within the formal California Least Tern foraging area delineated under the current Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service (USFWS) and the U.S. Navy concerning the CLT in San Diego Bay, California. No turbidity or work that would increase in-water noise activities are proposed during the least tern breeding season. Bay coverage will not increase because of the proposed action. The project shall be planned to occur outside the CLT nesting season (April 1 through September 15). If the project occurs during the nesting season, per the requirements of the MOU, the project will incorporate measures to minimize potential effects to terns and notify the USFWS of the project per the conditions of the MOU.

In reference to GST the Navy maintains that the piers are near shore within NBPL, in the northern part of San Diego Bay. It is not likely that any sea turtles will be encountered as they are not likely to be present in the project area. While it is possible that turtles could be transiting in/out of San Diego Bay past Point Loma, it is reasonable to assume that transiting turtles are more apt to be swimming in the water column and not immediately along the shore within the confines of NBPL and the active working waterfront, and therefore, are not likely to be injured or disturbed by project activities. As an added precaution, the Navy will employ avoidance and minimization measures to avoid adverse effects to Green Sea Turtles. These mitigation measures included visual monitoring of the project area at least 15 minutes prior to commencement and during the initial stages of project activities, as well as after a break of more than 30 minutes in project activity. If GST is observed prior to or during corresponding activities, activities will not begin or continue until at least 15 minutes has passed since the last sighting. The Corps will review the Navy's lead agency determinations under ESA and review and adopt as necessary.

**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 Pier 5000 and Pier 5002 facility at NBPL in the city of San Diego, CA.

### **Additional Project Information**

#### **Baseline information-**

The Navy has undergone consultation with the Corps and the EPA regarding bulk sediment sampling and testing within the berthing areas described above to support disposal of the dredge material. Sediment cores were collected in May 2020. Based on bulk sediment testing, the dredged material was determined to be suitable for unconfined aquatic disposal (SUAD), and specifically, nearshore placement disposal, by the Corps and EPA in December 2020. Bathymetry surveys were performed in 2019 and compared to current operational needs, design depths, and previous dredging data. The NBPL Pier 5000 and 5002 inboard areas were shown to not meet the previous design depths and operational requirements. The installation, along with assistance from Port Operations, determined that these areas required maintenance dredging. The purpose and need of the project is to provide an operational depth of -36.6 ft MLLW at the Inner Berths of Piers 5000 and 5002 to adequately accommodate current and future berthing of Virginia-class submarines at these locations. The completion of this project would further the Navy's ability to train and equip combat-capable naval forces ready to deploy worldwide. Current depth conditions at the Pier 5000/5002 Inner Berths do not meet these clearance requirements. The project is expected to last up to 45 days.

Due to the accumulation of sediments within existing berthing areas at NBPL, specifically the inshore areas, maintenance dredging is proposed. The approximately 24,306 cy of proposed dredged material was approved for placement by the USACE and USEPA in the nearshore area (not directly on the beach) of the Navy-owned Silver Strand Boat Lanes located ~6 miles from the project site. The purpose of the placement of dredged sediment at a nearshore replenishment site is to facilitate beneficial reuse of the sediment at the Silver Strand Training Complex- Naval Base Coronado Beach. The Navy may also choose to dispose of the dredged material at the LA-5 ODMDS and the Corps and EPA have approved the ODM compliance per the Corps and EPA suitability determination. The round-trip duration from the dredging site the placement area would be approximately 10 to 12 hours. Barges would be equipped with electronic tracking devices to document that material releases occurred within the disposal site boundaries.

**Project description-** The Piers 5000 & 5002 Dredging Project would make use of a barge-mounted clamshell bucket or clamshell dredge that would be used during dredging activities which would cause less turbidity than other dredging tools. The project would allow maintenance dredging of suitable sediments (tested per the ITM ) over a deep-water dredging area at the inner berths area of 6.66-acre (290,133-square foot [sf]) located at the NBPL Pier 5000 North Inner Berth (100,008 sf), Pier 5000 South Inner Berth (106,740 sf), and Pier 5002 North Inner Berth (83,385 sf) for berthing of naval vessels just north of the Corps Federal channel shown in Figure 1-2b. The site would be dredged to increase water depth currently between approximately -30 and -37 feet MLLW to the maintenance depth of -36.6 feet MLLW plus a 2-foot overdredge allowance (to -38.6 feet MLLW). Approximately 24,306 cubic yards of sediment would be removed for the project. The dredged material would then

be barge hauled and discharged at the nearshore area of the Silver Strand Boat Lanes (Figure 1-4) in water depths between -25 to -35 feet MLLW.

**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. 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 shallow to mid deep-water water substrate that has been previously impacted by historic dredging and pier construction and pile removal, vessel groundings, 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 has not proposed 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.

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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)

## Project Location

San Diego County

Imperial  
County

Mexico

Santee

View

Broad

Dr.

18

10

Army

Def

10

Ave - A

on.mxd, aarc

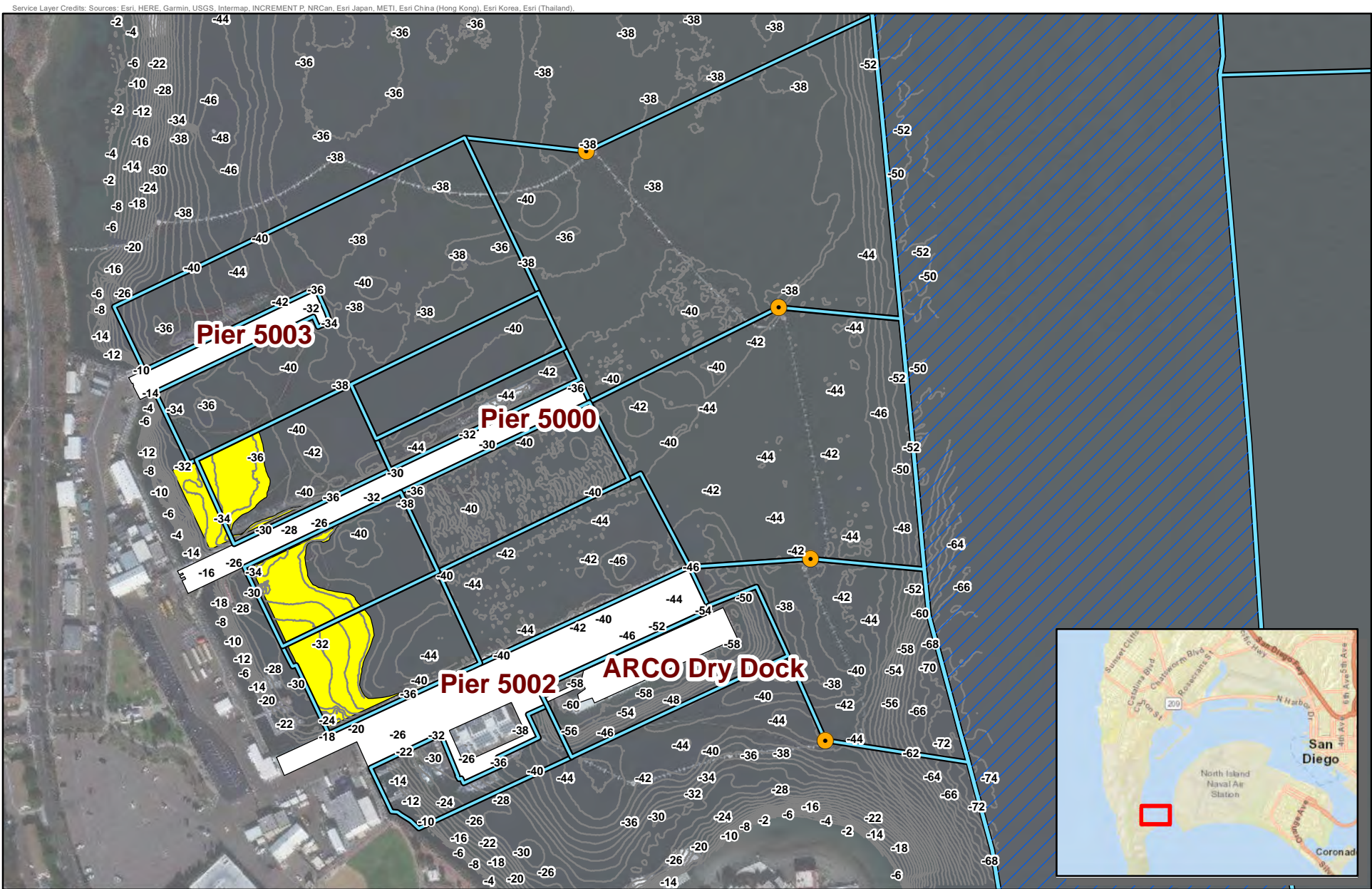
Fuel Pi

1 inch = 5 miles

0 2.5 5 Miles



Regional Location  
Navy Base Point Loma Maintenance Dredging  
Fuel Pier, Pier 5000, and Pier 5002 Inboard Areas  
San Diego Bay, CA



Path: Q:\3151\_AquaticResources\SanDiegoMaintenanceDredging\MXD\ReportFigures\2020\NBPL\_InnerBerths\_FuelPier\SAP\Fig1-2b\_ProjectLocation.mxd, aaron.johnson 2/12/2020

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

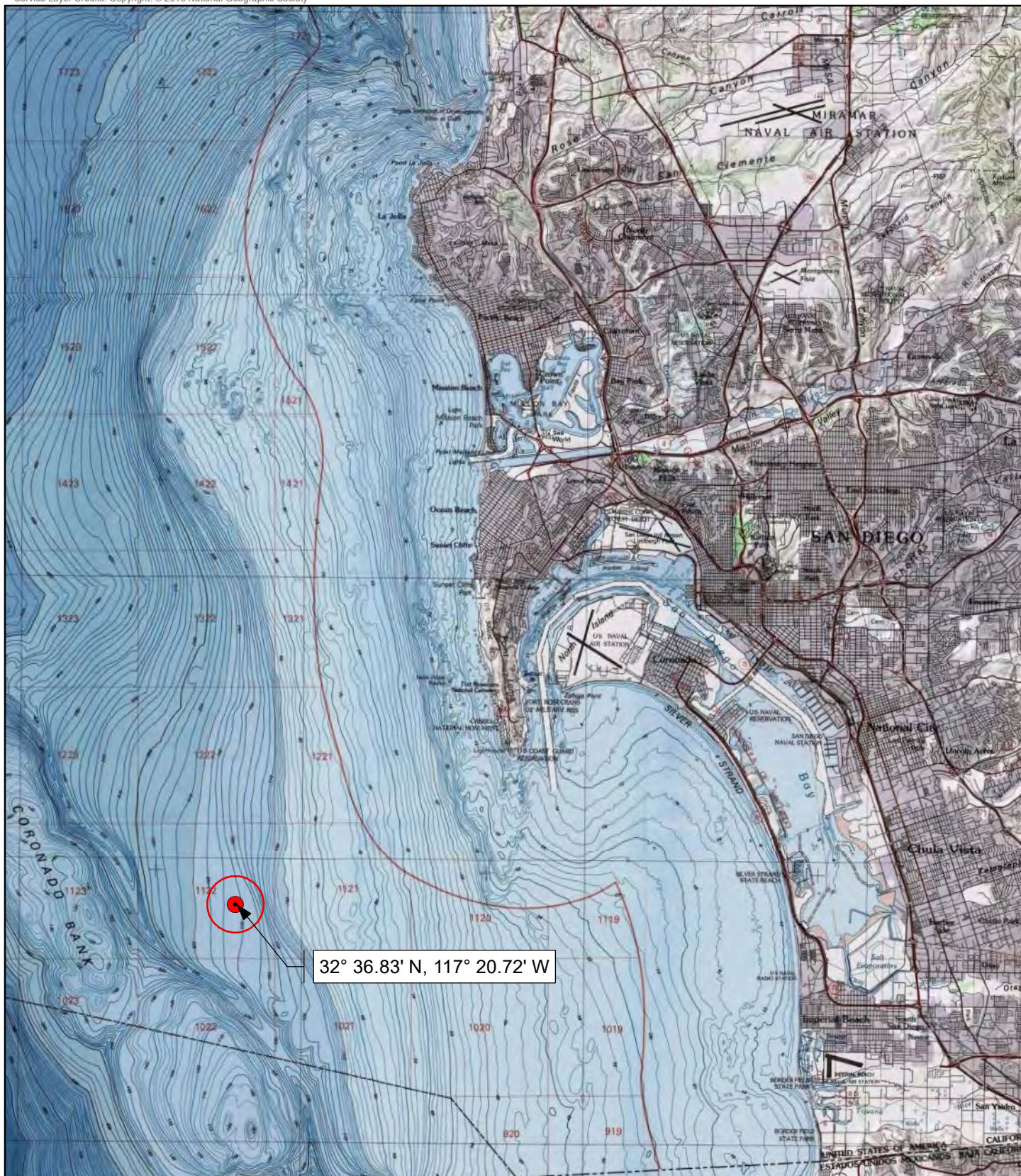
- Buoy
- ▭ Berthing and Transit Area
- ▨ Federal Navigation Channel (USACE)

- ▭ Dredge to -36.6 MLLW Plus OD Allowance
- Bathymetric Contour

1 inch = 350 feet  
0 175 350 Feet

**FIGURE 1-2b**

Project Location  
Navy Base Point Loma Maintenance Dredging  
Pier 5000 and 5002 Inboard Areas  
San Diego Bay, CA



Path: Q:\3151\_AquaticResources\SanDiegoMaintenanceDredging\MXD\ReportFigures\2020\NBPL\_InnerBerths\_FuelPier\SAP\Fig1-3\_LA-5.mxd, aaron.johnson 2/18/2020

1 inch = 3 miles  
0 1.5 3 Miles



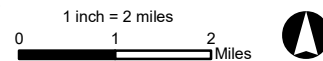
- LA-5 Disposal Site
- Buffer (1,000 Meters)

## FIGURE 1-3

Location of LA-5 Ocean Dredged Material Disposal Site  
Navy Base Point Loma Maintenance Dredging  
Fuel Pier, Pier 5000, and Pier 5002 Inboard Areas  
San Diego Bay, CA



Path: Q:\3151\_AquaticResources\SanDiegoMaintenanceDredging\MXD\ReportFigures\2020\NBPL\_InnerBerths\_FuelPier\SAP\Fig1-4\_BeneficialReuseSites.mxd, aaron.johnson 2/18/2020



- Beneficial Reuse Site
- Federal Navigation Channel
- Naval Base Point Loma Installation Boundary

## FIGURE 1-4

Potential Beneficial Reuse Option  
Navy Base Point Loma Maintenance Dredging  
Fuel Pier, Pier 5000, and Pier 5002 Inboard Areas  
San Diego Bay, CA