



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Trevor Jones
Continental Maritime of San Diego

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**Los Angeles District
Permit Application No. SPL-2022-00245-RRS**

TO WHOM IT MAY CONCERN: The Los Angeles District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Trevor Jones
Continental Maritime of San Diego (CMSD)
1995 Bay Front Street
San Diego, CA 92113

AGENT: Blair Jenet/Adam Gale Phone: (703) 408.3413
Anchor QEA
9700 Research Drive
Irvine, CA 92618

WATERWAY AND LOCATION: The project would affect waters of the United States and/or navigable waters of the United States, specifically the San Diego Bay near and in the Continental Maritime Shipyard. The project/review area is located in tidal waters west of 1995 Front St. adjacent to San Diego Bay (Latitude 32.69438 and Longitude - 117.1497); in/near San Diego Bay, in San Diego County, California. The CMSD facility is located just underneath and on either side of the Coronado Bridge in National City, CA.

EXISTING CONDITIONS: The existing CMSD shipyard is a full-service ship construction, modification, repair, and maintenance facility that spans 31.8 acres of tidelands property (14 acres on land and 17.8 acres in San Diego Bay), located in San Diego, California (Figure 1). CMSD is a Master Ship Repair Contractor for the U.S. Navy and also serves commercial customers. The CMSD facility consists of existing piers, wharves, quay walls, parking lots, several structures, and a revetment area (Figure 2). Facility maintenance and operational needs come up unexpectedly and frequently, including the need for pile replacement, maintenance dredging, and in-kind repair/replacement activities, among many others. To address these needs, CMSD is

proposing a 5-year general maintenance permit that covers various in-water and overwater maintenance and repair activities limited to within the CMSD leasehold. Typical construction methodologies, representative maintenance design details, the proposed frequency of each maintenance activity, and best management practices (BMPs) are provided for each maintenance activity. Additionally, the proposed implementation process of this general maintenance program is outlined in this application supplement. Because the exact details, locations, and timing for maintenance and repairs will be established as facility needs emerge, CMSD is proposing thresholds (e.g., dredging volumes, number of piles, and square footage of repairs) for approved maintenance and repair activities within the leasehold over a period of 5 years. The Corps has issued many previous permits to CMSD since World War II.

PROJECT PURPOSE: The stated purpose of the project is navigation and to provide safe navigational access to berthing vessels via maintenance dredging.

PROPOSED WORK: The applicant requests a five-year authorization to perform maintenance dredging with upland disposal, based on the current and future needs of the CMSD facility and based on similar facility maintenance permits issued for other facilities in the San Diego Bay. Work consists of maintenance dredging with upland landfill disposal, concrete and concrete pile repairs (250 concrete piles), fender piles (140 piles), and structural pile repairs (140 piles). Other elements include a water quality monitoring program. The activities described herein do not include any new construction, expansion or change in use or operations; all activities are merely to maintain and repair existing structures (e.g., fenders, piles, and piers) or to reestablish depths within the leasehold to previously authorized conditions.

CMSD is proposing to establish a maximum maintenance dredge depth throughout the leasehold to -36 feet Mean Lower Low Water (MLLW), including 2 feet of allowable overdredge. Dredging to the subtidal areas will be avoided with no dredging allowed below -15 feet MLLW. A turbidity curtain would be installed around the construction area to capture any debris and (50,000 cubic yards per year for 5 years) contain turbidity generated during the fender pile removal and installation process. Temporary work impacts to navigable waters of the U.S. total to 26.83 acres over a 5-year period.

AVOIDANCE AND MINIMIZATION (MEASURES): The applicant has provided the following measures in support of efforts to avoid and/or minimize impacts to the aquatic environment: Potential impacts from the proposed waterside maintenance activities are anticipated to be temporary and minimal. CMSD is not proposing any new construction nor would any of the proposed repair's result in expansion as compared to existing conditions. The construction methodologies proposed for the proposed maintenance activities are typical for these types of maintenance and repair activities within the marine environment. Additionally, measures will be implemented to avoid or minimize impacts to water quality. The Corps shall ensure compliance with the Inland Testing

Manual (ITM) and Ocean Testing Manual (OTM) and process the action through the DMMT group for sediment testing compliance.

Some of the measures are general construction measures (Onsite monitors, spill plans, floating booms with monitors for debris removal). Also, excess or decanted water from dredged sediments would not be discharged back into San Diego Bay. EFH and special-status species measures include Caulerpa surveys, 500 ft. radius for monitor visual sweep with work cessation if green sea turtles (*Chelonia mydas*; GST) or marine mammals are present and work restart once no longer present. If a removed pile is not replaced in the same hole, a 6-inch layer of suitable sand will be placed within a 5-foot perimeter around the piling removal area to minimize sediment resuspension or contaminant exposure. Hydraulic jetting devices will not be used to remove piling or sediment around the base of piling so as to avoid significantly increasing turbidity and resuspending sediment.

Pile removal measures via vibratory extraction will be implemented and vibratory extraction will always be employed first unless the pile is too decayed or short for the vibratory hammer to grip, storage, handling, and disposal, and pile installation measures. Vibratory extraction will be attempted first unless there is risk of greater disturbance of sediments. Broken and damaged piling that cannot be removed by either vibratory extraction or direct-pull methods may be removed with either a clamshell bucket or environmental clamshell bucket. Pile installation activities will be conducted such that vibratory driving is the preferred method to minimize impacts from the discharge of sediment to the water column and may be combined with impact driving to achieve final pile elevation. Where pile driving will occur, a minimum of 6 inches of suitable sand will also be placed on the sediment surface over an area three times the horizontal diameter of the pile to prevent sediment suspension during pile driving activities.

COMPENSATORY MITIGATION: Since there are no eelgrass or wetlands impacts the applicant is not proposing any mitigation.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties. Maintenance dredging would occur within areas that have been previously dredged; no new dredging is proposed. As all activities would be limited to in-kind repairs or replacement and dredging within previously disturbed areas, the project would have no impacts to cultural resources.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full

consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, from previous CMSD studies and U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review. Previous coordination for project impacts to GST may require consultation with NMFS and a condition to not allow any work during CLT season from April 1 to September 15th unless a monitor is present with authority to stop all in-water work if CLT are present with work restarted after CLT are no longer present.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps. This notice serves as request to the USFWS and the NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. The Corps has determined the proposal would have adverse effects on any Essential Fish Habitat (EFH) from pile work and dredging. Therefore, consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required. The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

NAVIGATION: The proposed structure or activity is located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification shall be required from the California Regional Water Quality Control Board – San Diego Region or waiver thereof.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with

laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, 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, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Los Angeles District will receive written comments on the proposed work, as outlined above, until April 6, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Robert Smith at Robert.R.Smith@usace.army.mil (Includes requests for detailed plans).

Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

