PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
Scripps Institution of Oceanography Marine Facility Maintenance Dredging Project

Public Notice/Application No.: SPL-2021-00477-MER
Project: Scripps Institution of Oceanography Nimitz Marine Facility Maintenance Dredging Project
Comment Period: October 28, 2021 through November 27, 2021
Project Manager: Max Roseman; (760) 602-4832; Max.E.Roseman@usace.army.mil

Applicant
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Location

The proposed work would take place within the Scripps Institution of Oceanography (SIO) Nimitz Marine Facility (MarFac) within the approach channel at the pier and berthing wharf in San Diego Bay, in the City of San Diego, San Diego County, California (Figure 1) at latitude 32.705490, longitude -117.234730.

Activity

The proposed project would include dredging of approximately 10,200 cubic yards of sediment within 5.4-acres of Navigable waters of the United States, the San Diego Bay, for the purpose of maintaining adequate navigational and vessel berthing depths. Implementation of the proposed project would not change or expand the existing use. Dredging at SIO MarFac would not exceed a depth of -22 feet mean lower low water, plus 2 feet of over-dredge allowance (Figures 2 and 3). Dredged sediment would be transported from SIO MarFac and would be disposed of at the Coronado Beach nearshore disposal site located on (Figure 4).

Submittal of Public Comments

Interested parties are hereby notified that 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 U.S. Army Corps of Engineers (Corps) Regulatory Division, you will 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 as is, issued with special conditions, or denied under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marina Protection 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: Max.E.Roseman@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Max Roseman directly at (760) 602-4832.

The mission of the Corps 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 first to avoid and then to 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 that may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that 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, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, the general 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 U.S. Environmental Protection Agency Guidelines (40 Code of Federal Regulations [CFR] Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps 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

Environmental Impact Statement (EIS) Determination: The Corps' preliminary determination indicates that 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 prior to permit issuance.

Coastal Zone Management: The proposed project would require Coastal Zone Management Act (CZMA) consistence concurrence from the California Coastal commission (CCC), prior to issuing the Corps authorization for the project. The U.S. Navy (USN), as the lead federal agency for CZMA consistency, has determined that the proposed project is consistent with the CZMA and has requested concurrence with the determination from the California Coastal Commission. The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program

Cultural Resources: The Corps' preliminary determination indicates the proposed project would have little likelihood to affect historic properties, pursuant to 33 CFR 325 Appendix C (b)(3) (1). Further, ground disturbance would occur from dredging, within areas that have been extensively modified by previously dredging projects.

Endangered Species: The Corps' preliminary determinations indicate the proposed action may potentially affect federally listed endangered or threatened species, or their critical habitat. Therefore, the Corps would initiate consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, pursuant Section 7 of the Endangered Species Act.

Essential Fish Habitat: The Corps' preliminary determination indicates the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the MSA, the Los Angeles District will be requesting initiation of EFH consultation for the proposed project.

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). 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 specifically describes the applicant's goals for the project, and that allows a reasonable range of alternatives to be analyzed. The overall project purpose is to conduct dredging to maintain existing use of the dry dock facility.

Additional Project Information

Baseline Information: MarFac serves as the home port for SIO's oceanographic research fleet. It is approximately 6 acres in size and includes administrative offices, machine shops, instrument repair and calibration facilities, scientific staging areas, a pier, and a wharf. SIO MarFac is located on 5.8 acres of waterfront property near the La Playa area of Point Loma.

Project Description:

The University of California, San Diego (UCSD), is proposing to conduct maintenance dredging of approximately 10,200 cubic yards of sediment within 5.4-acres of Navigable Waters of the United States, at SIO MarFac within the San Diego Bay. The proposed project has been designed at a depth of -22 feet mean lower low water, plus 2 feet of over-dredge allowance. The method of sediment removal include using mechanical dredging equipment (i.e. crane or derrick mounted on flat-deck barge), attached with a clamshell bucket. Dredged sediment would be loaded onto a dies-powered bottom dump barge for transport to the Coronado Beach nearshore disposal site. The nearshore disposal site is part of the Silver Strand Littoral Cell and is located on the Pacific Oceanside side of the Coronado Peninsula, which is property owned and managed by the United States Navy. Nearshore placement site range from -20 and -35 MLLW. Construction is anticipated to commence March 2022 and would take approximately 2 month to complete.

The project Sampling and Analysis plan was submitted to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the San Diego Regional Water Quality Control Board on November 23, 2020. A Sampling and Analysis Report was completed on June 15, 2021. A determination of sediment suitability was issued by the appropriate agencies on August 6, 2021.

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 proposed project to comply with the 404(b)(1) Guidelines.

Based on the results of a harbor-wide eelgrass and *Caulerpa taxifolia* survey conducted in 2020, no eelgrass or *Caulerpa taxifolia* were identified within the project area. Eelgrass impacts are not anticipated to occur as a result of the proposed project.

Avoidance: Because the proposed project is situated within waters of the United States, avoidance of impacts to waters of the United States is not feasible.

Minimization: The project has been designed as the minimum necessary in order to achieve the overall projects purpose. A list of best Management Practices (BMPs) is provided below.

Compensation: No loss of waters of the U.S. are anticipated to occur. The Corps preliminary determination indicates no compensatory mitigation would be required.

Best Management Practices: The applicant has proposed the following BMPs that would be used to minimize any potential impacts to the waters of the United States:

General BMPs are as follows:

- All new mooring and anchoring operations will be placed in areas in which suitable submerged aquatic vegetated habitat is absent, when possible. For all mooring and anchoring operations, environmentally sensitive options (e.g., cyclone moorings that prevent chain swinging, elastic lines instead of long chains, and mooring anchors with midline floats to prevent chain scour), will be implemented to the greatest extent practicable.
- Anchors will be "flown" to locations and recovered vertically (reduces bay bottom resuspension).
- Anchors will be lowered and recovered slowly (reduces bay bottom resuspension).
- Barge spuds will be slowly recovered during barge movement (reduces bay bottom resuspension).
- Discharge of oil, fuel, or chemicals to waters of the state is prohibited; therefore, less hazardous materials (e.g., vegetable oil) shall be used when practicable.
- Debris will be transported to an appropriate upland disposal site or recycled, if appropriate. The release of debris into the water will be controlled by the use of surface booms and other methods, as appropriate.
- Onboard refueling will be minimized and will be from tanks with containment curbs to minimize any oil spill potential.
- During refueling, sorbet material will be placed under the receiving tank to minimize any oil drips or spills.
- Onboard spill response equipment will consist of oil spill kits containing sorbent pads and a deployable containment boom, sufficient to recover large spills.
- All materials will be stored using BMPs, such as tarping, to be used in the event of inclement weather.

Dredging BMPs are as follows:

- During dredging, a floating silt curtain may be used to minimize turbidity outside the dredging area.
- Water quality monitoring will be conducted during the first week of dredging until 3 consecutive days of compliance are witnessed. Thereafter, water quality monitoring will be conducted once per week during dredging activities.
- Turbidity, dissolved oxygen, and pH will be monitored to ensure that construction activities adhere to the water quality requirements stipulated by the Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification.

Biological resources BMPs are as follows:

- UC San Diego will instruct its contractors and all personnel associated with the proposed action of the potential presence of protected species and the need to maintain a 20-meter buffer to avoid collisions with sea turtles and marine mammals. All construction personnel are responsible for observing water-related activities for the presence of these species and have the authority to stop work if a protected species is observed.
- Prior to commencement and during all stages of project activities, visual monitoring for the presence of sea turtles and marine mammals in the project area will be conducted. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or marine mammal is seen within a 20 meter radius of the equipment. Activities may not resume until the protected species has departed the proposed action area of its own volition and is at least 130 meters from the project activities and within the 500 meters observation zones or has not been sighted for 15 minutes. If in-water project activities are stopped for 30 minutes or more, a 15-minute survey will take place prior to re-starting any new in-water activities.
- UC San Diego shall advise its contractors and all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or marine mammals, which are protected under the Endangered Species Act and the Marine Mammal Protection Act.
- UC San Diego will immediately contact the NMFS Southwest Science Center Local Stranding Coordinators, Kerri Danil and Erin LaCasella, at 858-546-7162 in the event of a collision between any watercraft or equipment used during the proposed action and a sea turtle or marine mammal.
- All vessels associated with the proposed action 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 4-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- All vessels transporting dredged material will operate at speeds of 10 knots or less during transit to the Coronado Beach nearshore disposal site to reduce the potential for injury to green sea turtles and marine mammals.
- For any dredging completed between March 31 and September 15, the following conservation measures would be implemented to minimize impacts to nesting and foraging for California least terns and Western snowy plovers:
  - UC San Diego or its contractor shall retain a qualified biologist to conduct monitoring within 500 feet of construction activities. The contractor will delay commencing work if California least terns or Western snowy plovers are present and actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to either species occur (e.g., agitation or startling during foraging activities), the contractor will cease construction until the individuals have left the project site.
  - The contractor shall deploy a turbidity curtain around the dredging areas (see curtain description under Dredging BMPs) to restrict the surface visible turbidity plume to the area of construction and dredging and to minimize the area of the bay in which visibility of prey by California least terns and Western snowy plovers is obstructed.
- Consistent with the California Eelgrass Mitigation Policy, a pre-construction eelgrass and *Caulerpa taxifolia* survey shall be performed in the proposed action area 30 to 60 days prior to commencement of proposed repair activities; a post-construction survey shall be performed if eelgrass is located during the pre-construction survey.

Proposed Special Conditions

No special conditions are proposed at this time.

For additional information, please call Max Roseman at (760) 602-4832 or via e-mail at Max.E.Roseman@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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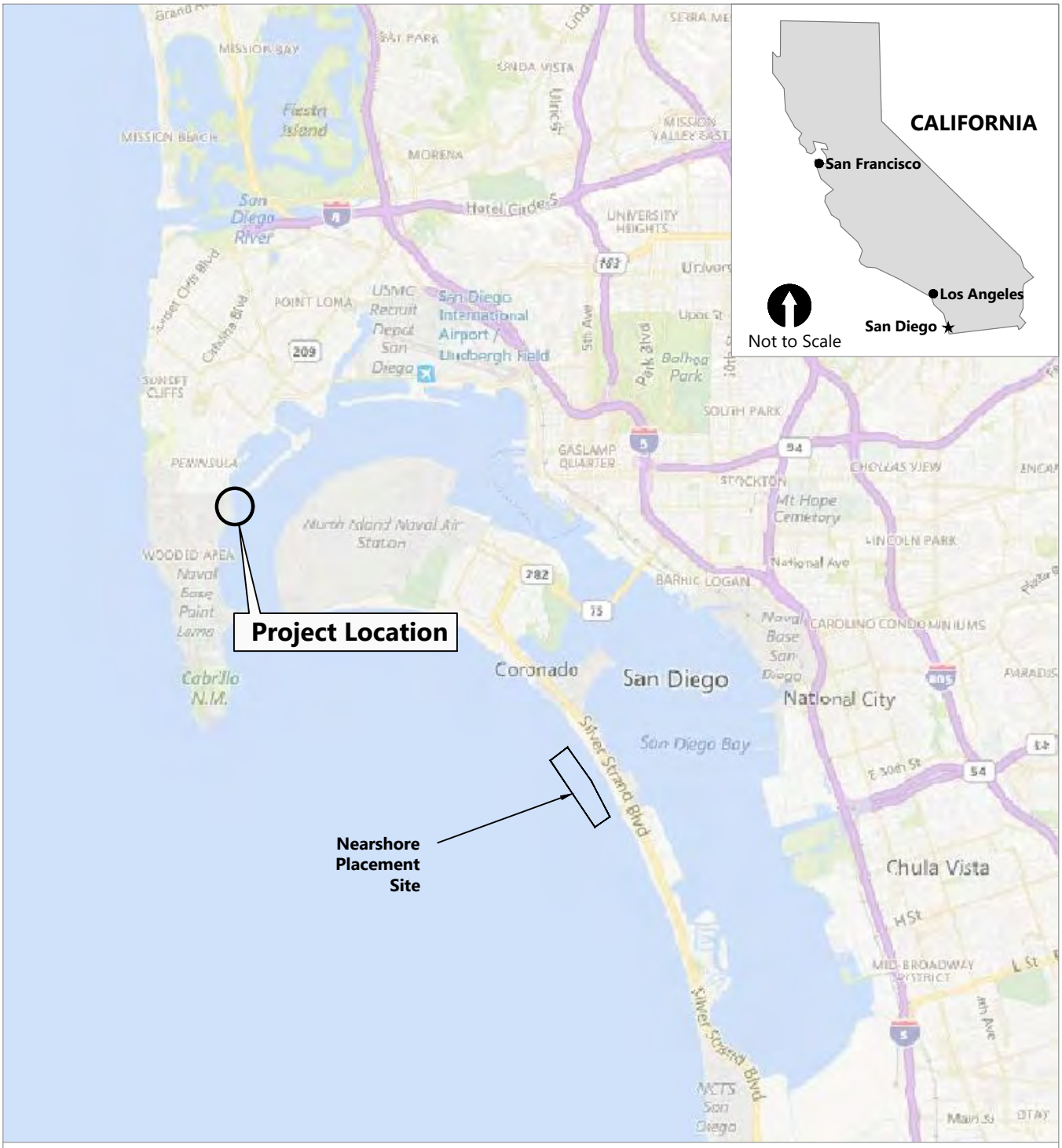

SOURCE: Basemap provided by Bing maps.
HORIZONTAL DATUM: California State Plane, Zone 6, North American Datum of 1983 (NAD83), U.S. Survey Feet

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Filepath: K:\Projects\0685-University California San Diego\UCSD SIO Marfac Dredge\0685 RP-003 VIC.dwg Figure 1

ANCHOR QEA

Figure 1
Vicinity Map

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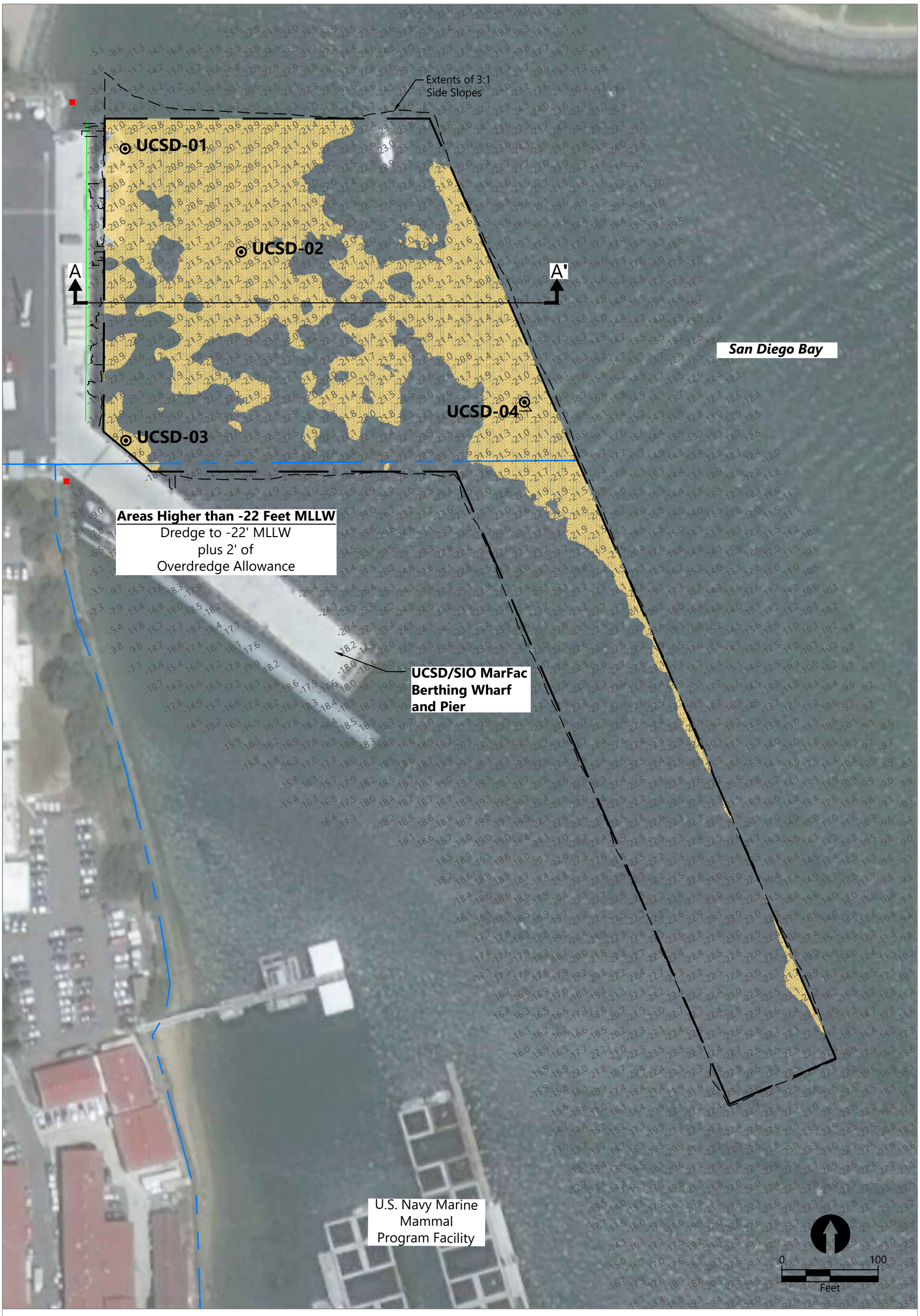
University of California, San Diego



SOURCE: Aerial from Bing maps, 2019. Bathymetric soundings from eTrac, Inc., survey dated July 31, 2019 supplemented by Fugro Pelagos, Inc., survey dated March 6, 2016.
HORIZONTAL DATUM: California State Plane, Zone 6, North American Datum of 1983 (NAD83), U.S. Survey Feet
VERTICAL DATUM: Mean Lower Low Water (MLLW)

LEGEND:

-22.8 Existing Elevation

Dredge Footprint

UCSD-# Proposed Sampling Location

Dredge Unit Boundary

Approximate Location of California State Lands Commission/ U.S. Navy Leasehold Boundary

Historic Outfall

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Figure 2
Existing Bathymetry, Dredge Unit Boundary, and Proposed Sampling Locations

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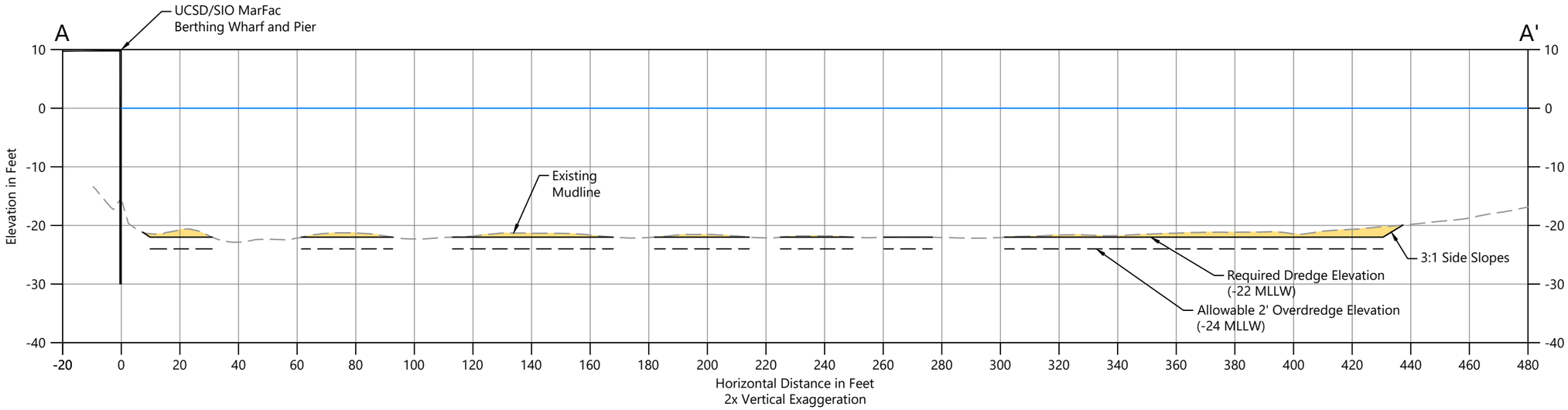

SOURCE: Aerial from Bing maps, 2019. Bathymetric soundings from eTrac, Inc., survey dated July 31, 2019, supplemented by Fugro Pelagos, Inc., survey dated March 6, 2016.
HORIZONTAL DATUM: California State Plane, Zone 6, North American Datum of 1983 (NAD83), U.S. Survey Feet
VERTICAL DATUM: Mean Lower Low Water (MLLW)

0 40
Feet

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Figure 3
Proposed Dredging Cross Section

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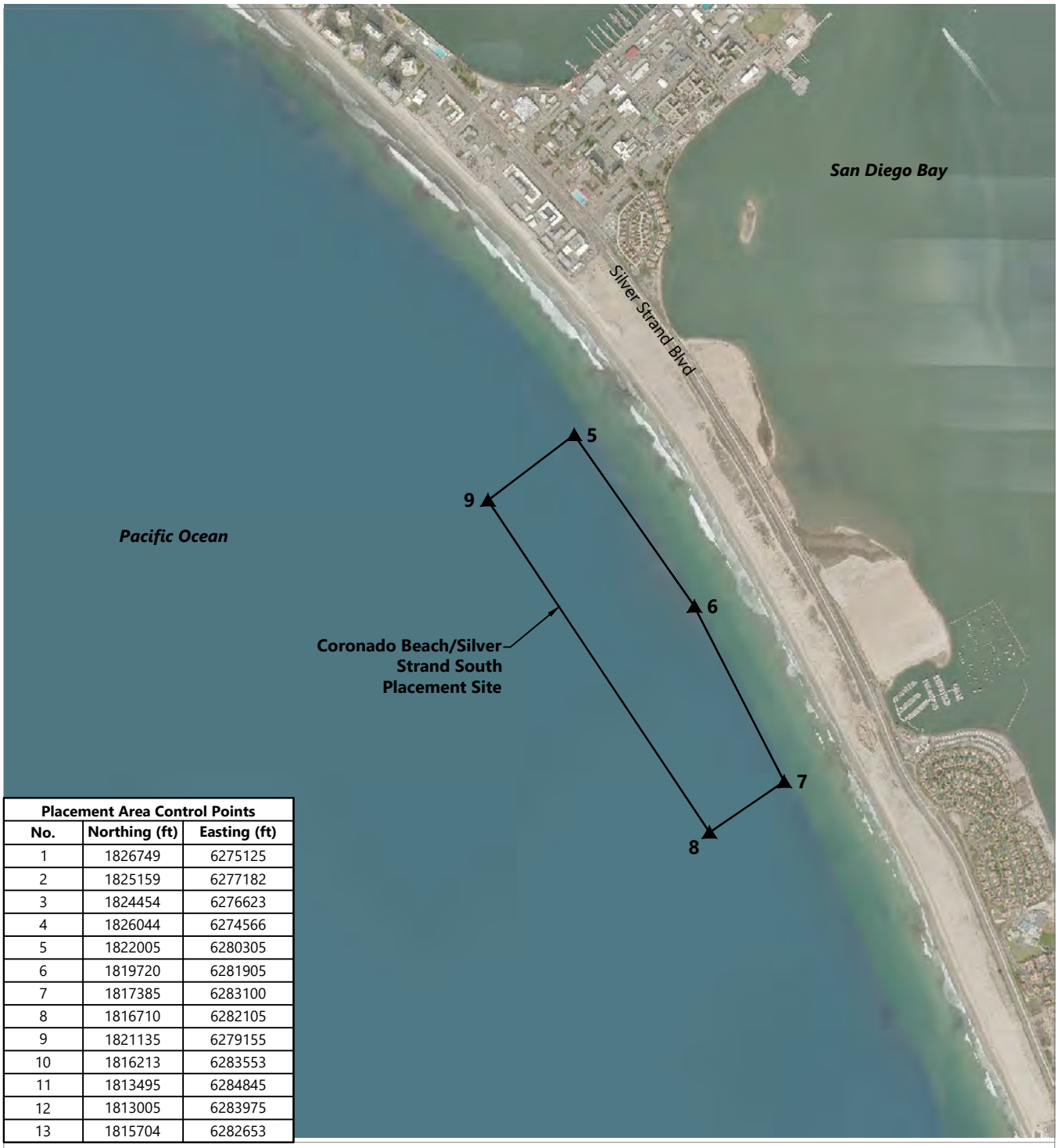

Placement Area Control Points		
No.	**Northing (ft)**	**Easting (ft)**
1	1826749	6275125
2	1825159	6277182
3	1824454	6276623
4	1826044	6274566
5	1822005	6280305
6	1819720	6281905
7	1817385	6283100
8	1816710	6282105
9	1821135	6279155
10	1816213	6283553
11	1813495	6284845
12	1813005	6283975
13	1815704	6282653

SOURCE: Basemap provided by Bing maps.
HORIZONTAL DATUM: California State Plane, Zone 6, North American Datum of 1983 (NAD83), U.S. Survey Feet

LEGEND:

▲# Placement Control Point

0 2,000
Feet

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Filepath: K:\Projects\0685-University California San Diego\UCSD SIO Marfac Dredge\0685 RP-004 PLACEMENT.dwg Figure 3

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Figure 4
Coronado Beach and Silver Strand Nearshore Placement Site

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