



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT U.S Navy Pier 5000 Dredging Project At Naval Base Point Loma:

Public Notice/Application No.: SPL-2012-00913-RRS

Comment Period: February 15, 2013 through March 17, 2013

Project Manager: Robert Smith; 760-602-4831; Robert.R.Smith@usace.army.mil

Applicant

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Contact

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Location

At the existing naval Pier 5000 at Naval Base Point Loma in northern San Diego Bay at Point Loma, CA. (32.689460, -117.235814)

Activity

The U.S. Navy is proposing to dredge 4,888 cubic yards of suitable material (with ocean disposal at LA-5) of the northeast portion of Pier 5000 at Naval Base Point Loma in northern San Diego Bay to -40 ft. depth with 2 ft. of allowable over depth in association with Naval Base Point Loma - Pier 5000 Dredging Project. Naval Base Point Loma (NBPL) provides pier-side berthing and support services for submarines of the U.S. Pacific Fleet. Pier 5000 was constructed in 1962 on NBPL and last refurbished in 1991 (NAVFAC SW 2007). (See attached drawings). In order to support maximum utilization of pier facilities, facilities requiring future upgrades have been identified, including increased power and utility upgrades, seismic upgrades and dredging (NAVFAC SW 2007). Pursuant to Naval Facilities Engineering Service Center Technical Report 6064-OCN, an operational depth of -40 ft MLLW is needed at the Pier 5000 site to provide improved navigation and berthing for large submarines. The purpose of the proposed project is to address this need and provide an operational depth of -40 ft MLLW on the north side of Pier 5000 to adequately accommodate current and future large submarines and satisfy the operational requirements for navigation and berthing. For more information see page 3 of this notice.

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 Corps Regulatory Division, you provide information that support the

Corps' decision-making process. All comments received during the comment period shall 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 10/404.

Comments should be mailed to:

Los Angeles District, Corps of Engineers
Regulatory Division, Carlsbad Field Office
Attn: Robert Smith, P.E.
6010 Hidden Valley Rd., Suite 105
Carlsbad, CA 92011

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 (EIS) 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 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 that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. The applicant submitted an application for a water quality certification which was received by the Regional Water Quality Control Board on December 20, 2012. Regional Board has requested for more information be submitted.

Coastal Zone Management- 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. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the State's Coastal Zone Management Plan. The Navy has received a concurrence letter from Mark Delaplaine of the CCC (ND-052-12) dated November 28, 2012 that the project complies with the CZMA.

Essential Fish Habitat (EFH)- The Corps acknowledges under existing lead agency guidance that the Navy is the lead agency for EFH. Per the Navy's initial review preliminary determinations indicate the proposed activity would adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) may be required at this time and the Navy is consulting under EFH procedures with the National Marine Fisheries Service (NMFS) and has completed EFH with NMFS. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps shall have to comply with all EFH requirements.

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. The Corps acknowledges under existing lead agency guidance that the Navy is the lead agency for cultural resources and the Corps shall be reviewing and potentially adopting their compliance with the National Historic Preservation Act. Currently the Navy has determined that no cultural resources shall be impacted and the Corps may adopt their determination after reviewing their "No Historic Properties Affected" decision.

Endangered Species Act (ESA)-

Currently, the Navy has a Memorandum of Understanding with the U.S. Fish and Wildlife Service for impacts to the California least tern (CLT) and has determined that the project shall not affect CLT. The Navy has initiated Section 7 of the ESA with NMFS for Green Sea Turtles (GST) as they have determined and shall be using monitors and work cessation procedures if GST is present in the project area. The Corps acknowledges under existing lead agency guidance that the Navy is the lead agency for ESA compliance and shall be reviewing and potentially adopting their compliance with ESA.

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 but the Corps has preliminarily determined what the basic project purpose is and it is military navigation and vessel/submarine 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 provide a safe berthing and navigational facility for naval vessels and submarines within San Diego Bay, CA.

Alternatives Analysis: Based on the onsite need to maintain the existing berthing for the vessels and the submarines at Pier 5000 where such facilities currently exist the Corps may not require a strenuous review of onsite and offsite alternatives but shall implement the Section 404(b)(1) guidelines to avoid, minimize, and mitigate for impacts to aquatic resources as necessary. The disposal of the dredged material was determined by both the Corps and EPA to be suitable for ocean disposal at LA-5, but other alternatives such as nearshore disposal at Imperial Beach or other areas in the bay may be evaluated if practicable.

Additional Project Information

Baseline information- Naval Base Point Loma (NBPL) provides pier-side berthing and support services for submarines of the U.S. Pacific Fleet. Pier 5000 was constructed in 1962 on NBPL and last refurbished in 1991 (NAVFAC SW 2007). A report prepared by the Navy indicates the last dredging at the Pier 5000 site occurred in the 1940s, although the exact date is unknown (Peeling 1975). A map from the Port of San Diego archives identifies Bay dredging projects between 1935 and 1960 and shows that the Pier 5000 site was dredged to a depth of -36 feet (ft) Mean Lower Low Water (MLLW) in 1940. There is no documentation that the Pier 5000 site was dredged deeper than -36 feet MLLW. Historically, Pier 5000 has been used for berthing large submarines. The Navy is also preparing an Environmental Assessment for the Pier 5000 project in accordance with NEPA. The Corps and the EPA have approved the dredged material for ocean disposal per the Ocean Disposal Manual in 2012.

Project description- The scope of the Proposed Action involves the dredging of sediment at the Pier 5000 site and off-site sediment disposal. The proposed dredge footprint parallels the northeast segment of the pier, starting approximately 800 ft from the shoreline and extending to the end of the north side of the pier to provide two berthing locations for submarines. Under the Proposed Action, Pier 5000 would be able to accommodate double berthing; which would allow for two submarines to berth adjacent to one another pier-side. The Proposed Action would provide the benefit of maximizing the use of naval property, consistent with the policy objectives of the NBPL Activity Overview Plan, to increase existing capabilities, sustainability and efficiencies (NAVFAC SW 2007).

Depths adjacent to the pier currently vary from -12 ft MLLW near the shore to -42 ft MLLW. Depths within the dredge footprint currently vary from approximately -37 ft MLLW to -39 ft MLLW. The required operational depth for navigation and berthing of large current and future submarines is -40 ft MLLW. This operational depth requirement is based on Naval Facilities Engineering Service Center Technical Report 6064-OCN, which recommends -40 ft MLLW water depth at the berth for submarine guided missile nuclear-powered (SSGN) class vessels. The dredge amount would be approximately - 1 to -2 ft, plus an additional -2 ft of over dredge allowance to accommodate variance in the precision of dredging equipment and methods. Therefore, the Proposed Action would involve dredging to a design depth of -40 ft MLLW, plus a maximum over dredge of -2 ft for a maximum dredge depth of -42 ft MLLW and would be permitted for removal of 4,888 cubic yards (cy) of sediment. Most likely the dredging would be done with a clam-shell bucket dredge or backhoe dredge to reduce turbidity. According to the sediment analysis results, the sediments to be dredged mainly consist of large grained sandy material. Dredging would occur within a 57,273 square ft area (1.3 acres) and would last seven to ten days.

Under the Proposed Action, sediment disposal would adhere to the above referenced natural resource protection regulations and program requirements. The Proposed Action consists of two options for sediment disposal, which have been determined by sampling and laboratory testing results. The sediment characterization and chemistry test results meet the allowable parameters for unconfined ocean disposal. Upland disposal of dredged sediment was previously considered; however, the U.S Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) ultimately made the determination that the dredged sediment was suitable for unconfined ocean disposal.

Future maintenance dredging may be necessary to maintain the operational depth requirement of -40 ft MLLW at the Pier 5000 site. Maintenance dredging refers to the routine removal of accumulated sediment to maintain the required operations. Routine maintenance dredging would not include any expansion of the previously dredged area.

Ocean Disposal

The Ocean Disposal Option for disposal of sediment associated with the Proposed Action involves loading the dredged sediment into 1,000 cy capacity barges and transporting it to the Ocean Dredged Material Disposal Site (ODMDS) LA-5. ODMDS LA-5 is a designated offshore open-water disposal site located on the ridged slope of the continental shelf at a depth of approximately 600 ft, 5.4 nautical miles from Point Loma, off the San Diego Coast. The maximum daily dredging production rate is expected to be 1,600 cy, which includes a single tug towing tandem, 1,000 cy capacity barges that have been loaded with approximately 800 cy of sediment. The round trip from the dredging site to ODMDS LA-5 is expected to take about 10 to 12 hours, and reloading each trip would take another 6 to 8 hours. Barges would be equipped with electronic tracking devices to document that material releases occurred within the disposal site boundaries, as specified in the dredging permit. The ocean disposal of dredged sediment is regulated under Section 103 of the Marine Protection, Research, and Sanctuaries Act, and disposal operations would need to comply with permitting and dredging regulations published in Title 33 Code of Regulations (CFR) Parts 320 through 330 and 335 through 338 (33 CFR 320-330 and 33 CFR 335-338). Ocean disposal of dredge sediments has been approved by USEPA and USACE.

Proposed Mitigation– Currently 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 will be integrated during the Corps permit process. Due to the nature of the proposed action, dredging 1 to 3 feet of material within a 1.3 acre site currently used for vessel berthing, no change in habitat or loss of waters of the U.S. will occur. No eelgrass impacts will occur as the water depth in the proposed project site is too deep to support eelgrass. Therefore the applicant is not proposing any mitigation.

Proposed Special Conditions

No special conditions are 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.

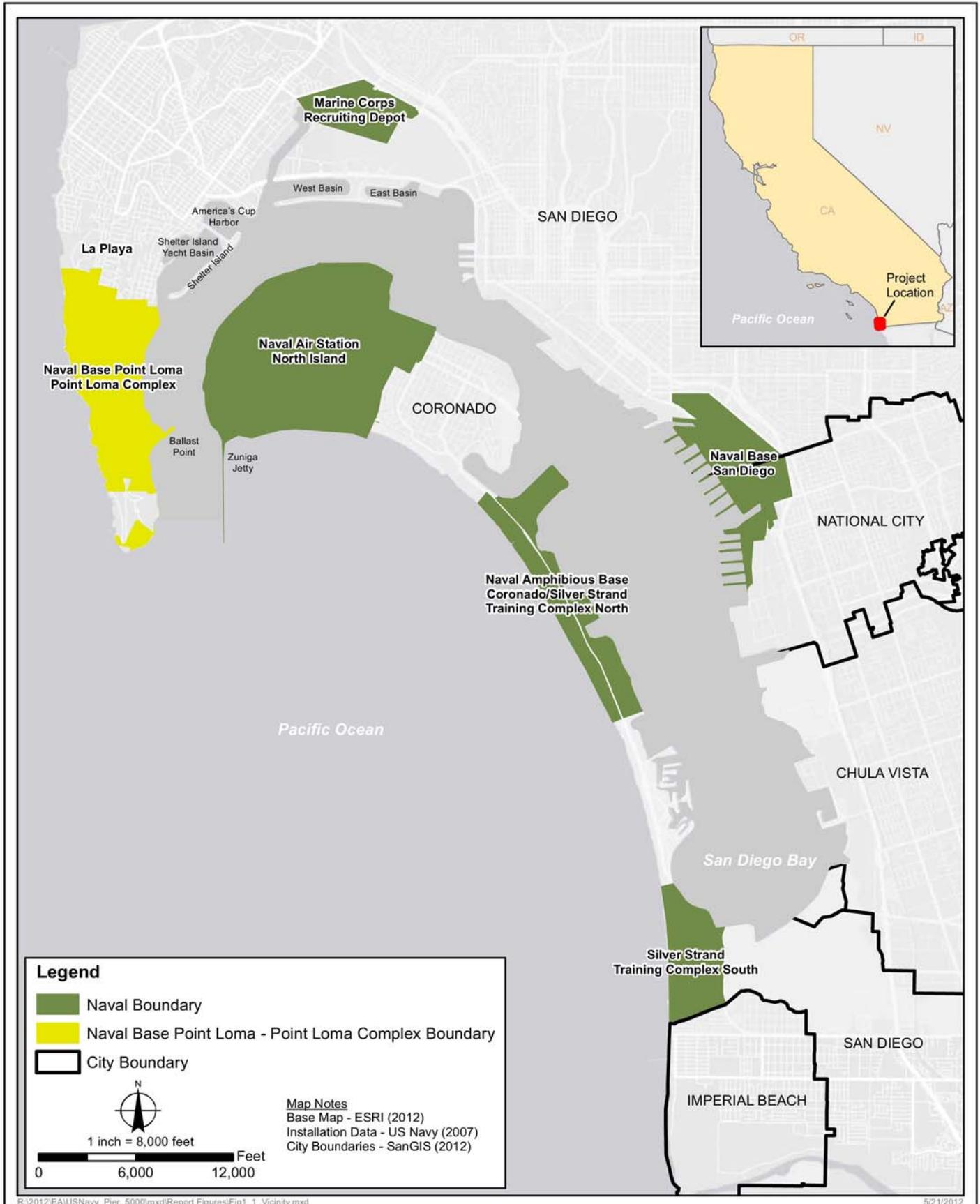


Regulatory Program Goals:

- 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.

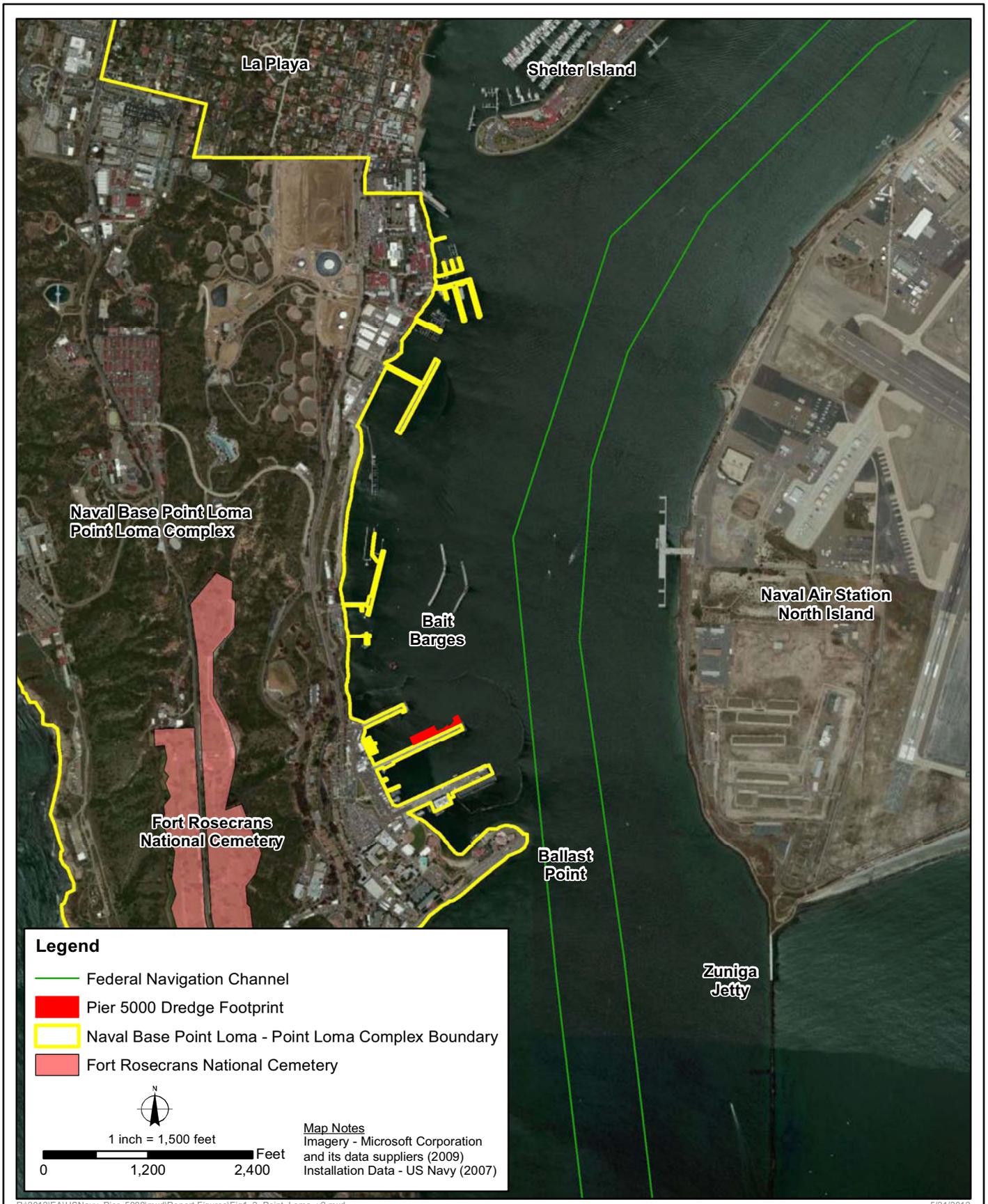
U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

Los Angeles District, Corps of Engineers
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**Regional Location
 Pier 5000
 Naval Base Point Loma - Point Loma Complex**

**FIGURE
 1-1**



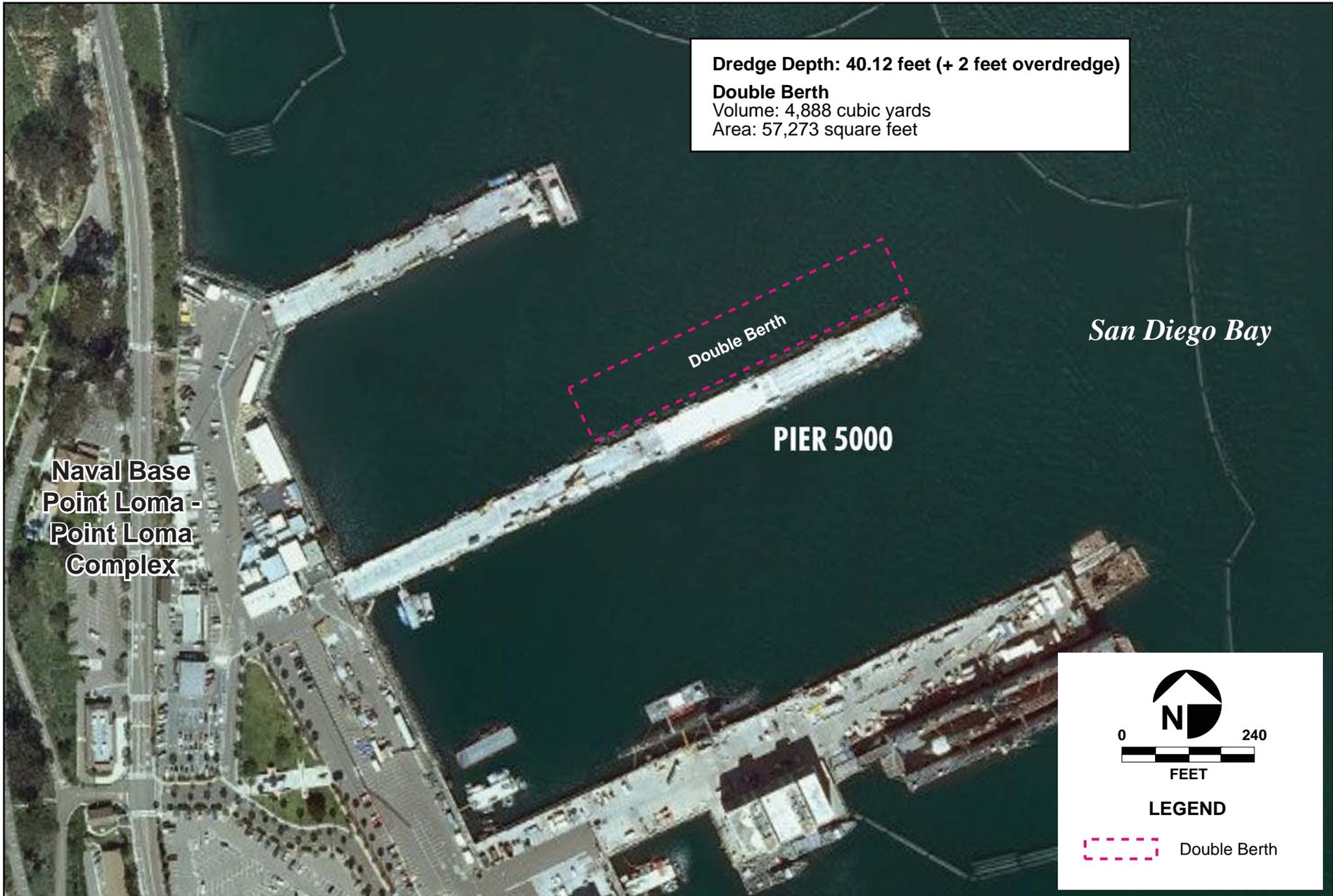
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5/21/2012

Project Site Map
Pier 5000
Naval Base Point Loma - Point Loma Complex

FIGURE

2



**Proposed Action Site
 Pier 5000
 Naval Base Point Loma - Point Loma Complex**

F I G U R E

3



**Bathymetry
Pier 5000
Naval Base Point Loma - Point Loma Complex**

**FIGURE
4**

