PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT

University of California San Diego (UCSD) and Scripps Institution of Oceanography's (SIO)/Naval Nimitz Marine Facility (MarFac) Berthing Wharf and Pier Replacement Project

Public Notice/Application No.: SPL-2013-00311-RRS
Project: SIO/UCSD/U.S. Navy MarFac Berthing Wharf and Pier Replacement Project
Comment Period: August 12, 2013 through September 13, 2013
Project Manager: Robert Smith; 760-602-4831; Robert.R.Smith@usace.army.mil

Co-Applicants

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Location

The proposed activity would occur at the University of California, San Diego/Scripps Institution of Oceanography's Nimitz Marine Facility (SIO/UCSD MarFac), located approximately 13 miles from the main UCSD campus on the east side of the Point Loma peninsula and on the west side of San Diego Bay, near the bay's confluence with the Pacific Ocean.

Activity

The U.S. Department of the Navy (Navy) and UCSD are proposing to replace the existing wharf and pier at SIO/UCSD MarFac with a concrete-pile-supported wharf and pier of approximately the same size and in the same location as existing structures. Structural deficiencies have compromised the load capacity of the wharf and pier and significantly interfere with the SIO/UCSD MarFac's ability to support oceanographic research. A portion of SIO/UCSD MarFac is on Navy property and the Navy periodically uses the facility for vessel berthing; therefore, the Navy is the lead federal agency for National Environmental Policy Act (NEPA). The proposed project entails demolishing the existing structurally deficient wharf (10,285 square feet (sf)) and pier (18,250 sf) and constructing a new wharf

and pier of approximately the same size and orientation. Work includes the new construction of the wharf rip-rapped slope (23,000 sf) with new rip-rap that is pulled back 2 ft. from the existing wharf footprint that balances coverage loss of 768 sf. 8,000 cy of removed rip-rap will be replaced with 3,000 cy of new rip-rap with filter cloth (see attached drawings). 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 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: SPL-2013-00311-RRS
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

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 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 April 22, 2013.

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 requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The Navy, 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.

Essential Fish Habitat (EFH)- The Corps acknowledges under existing lead agency guidance that the Navy is the lead agency for Essential Fish Habitat (EFH). The Navy has completed EFH consultation for the proposed project. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps shall comply with all EFH requirements. The National Marine Fisheries Services (NMFS) concurred with the Navy's determination that any adverse effects to EFH would be temporary and no more than minimal in nature. NMFS did not propose additional EFH Conservation Recommendations.

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 review and potentially adopt its compliance with the National Historic Preservation Act. The Navy has determined that proposed actions can be approved with a finding of "No Historic Properties Affected," consistent with Stipulation 8A of the 2003 San Diego Metro Area Programmatic Agreement and 36 CFR 800.4(d)(1). The Corps has preliminarily determined that the project qualifies for a "No Potential to Cause Effects to Cultural Resources" determination.

Endangered Species- The Corps acknowledges under existing lead agency guidance that the Navy is the lead agency for Endangered Species Act (ESA) compliance and shall be reviewing and potentially adopting their compliance with ESA. The Navy has a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service (USFWS) for impacts to the California least tern and has determined that the project will not affect California least tern, based on the project description and pursuant to the terms of the MOU. The Navy has completed ESA Section 7 consultation with NMFS for green sea turtles. NMFS concurred with the Navy's determination that the proposed project may affect, but is not likely to adversely affect green sea turtle under the 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). Some rip-rap fills are proposed but not within special aquatic sites. The basic project purpose for the proposed project is existing marine repair which 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 replace existing naval and oceanographic research berthing and navigational facilities at the University Of California San Diego/Scripps Institution Of Oceanography's Nimitz Marine Facility, San Diego, CA.

Additional Project Information

Baseline information- The SIO/UCSD MarFac is the support and management center for UCSD's fleet of research vessels. Concrete and steel deficiencies in existing structures were first documented in 1983. In 2009, an inspection confirmed widespread degradation of the structures, such that their load capacity was reduced to less than 25 percent of their original capacity. These restrictions significantly interfere with SIO/UCSD MarFac's ability to support oceanographic research. In addition to structural problems that compromise safety and operational efficiency, the existing facility is deficient in other aspects. Because no major improvements have been performed in more than 25 years, utility systems—such as telecommunications lines, potable water, sewage, and stormwater management—do not meet current operational requirements. Some utilities do not meet current codes or UCSD standards. The proposed project is needed to resolve these deficiencies. The UCSD and Navy have prepared a Draft Environmental Assessment/Initial Study (EA/IS) in accordance with the NEPA and California Environmental Quality Act.

Project description- The proposed action would replace the existing wharf and pier with a concrete-pile-supported wharf and pier of approximately the same size and in the same location as existing structures. The replacement pier would be approximately 365 feet long and 50 feet wide, totaling an area of 18,250 square feet. The wharf would be approximately 307 feet long and 33.5 feet wide, totaling 10,285 square feet. A net increase of 768 square feet would be added to the size of the structure. The proposed project includes in-water excavation to repair existing rip-rap and re-grade the existing slope to provide erosion control and sufficient water depth for vessels at the face of the wharf. This activity would result in an increase in jurisdictional waters. The water ward project limit would remain the same, but because of rip-rap slope work, the landward side of the wharf would increase by 2.5 feet towards the new slope to accommodate the new slope and anticipated sea level rise over 50 years. Although the proposed project would result in a net increase of 768 square feet to the size of the structure, the newly shaded waters are the ones that would be created over the new rip-rap slope. Therefore, no net change in shading would occur.

The wharf and pier would be supported by approximately one hundred and forty 24-inch-diameter concrete piles. An upgraded fender system would be designed to provide greater energy absorption and durability than the existing system. The upland portion of the site would provide lay-down areas for staging equipment and supplies and allow safe access for support vehicles and other equipment, such as truck-mounted cranes, forklifts, fuel trucks and other small equipment.

Maintenance dredging would not be required for the proposed wharf and pier replacement.

Construction is anticipated to begin in spring 2014 and would take approximately 20 months to complete. In-water work for any project construction year would be scheduled to occur between September 16 and March 31 to avoid nesting season for the California least tern. In-water work would also be scheduled to coincide with the Navy's anticipated temporary relocation of marine mammals owned by the Space and Naval Warfare Systems Command (SPAWAR) System Center (SSC) Pacific. Mammal relocation is currently planned for late 2014 as part of the Navy's P-151 Fuel Pier replacement project (P 151 project), which is currently going through the environmental review and entitlement process. If the P-151 project and associated mammal relocation are delayed, a number of

construction restrictions would be added to the proposed project to ensure no impacts to marine mammals would occur at SSC.

Proposed Mitigation Measures and Best Management Practices– The applicants have proposed a number of mitigation measures and best management practices (BMPs). These proposed measures may be modified 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. With implementation of the BMPs outlined below, the proposed action would avoid or minimize any temporary construction-related potential effects to water quality, EFH, and federally listed species.

Based on the results of the eelgrass and *Caulerpa taxifolia* survey conducted on July 1, 2012, 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.

Compensatory mitigation is not required, because the project is proposing in-kind replacement of an existing structure where there would be no net loss of wetlands or sensitive habitat as a result of the project and the 768-square-foot increase in the size of the structure occurs over a rip-rap slope.

In consideration of the above, the proposed mitigation sequence (avoidance/minimization/ compensation), as applied to the proposed project is summarized below:

- Floating rafts shall be placed under the wharf and pier to catch demolition debris.
- Hazardous materials (such as lead-based paint and materials containing asbestos) shall be contained and disposed of in accordance with applicable laws.
- As piles are pulled from the subsurface, they shall be quickly placed onto a receiving barge to minimize potential releases of creosote, petroleum sheens, and turbidity in the waterway. Piles shall not be rinsed or washed in any way. The barge's storage area shall consist of a row of hay, straw bales, or filter fabric placed around the perimeter of the barge. Barges shall not be overfilled and shall be emptied regularly.
- Treated timber piles and pile stubs shall be tested to determine the level of disposal facility that would be required.
- Temporary erosion and sedimentation control (TESC) measures shall be implemented throughout the project construction period.
- A Spill Prevention, Control, and Countermeasures (SPCC) Plan shall be developed prior to the start of construction and implemented at the commencement of construction.
- Grading, excavation, and other in-water demolition or construction shall avoid the California least tern breeding season (April 1 through September 15) unless the Navy consults with the USFWS on the nature of activities that would occur within the breeding season and either: 1) receives concurrence that the proposed project is not likely to adversely affect the species; or 2) receives authorization for a small amount of incidental take that would not jeopardize the continuing existence of the species.
- The project shall follow conservation measures established in the 2004 MOU between the USFWS and the Navy concerning the conservation of the endangered California least tern in San Diego Bay. Therefore, there will be no construction activities that create excess turbidity or in-water acoustics from April 15 to September 30.
- The contractor shall use only clean construction materials suitable for use in the aquatic environment. The contractor shall ensure that debris, soil, silt, sand, sawdust, rubbish, cement

or concrete washings thereof, chemicals, and oil or petroleum products from construction are not placed where they may be washed by rainfall or runoff into waters of the United States.
- Spill kits and cleanup materials shall be present during construction in case of a leak into the surrounding water. Workers shall be trained to use these materials.
- All debris shall be transported to, and disposed of, at an appropriate upland disposal site, or recycled, if appropriate.
- Excavated material shall be disposed of at an upland disposal site after dewatering on site.
- During project implementation, UCSD will regularly monitor construction activities to ensure that no deviation from the project (as described herein) occurs. The Navy will report any violation of unauthorized impacts to the appropriate regulatory agency within 24 hours of its occurrence.
- During pile driving operations, a biological monitor shall perform a visual sweep of the local project area or of a 100-foot radius (whichever is greater) prior to commencing pile-driving or other in-water construction activities and after a break in pile driving or in-water grading for more than 30 minutes.
- SIO/UCSD shall have biological monitors for green sea turtles and marine mammals during construction activities that include pile driving and significant bottom disturbance. If a marine mammal or green sea turtle is observed within the project area, all activities shall cease and avoidance measures shall be implemented. Avoidance measures shall include performing a visual sweep of the project area or of a 100-foot radius (whichever is greater) prior to commencing pile-driving activities. Work shall commence 15 minutes after the last green sea turtle or mammal sighting.
- Equipment operators and all other project workers shall not harass any marine mammals, waterfowl, or fish in the project area.
- At the start of pile driving each day, after each break of more than 30 minutes, and if any increase in the intensity is required, the contractor shall use a ramp-up procedure. The procedure involves a slow increase in the pile driving to allow any undetected animals in the area to voluntarily depart.

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: The project avoids impacts to eelgrass or other special aquatic sites and replaces existing dilapidated rip-rap and wharf/pier structures.

Minimization: The applicant has minimized impacts by placing the 768 sq ft of new wharf over the rip-rap slope and not over waters. Thus the increase in size of the wharf would not cause an increase of coverage of aquatic resources.

Compensation: Due to avoidance of any special aquatic sites the applicant is not proposing any mitigation, such as eelgrass or coverage type mitigation.

Proposed Special Conditions

None 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
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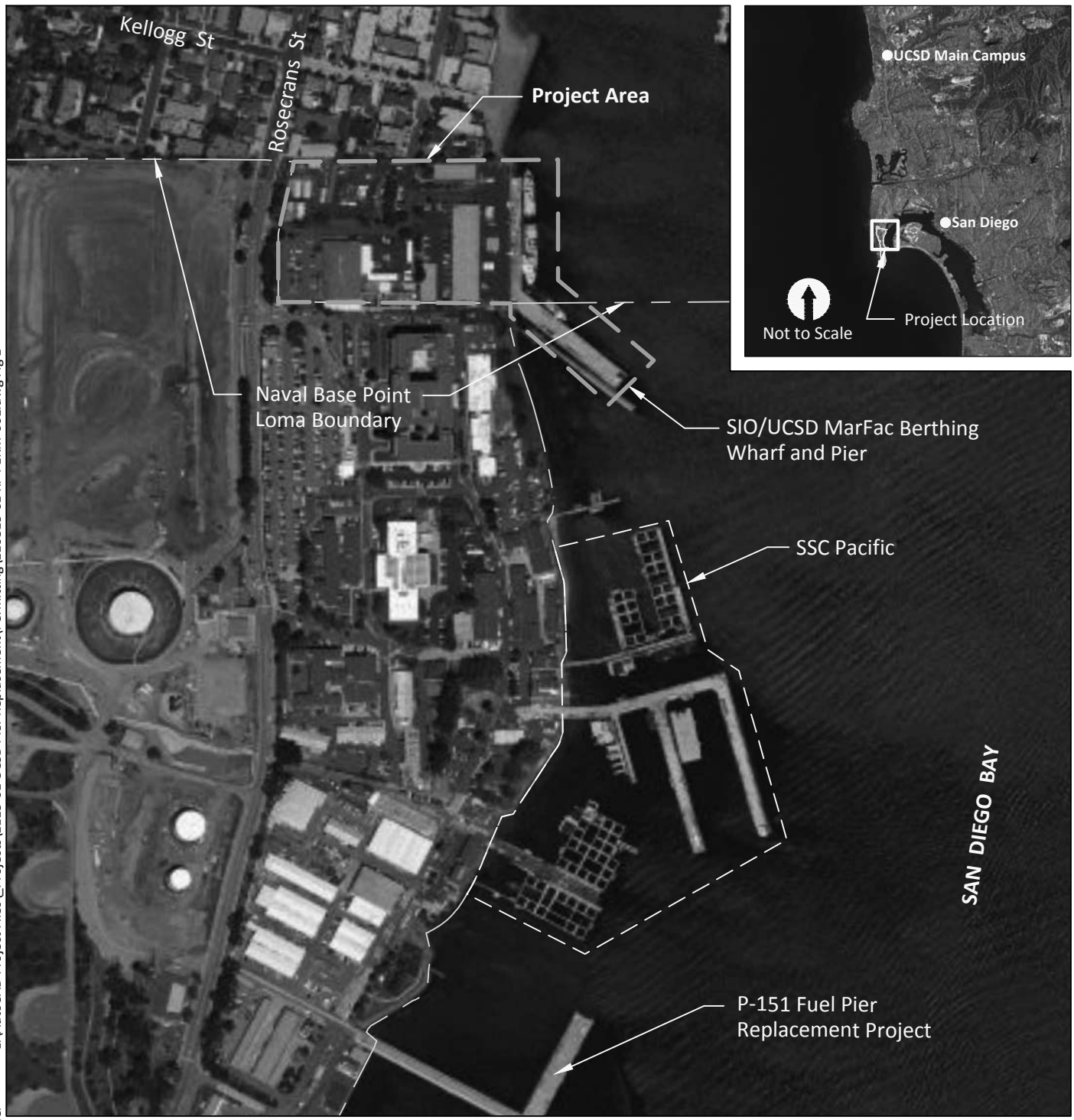

SOURCE: Aerial imagery from ESRI Basemaps.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S. Feet.

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Apr 12, 2013 3:16pm mpratschner

ANCHOR QEA

Figure 1
Project Location
SIO/UCSD MarFac Berthing Wharf and Pier Replacement

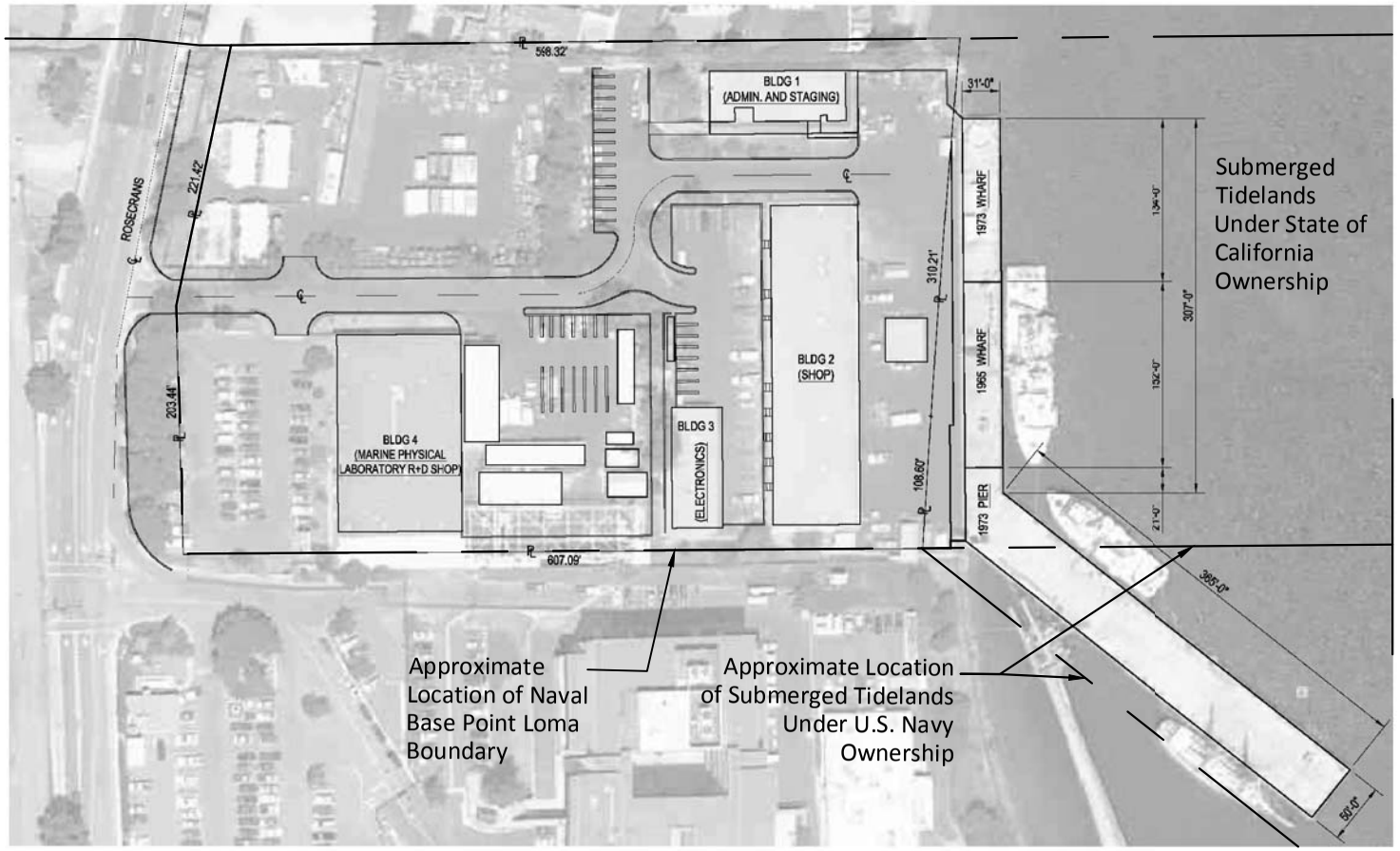

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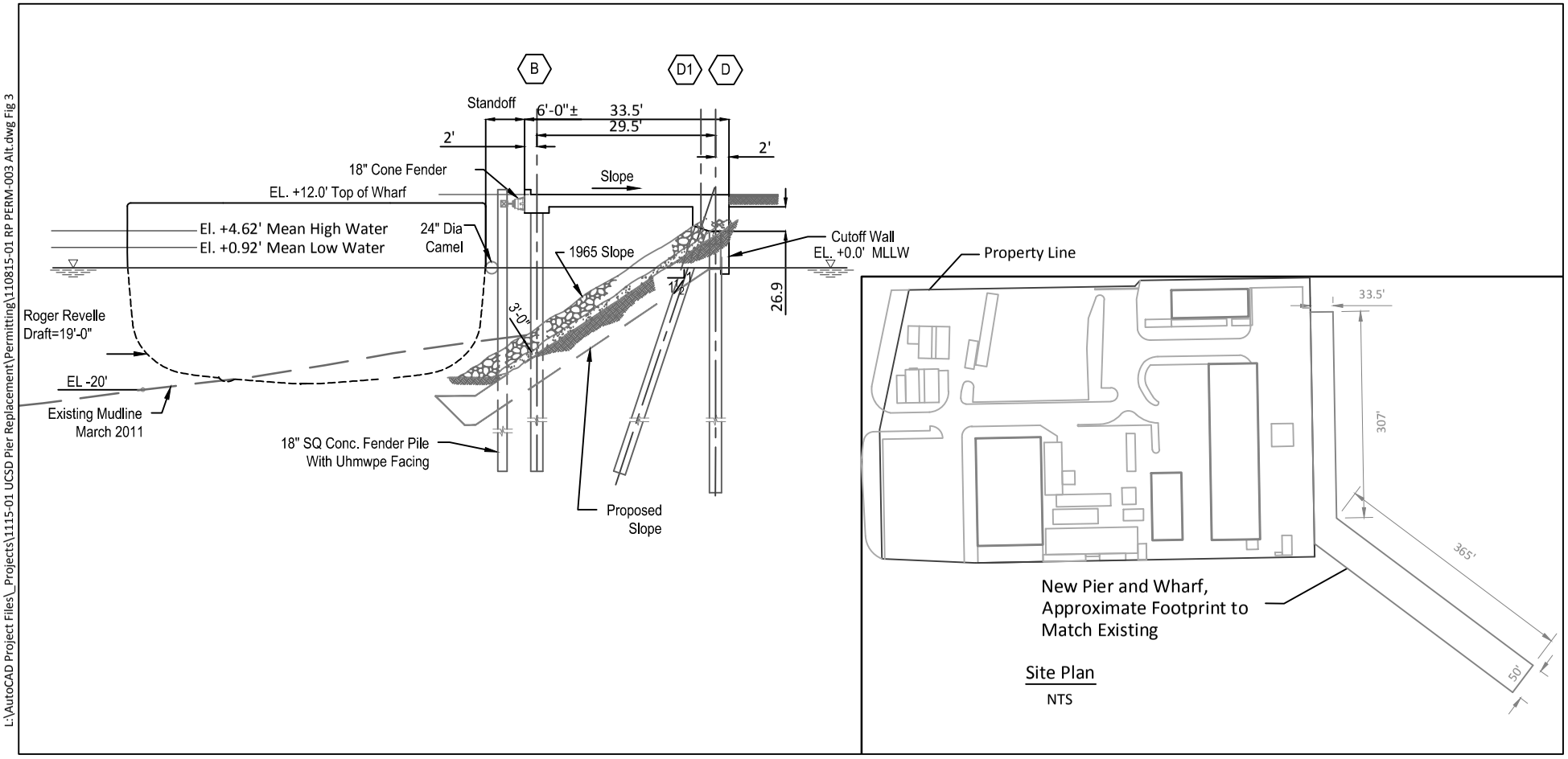
Figure 2
Project Site (Existing Configuration)
SIO/UCSD MarFac Berthing Wharf and Pier Replacement



SOURCE: Site plan provided by Moffat & Nichol Blaylock.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S.Feet.

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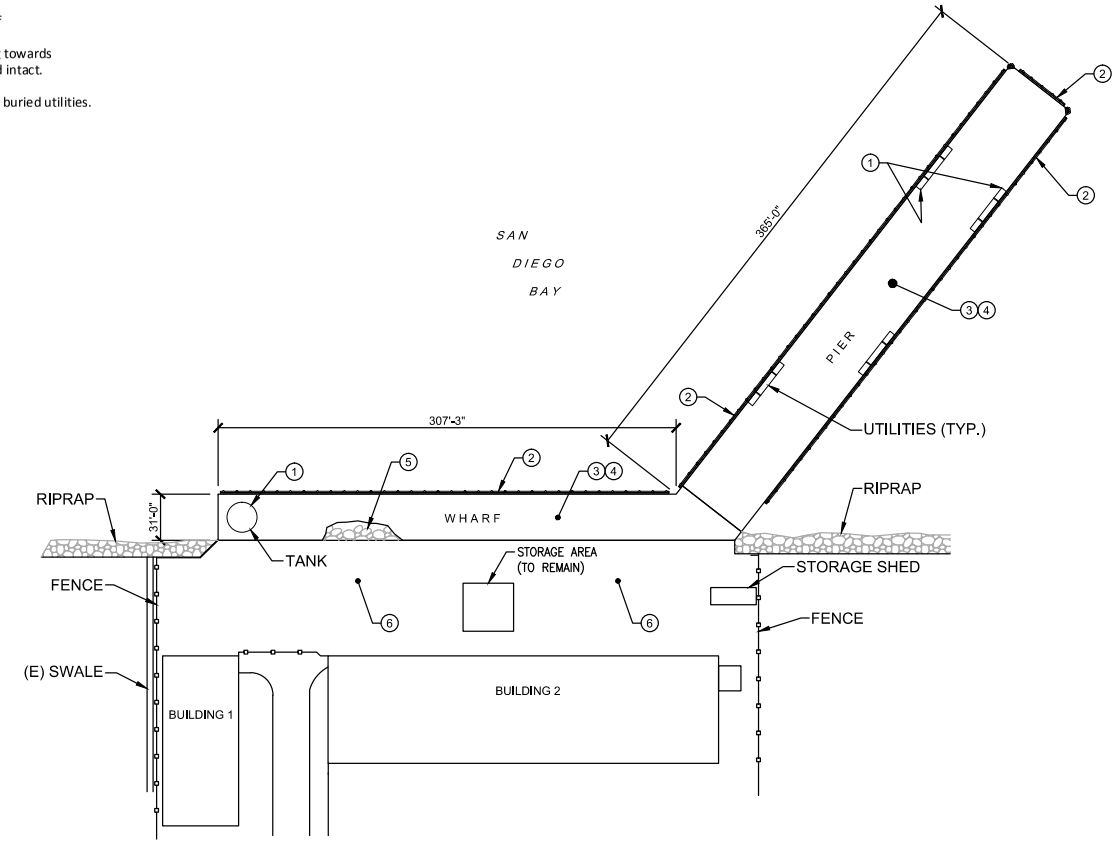
Apr 12, 2013 4:25pm mpratschner

ANCHOR QEA

Figure 3
Build Alternative: Pile-Supported Wharf and Pier with Soil Improvements
SIO/UCSD MarFac Berthing Wharf and Pier Replacement

Legend:
1. Remove all miscellaneous deck equipment and appurtenances.
2. Remove fender piles, timber wall, and chocks.
3. Demolish wharf and pier concrete deck starting at the end of the pier moving towards shore.
4. Remove concrete piles starting at the end of the pier moving towards shore. Piles will be either cut-off below the mudline or pulled intact.
5. Remove existing riprap under wharf.
6. Remove asphalt pavement and excavate as required for new buried utilities.



SOURCE: Site Plan Provided by Triton Engineers.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S. Feet.

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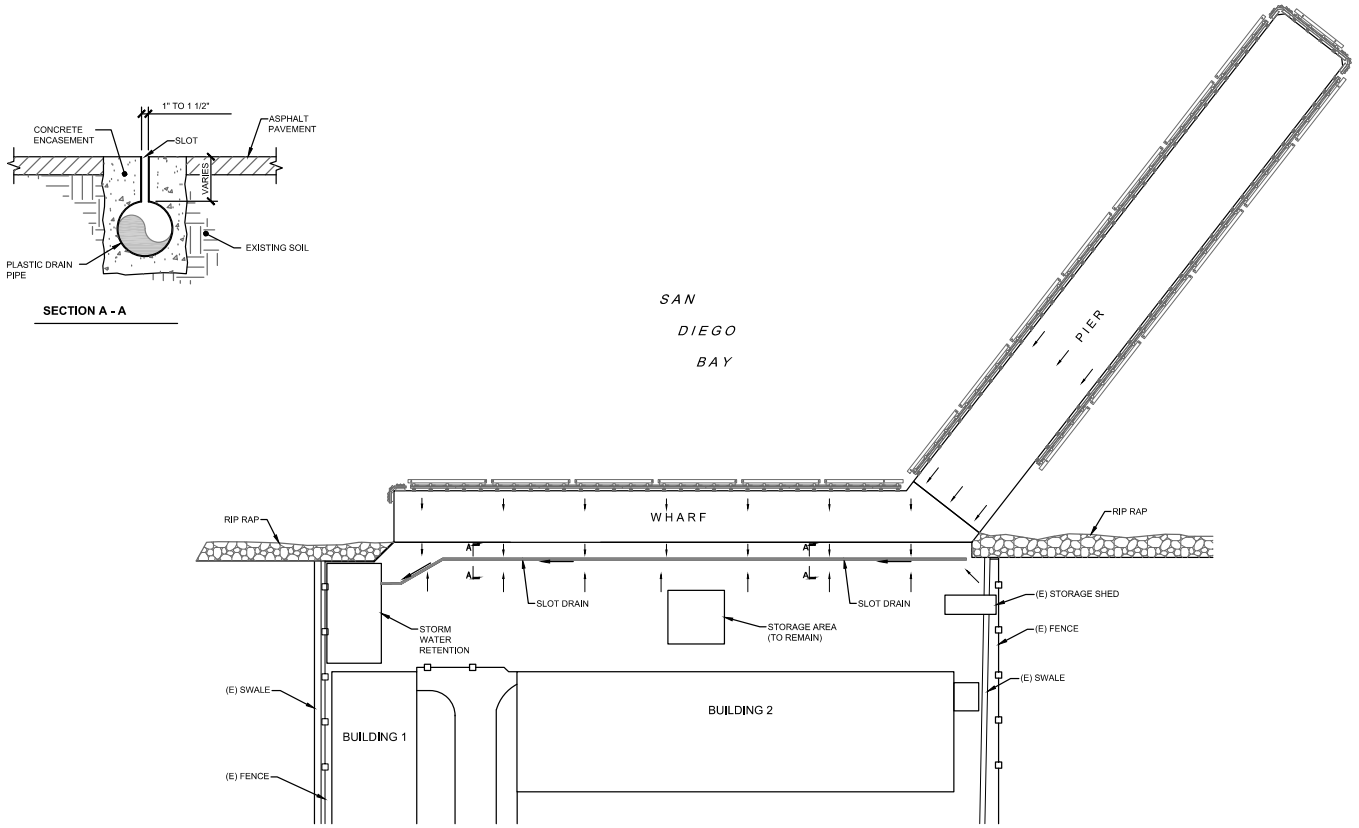
Figure 4
Construction Sequencing
SIO/UCSD MarFac Berthing Wharf and Pier Replacement



SOURCE: Grading and Stormwater Plan provided by Triton Engineers.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S. Feet.

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ANCHOR QEA

Figure 5
Stormwater Design
SIO/UCSD MarFac Berthing Wharf and Pier Replacement