
Appendix D
Coastal Consistency
Negative Determination



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN RD
SAN DIEGO, CALIFORNIA 92136-5084

IN REPLY REFER TO:

5090

Ser N411/ U749

05 Dec 19

Mr. Mark Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Delaplaine:

**SUBJECT: COASTAL CONSISTENCY NEGATIVE DETERMINATION FOR NAVAL BASE
SAN DIEGO FLOATING DRY DOCK PROJECT**

In accordance with Section 930.35 of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations, specifically 15 CFR 930.35, the Navy has determined the subject project would have no adverse effect to coastal resources or uses for the reasons identified in the enclosed Coastal Consistency Negative Determination.

The Floating Dry Dock Project is necessary to provide the required space for maintenance of the Pacific Fleet at Naval Base San Diego (NBSD). Emplacement and operation of two floating dry docks at NBSD would ensure the Navy's capability to conduct berth-side complex repair and maintenance of vessels. The project also involves dredging, sediment disposal, and in-water and landside construction elements to support the floating dry-docks.

I request your review of and concurrence with this determination. When completed, please email a letter of concurrence to Ms. Deb McKay, Region NEPA Coordinator, at deborah.mckay@navy.mil. If you have any questions or need further information, please contact Ms. Deb McKay at (619) 532-2284.

Sincerely,

J. R. HABECK
Public Works Officer
By direction of the
Commanding Officer

Encl: (1) Coastal Consistency Negative Determination

**COASTAL CONSISTENCY NEGATIVE DETERMINATION
FOR
NAVAL BASE SAN DIEGO FLOATING DRY DOCK PROJECT
SAN DIEGO, CALIFORNIA**

In accordance with section 307c (1) of the Coastal Zone Management Act of 1972 (CZMA), as amended, the Department of the Navy (Navy) has determined that the proposed project to construct a floating dry dock at Naval Base San Diego (NBSD) will not adversely affect any land or water use or natural resource of the coastal zone. Accordingly, the Navy concludes that a Coastal Consistency Determination (CCD) is not required and requests your concurrence with this Coastal Consistency Negative Determination (CCND) in compliance with the Ocean and Coastal Resource Management regulations (15 C.F.R. § 930.35).

The Navy prepared this negative determination in accordance with 15 C.F.R. § 930.35(a)(2), which directs federal agencies to prepare such determinations for a federal activity which is the same as, or is substantially similar to, activities for which consistency determinations were prepared in the past. The proposed project is substantially similar in purpose and scope to previous CCNDs and CCDS for dredging in the San Diego Bay (i.e., CD-51-87; CD-64-92; CD-51-94; CD-89-99; CD-031-01; ND-036-07; ND-011-11; ND-052-12; CD-011-13; ND-007-14; ND-0011-16; ND-0002-18; ND-0040-18; ND-0008-19; and ND-0009-19), as well as pier construction (i.e., CD-51-87 for Pier 12; CD-031-01 for Piers 10/11; ND-011-11 for Pier 12; CD-011-13 for Fuel Pier; and ND-0044-14 for Pier 8). In those decisions, the California Coastal Commission (Commission) found that the Navy's dredging and in-water construction activities would either have no effect on coastal resources and uses or would otherwise be consistent with enforceable policies (15 C.F.R. § 930.33(a)(1)) of the California Coastal Management Program (CCMP). The Commission concurred that the activities complied with the water quality, public access and recreation, and environmentally sensitive habitat policies of the CCMP.

The Navy has prepared an Environmental Assessment (EA) for the proposed project. Public review of the EA occurred from October 10, 2019 until October 25, 2019 and is available online at www.cnrc.navy.mil/navysouthwestprojects. The Navy did not receive any public comments.

PROJECT DESCRIPTION

The Navy proposes to emplace and operate up to two floating dry docks at NBSD (see Figure 1), which are necessary to address current and projected shortfalls in fleet maintenance capabilities as identified by Commander, U.S. Pacific Fleet. Specifically, the Navy is nearly at capacity fleet-wide for port loading space for guided-missile destroyer (DDG)-51 class vessels. The proposed project would support maintenance operations for DDG-51, LCS-2, LSD-41, and LSD-49 class vessels, ensuring the Navy could conduct berth-side repair and maintenance of its vessels thereby furthering its ability to train and equip combat-capable naval forces that are ready to deploy worldwide.

The proposed project would consist of dredging, sediment disposal, and in-water and landside construction in order to:

- 1) Emplace a floating dry dock at the south berth of the Mole Pier (see Figure 2);
- 2) Emplace of a commercial out lease (COL) floating dry dock near the Marine Group Boat Works (MGBW) maintenance piers (see Figure 3).

Emplacement of a Floating Dry Dock at the South Berth of the Mole Pier

Modifications to the south berth of the Mole Pier needed to support the emplacement of a floating dry dock include dredging and sediment disposal; demolition of small portions of the pier deck and the existing mooring dolphin; installation of two mooring dolphins and two fender piles necessary to support the floating dry dock; and upgrades and/or extension of existing utilities. Specifically, the scope of this action alternative would include:

- Relocation of the USS Curtiss and hoteling facilities along the south berth of the Mole Pier;
- Dredging of approximately 86,121 cubic yards (cy) of sediment and subsequent sediment disposal activities;
- Partial demolition of the existing pier deck and the existing mooring dolphin;
- Installation of two mooring dolphins;
- Fendering upgrades, including installation of two fender piles;
- Minor utility modifications; and
- Emplacement and operation of a prefabricated floating steel dry dock (18,000-ton capacity).

The existing south berth of the Mole Pier is approximately 588 feet long and 53 feet wide and covers approximately 31,164 square feet (sf) (0.7 acre). The project site includes the dredge footprint (approximately 4.79 acres) and upland areas along the south berth of the Mole Pier that require improvements to support the emplacement and operation of the proposed floating dry dock (approximately 5.30 acres). Therefore, it is anticipated that the total project site would encompass approximately 10 acres. The south berth of the Mole Pier was originally dredged to -55 feet mean lower low water (MLLW) to facilitate the emplacement of floating dry dock Auxiliary Floating Drydock Medium (AFDM) 14 “Steadfast”. Currently, the depths within the proposed dredge footprint range from -19 feet MLLW to -55.5 feet MLLW. The dredging would be completed to depths up to -35 feet MLLW in the Turning Basin, -40 feet MLLW in the Approach, and -55 feet MLLW in the Sump Area. Therefore, dredging at the south berth of the Mole Pier would generate an estimated 86,121 cy of sediment. The dredging equipment used would include either a barge-mounted clamshell or backhoe dredge, depending largely on disposal location, as described below (see *Sediment Disposal Options*).

A division of Naval Sea Systems Command would procure the floating dry dock and then barge it to the project site. The floating dry dock would be constructed entirely of steel and have an 18,000-ton vessel-lifting capacity designed to meet the requirements of the Navy's Military Standard (MIL-STD) 1625D and American Bureau of Shipping Standards. Minimum dimensions for the floating dry dock would be: 700-foot length, 163-foot outside width, a 139-foot inside width, a pontoon height of 14 feet, and a wing wall height of 44 feet above the pontoon deck.

The proposed floating dry dock would require the installation of two mooring dolphins – located forward and aft of the dry dock – to be placed to the east and west of the existing concrete wharf. The forward and aft mooring dolphins would each be supported by approximately sixteen 24-inch octagonal concrete piles. The aft mooring dolphin would also require approximately two 24-inch battered steel-pipe piles. Large reinforced concrete caps, measuring approximately 30 feet by 30 feet, would be placed atop each pile. Construction materials would be delivered by truck and the piles would likely be installed using a floating crane and a diesel impact hammer as well as vibratory methods and jetting methods as necessary. Up to two new fender piles would be installed along the outface of the south berth of the Mole Pier. It is anticipated that fender piles would consist of two steel piles of 16-inch diameter or less in size. Construction activities, including installation of piles and construction of mooring dolphins (and fender piles and utilities modification), would occur over a period of 10 weeks.

Emplacement of a COL Floating Dry Dock Near the MGBW Maintenance Piers

For this proposed action, the Navy would lease approximately 2.72 acres of water/submerged land and 0.88 acre of land to MGBW for a period of 30 years to support emplacement and operation of a COL floating dry dock at the southern edge of the NBSD property boundary near the existing MGBW maintenance piers. Following all required construction activities and emplacement of the proposed dry dock, MGBW would be responsible for all operations and maintenance activities associated with the facility. Given the existing water depth and real property constraints, the COL floating dry dock would be smaller than the one described for the Mole Pier. It would provide space required for the maintenance of the LCS-2, LSD-41, and LSD-49 class vessels. The dry dock would have a 9,000-ton vessel-lifting capacity designed to meet Navy MIL-STD 1625D and American Bureau of Shipping Standards. Minimum dimensions for the dry dock would be: 532.5-foot length, 154.2-foot outside width, 128-foot inside width, 10.2-foot pontoon height, with the wing wall height at 42.85-feet above the pontoon deck. The following actions would be required to support the emplacement of the proposed COL floating dry dock:

- Dredging of approximately 165,000 cy of sediment and subsequent sediment disposal activities;
- Installation of new access structures;

- Installation of two mooring dolphins;
- Utility installation and other landside improvements; and
- Emplacement and operation of a prefabricated steel floating dry dock (9,000-ton capacity).

The project site would include the dredge footprint (approximately 5.55 acres) including a 2.14-acre base dredged to a depth up to -39 feet MLLW. Currently the depths within the proposed dredge footprint range from -9 feet MLLW to -17 feet MLLW. Similar to the south berth of the Mole Pier, because of the potential presence of munitions and associated explosive safety arcs, dredging activities would be limited to nighttime (6:00 p.m. to 6:00 a.m.), Monday through Friday. Therefore, dredging activities would take approximately 27 weeks, with an average daily dredge volume of approximately 1,223 cy. There is a potential that once native sediments are reached, i.e., after the top layer of dredging is completed, the likelihood of munitions present is reduced and if approved by the Navy, dredging could transition to occur during both daylight and nighttime hours to shorten the duration of dredging operations. A conservative estimate of 20 workers would be required for the duration of dredging activities to transport, set up, and operate the dredging equipment and sediment transport tugs and barges. The dredging equipment would consist of a barge-mounted clamshell dredge, as described below in *Sediment Disposal Options*.

The COL floating dry dock would also require the installation of two mooring dolphins – located forward and aft of the proposed dry dock (i.e., between the proposed dry dock and the existing MGBW maintenance piers). The forward and aft mooring dolphins would require sixteen 24-inch diameter concrete octagonal structural piles and four 24-inch battered steel-pipe piles. The aft mooring dolphin would also require approximately two additional 24-inch battered steel-pipe piles. Large reinforced concrete caps, measuring approximately 30 feet by 30 feet, would be placed atop each pile. All pile and deck construction for the new pier would be consistent with current seismic standards and would be strong enough to support a 200-ton crane.

Two pedestrian bridges and a vehicle bridge would be constructed to provide landside access and servicing to the COL floating dry dock. The port-side pedestrian bridge, which would provide access to the port wing deck, would be approximately 115 feet long supported by a landside concrete abutment. The proposed ramp wharf would be approximately 80 feet wide and 55 feet long and would support a 60-foot-long vehicle bridge that would provide vehicle access to the COL floating dry dock. The ramp wharf would also support the starboard wing deck. The concrete ramp wharf and vehicle bridge would cover approximately 5,360 sf and would be supported by twenty-four 24-inch octagonal concrete piles. These access structures, which would be similar to those proposed for the south berth of the Mole Pier and other Navy piers in the vicinity, would allow for construction vehicles and heavy equipment to be used during maintenance of Navy vessels. Construction materials would be delivered by truck and

the piles would likely be installed using a floating crane and a diesel impact hammer as well as vibratory and jetting methods, as necessary.

Required security improvements would include removal and replacement of the installation's secure perimeter fence, including installation of a Common Access Card (CAC)-enabled turnstile for personnel access. The facility would be required to maintain compliance with existing Anti-Terrorism/Force Protection (AT/FP) standards. In addition, MGBW would also be required to install its own water barrier system in accordance with Unified Facilities Criteria 4-025-01, *Security Engineering: Waterfront Security*. Construction activities, including installation of piles and construction of access structures (and mooring dolphins, fender piles, and utilities modifications), would occur over a period of 10 weeks.

Sediment Disposal Options

The Navy has considered the following three disposal alternatives for nearshore beach replenishment, ocean disposal, and upland disposal:

- 1) Nearshore Beach Replenishment at Naval Base Coronado Silver Strand Training Complex Boat Lanes 9 and 10 or Naval Air Station North Island Beach;
- 2) LA-5 Ocean Dredged Material Disposal Site (ODMDS); and/or
- 3) Upland disposal at the Otay Landfill.

The three locations are shown on Figure 4 and descriptions of each disposal option are provided below. The Navy will conduct sediment testing in accordance with protocols (Green Book and Inland Testing Manual [ITM]) of the U.S. Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) per an approved Sampling and Analysis Plan (SAP). The results of this testing will be compiled and presented to the USEPA and USACE, at which time these agencies will render a suitability determination for the three proposed disposal options.

The *Nearshore Replenishment – Beneficial Reuse* option would involve loading the dredged sediment into barges and transporting it to a Nearshore Replenishment Site for beneficial reuse. Nearshore Replenishment Sites that are currently under consideration include:

- Naval Base Coronado Silver Strand Training Complex Boat Lanes 9 and 10;
- Naval Air Station North Island Beach; and
- Other suitable location(s) identified during the permitting process.

One or more Nearshore Replenishment Sites may receive the dredged sediment. Two single tugs, each towing as many as two 1,000-cy barges, would be used to transport the dredged sediment. Barges would be equipped with electronic tracking devices to document material releases to ensure they occurred within the disposal site boundaries, as specified by the dredging permit.

The *Ocean Disposal* option would involve loading the dredged sediment into barges and transporting it to the LA-5 ODMDS. The LA-5 ODMDS is a designated offshore open-water disposal site located 5.4 nautical miles off the San Diego Coast on the ridged slope of the continental shelf at a depth of approximately 600 feet. Two single tugs, each towing a 1,000-cy barge, would be used to transport the dredged sediment to the LA-5 ODMDS. One tug/barge would be loaded with material at the dredge site while the other is disposing sediment at the LA-5 ODMDS, ensuring that dredging can be completed in a timely manner while complying with LA-5 ODMDS use restrictions prohibiting more than one barge on-site at a time. One round trip from NBSD to the LA-5 ODMDS is expected to take approximately 34 hours. The barges would be equipped with electronic tracking devices to document material releases to confirm they 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 Protections, Research, and Sanctuaries Act of 1972 (MPRSA) and disposal operations would be required to comply with all applicable permitting and dredging regulations published in 33 C.F.R. Parts 320-330 and 33 C.F.R. Parts 335-338.

The *Upland Disposal* option would be implemented if it is determined that dredged sediments are not suitable for unconfined aquatic disposal including either beneficial reuse or ocean disposal. This option involves transporting the dredged sediment via barge to an upland confined drying facility (referred to by the Navy as a CDF) at NBSD. The CDF is the area located on the north side of the Mole Pier, which has previously been used to offload dredged sediment. Once adequately dried, the dredged sediment would be placed on a dump scow and mixed with a thickening agent. The sediment would then be transferred to a secondary holding site, tested for pH and water content in accordance with applicable landfill requirements, and then transported via trucks to a landfill such as the Otay Landfill. The Otay Landfill is a permitted Class III Landfill (USEPA Facility Registration System ID 110000832243) located at 1700 Maxwell Road in Chula Vista, California, approximately 12.2 miles from NBSD. The landfill has a permitted maximum disposal rate of 6,700 tons per day, and it does not have a daily truck count limit (CalRecycle 2019).

EFFECTS ANALYSIS

As defined in section 304 of the CZMA, the term “coastal zone” does not include “lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government.” The Navy owns and operates NBSD, including some of the submerged lands; therefore, these lands are excluded from California’s coastal zone. Although the Navy does not own the adjacent submerged lands that extend further into San Diego Bay, it does maintain navigational servitude of them, in part, through implementation of a security zone (33 C.F.R. § 165.1101) as shown in National Oceanographic and Atmospheric Administration (NOAA) Nautical Chart 18773 (see Figure 5). The Navy recognizes that federal actions on land excluded from the coastal zone may affect resources and uses within the coastal zone. Accordingly, the

Navy has analyzed the impacts of the proposed action on the coastal zone by looking at reasonably foreseeable direct and indirect effects on the coastal resources or uses. Consistent with 15 C.F.R. § 930.33(a)(1), the Navy has also analyzed the relevant enforceable policies () from chapter three of California's Public Resources Code, entitled Coastal Resources Planning and Management Policies (CRPMP). The following sections address each of the relevant enforceable policies.

Public Access (CRPMP Section 30210) and Recreation (CRPMP Section 30220)

Section 30210 – Maximum Access and Recreational Opportunities. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30220 – Water-Orientated Recreational Activities. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

NBSD is located in the southern portion of San Diego Bay in a heavy industrial area. There are no publicly accessible recreation areas within the project footprint. The U.S. Coast Guard restricts public access to the piers and wharf areas of NBSD with a designated security zone (33 C.F.R. § 165.1101). The Navy further restricts access to the piers with placement of floating port security barriers and enforces the restrictions with roving security boat patrols. Access to the south berth of the Mole Pier and the southern edge of NBSD near the existing MGBW maintenance pier is controlled by the Navy and is restricted to military personnel, Department of Defense (DoD) and Navy civilian employees, and authorized contractors. Surrounding land uses adjacent to the two project sites are designated for military activities and include waterfront operations, industrial uses, and surface parking lots. Once emplacement of the COL floating dry dock is completed, access to the COL area will also be controlled with a floating security barrier. The proposed action would be compatible with existing adjacent land uses, and no changes would occur to public access or recreational opportunities.

Therefore, there would be no effect to public access or recreation.

Marine Environment (CRPMP Sections 30230 *et seq.*)

Section 30231 – Biological Productivity and Water Quality. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste

water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 – Oil and hazardous substance spills. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 – Diking, filling, or dredging; continued movement of sediment and nutrients. (a) The diking, filling or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse effects and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

The proposed dredging, sediment disposal, and in-water and landside construction activities associated with both project sites would include standard construction best management practices (BMPs). The avoidance and minimization measures listed below and in Table 1 would be followed during all required dredging and sediment disposal as well as all required demolition and construction activities to limit impacts on water quality and biological productivity:

1. Spill control and response measures (e.g., spill kits) will be implemented during dredging, transport, and disposal.
2. Sediment will be controlled when on board vessels to minimize spillage during transport.
3. Dredge bucket depth of excavation, swing length, and fill amount will all be limited.
4. Pumping equipment will be inspected prior to pumping to ensure that no leaks in pumping equipment or hosing exist.
5. The contractor will use only clean construction materials suitable for use in the oceanic environment. The contractor will ensure that no debris; soil; silt; sand; sawdust; rubbish; cement or concrete washings thereof; chemicals; or oil or petroleum products from construction are allowed to enter into or placed where they may be washed by rainfall or runoff into waters of the U.S. Upon completion of the project authorized, any and all excess material or debris will be completely removed from the work area and disposed of in an appropriate upland site.
6. Uncured concrete will be poured into water-tight forms and not be allowed to overtop forms.

7. Subject to the terms and conditions identified in all applicable project-specific permit, the Navy will deploy precautionary measures to alleviate turbidity associated with demolition and construction activities.
8. The contractor will position a barge, where necessary, to capture and contain large debris associated with required demolition activities (e.g., concrete pier decking).

Hazardous materials that could be encountered during the proposed demolition and/or construction include lead-based paint chips; dust removed from deck hardware and striping; fuel and hydraulic fluid contained in heavy equipment, vehicles, and vessels performing the overall demolition, construction and dredging tasks; and paints to be used on upland deck infrastructure and deck striping. Contractors involved with the construction activities would be subject to all federal, state, and San Diego County requirements for hazardous materials and hazardous waste management and would follow the Navy Region Southwest Hazardous Waste Management Plan (HWMP) for the San Diego Metro Area. The Storm Water Pollution Prevention Plan (SWPPP) for NBSD contains base wide and site-specific BMPs to eliminate activities that could release hazardous materials into the surface water. The BMPs for demolition and construction activities include berms around the electrical substations to contain potential oils leaks from the transformers; overpack containers for hazardous materials being loaded onto berthed ships; checking vehicles and equipment for leaks; and having absorbent materials on hand to control spills. With the implementation of all appropriate BMPs, there would be no increase in human health risk or environmental exposure to hazardous materials or hazardous wastes and no significant effects associated with the use, storage, or disposal of hazardous materials or hazardous wastes.

In addition, the following avoidance and minimization measures would be followed during the proposed dredging, sediment disposal, demolition and construction activities for both project sites. These are also included in Table 1 below:

1. A pre-dredging survey for *Caulerpa*, an invasive alga, would be conducted for both sediment collection and dredging activities consistent with NMFS and California Department of Fish and Wildlife requirements. If *Caulerpa* is found in the study area during this survey, NMFS-approved *Caulerpa* Control Protocols would be followed.
2. A pre- and post-dredging and construction eelgrass survey would be conducted at the MGBW site.
3. The dredging and construction contractors will instruct all personnel associated with the project of the potential presence of protected species and will designate a protected species observer to be present during all in-water operations. Work will be temporarily halted if GST are observed within 66 feet of underwater construction or demolition activities at the south berth of the Mole Pier and construction at the MGBW maintenance piers location, the

protected species observer will use binoculars to scan the project area and record the presence of any marine mammals within the zone of influence (ZOI) for acoustic harassment. Work must be temporarily halted if a marine mammal approaches to within the identified shutdown zone for the activities. During all in-water construction or demolition, if a marine mammal is observed to be within 10 meters of the pile driving activity or within 20 meters of dredging activity, all work will stop; in practice, this distance will be buffered during monitoring to ensure that injuries are prevented. GST and marine mammal monitoring requirements will be finalized in consultation with NMFS, as required by the ESA and MMPA, respectively.

4. During all pile driving and removal activities, regardless of predicted sound pressure levels (SPLs), a visual buffer of 33 feet (10 meters) will be added to the required 33-foot (10-meter) Level A injury prevention zone (i.e., shutdown zone). Due to the swim speeds of marine mammals potentially in the project area, adding a 33-foot (10-meter) buffer to a Level A ZOI is considered as appropriate to reduce the likelihood of a Level A take associated with pile extraction/installation. If an animal enters the buffered shutdown zone, pile driving would be stopped until the individual(s) has left the zone of its own volition, or has not been sighted for 15 minutes.

5. Other marine mammal species that are also listed under the ESA are unlikely to enter San Diego Bay. However, the Level B buffered shutdown zone would ensure avoidance of take by harassment if an ESA-listed marine mammal is observed approaching this zone.

6. If a marine mammal of which take is not authorized under the MMPA approaches the largest ZOI, pile driving would be stopped until the individual(s) has left of its own volition, or has not been sighted for 15 minutes.

7. All stoppages and sightings of protected species within monitoring zones must be reported to the Navy Region Southwest Regional Environmental Coordinator's Office for inclusion in the annual report on the Maintenance and Construction Program.

Emplacement of a Floating Dry Dock at the South Berth of the Mole Pier

The emplacement of a floating dry dock at the south berth of the Mole Pier would require dredging in the turning basin, approach, and sump of the Mole Pier and disposal of an estimated 86,121 cy of dredged sediments. Disposal options include beneficial reuse at a nearshore beach replenishment site, ocean disposal at LA-5 ODMDS, or upland disposal at the Otay Landfill. All sediment disposal operations would adhere to pertinent regulatory programs, including the MPRSA, sections 401 and 404 of the Clean Water Act, and section 10 of the River and Harbors Act.

Activities associated with dredging, in-water demolition, and pile driving under this action alternative would disturb a portion of bottom sediments within the project site. Disturbance of bottom sediments (mostly sand) may cause the formation of localized but temporary turbidity

plumes with elevated concentrations of suspended particles and decreased light transmittance. It may also cause localized but temporary decreases in dissolved oxygen concentrations in bottom waters. Decreases in light penetration levels and dissolved oxygen would occur within a few hundred feet of the project site but would end several hours after cessation of dredging activities. Effects would be localized and temporary because suspended sediments would eventually resettle from the water to the bottom (particularly in the vicinity of the project site where the sediments are composed primarily of sand-sized particles). This temporary bottom disturbance would not result in toxicity to aquatic organisms or increase potentials for contaminant bioaccumulation.

Dredging, in-water demolition, and pile-driving activities would cause minor and short-term impacts to existing non-vegetated, soft-bottom benthic communities within the approach area, turning basin, and the sump. Organisms occurring in the immediate area would be lost or displaced during dredging activities, either directly by equipment and noise associated with these activities or indirectly by exposure to short-term changes in suspended sediments, turbidity, dissolved oxygen, or light diffusion. However, the proposed dredge footprint is, and would remain, deep subtidal habitat. As such, no permanent change in habitat would result from the proposed dredging activities. Invertebrates would be expected to recover from the disturbance upon completion of the dredging activities.

In-water work – including dredging, demolition, and pile driving – would produce noise that would temporarily disturb fish, marine mammals, and sea turtles in the immediate vicinity of the project site.

The Pacific Coast Groundfish and the Coastal Pelagic Species fishery management plans designate San Diego Bay as essential fish habitat (EFH). Four managed coastal pelagic fish species (e.g., jack mackerel, northern anchovy, Pacific mackerel, and Pacific sardine) and seven managed groundfish species (e.g., curlfin sole, California scorpionfish, English sole, grass rockfish, leopard shark, soupfin shark, and spring dogfish) are likely to occur within in the project site. As described in the Navy's EFH Assessment, temporary impacts to EFH species may occur from increased suspended sediments and noise levels associated with dredging activities; however, fish would be able to move out of the area during in-water activities and return after in-water activities are completed. Therefore, no significant long-term effect would be anticipated.

Marine mammals protected under the Marine Mammals Protection Act (MMPA), and the federally listed green sea turtles (GST) and California least tern (CLT), protected under the Endangered Species Act (ESA), may be encountered in San Diego Bay and may transit through the project site. The likelihood of encountering marine mammals, GST, or CLT during construction is low and because these species are highly mobile and would be able to detect the noise and may temporarily avoid the area. Since there are no sea lion rookeries or haulouts anywhere in the project site or surrounding vicinity, the potential for airborne acoustic

harassment is considered negligible. Effects to sea lions from dredging and/or in-water construction activities (e.g., pile driving) could include a temporary change to their normal behavior patterns or the potential of being temporarily displaced from the construction area.

The Navy assesses that potential impacts to GST from dredging and in-water construction activities would be minor and inconsequential, and would not rise to a level of take under the ESA. A qualified biological monitor would be present to look for marine mammal and GST activity in the vicinity of the project site and would provide a brief training to vessel operators involved in dredge operations, transportation of materials (including dredged sediments), and other construction operations. Operations would be temporarily halted if any marine mammals or GST are observed in transit or occupying the project site or selected disposal sites. If individual marine mammals are observed within 20 meters of construction activity, operations would be suspended for at least 15 minutes following observing the individual had vacated the area. Prior to 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 ramp-up procedure would be used (i.e., a slow increase in the pile driving to allow any undetected animals in the area to voluntarily depart).

CLT are present in the San Diego Bay environment, including nesting and foraging sites in the vicinity of Naval Base Coronado across the Bay from NBSD. However, CLT are not expected to occur within the project area.

Following emplacement, the floating dry dock would shade approximately 3 acres of deep subtidal habitat, representing less than 0.1 percent of the 4,400 acres of deep subtidal habitat in San Diego Bay. The deep subtidal area is muddy, lacking eelgrass or attached algae, so any effects on productivity would be negligible. Additionally, the area that would be covered was once the site of AFDM 14 "Steadfast" until 1998, and since 2002 has provided a berth for the USS Curtiss, which is approximately 100 feet wide by 600 feet long (shading an area of 1.4 acres). The USS Curtiss, which is currently stationed at the wharf, would be relocated to another existing berth prior to initiating any modifications necessary to accommodate the proposed floating dry dock.

Emplacement of a COL Floating Dry Dock near the MGBW Maintenance Piers

The emplacement of a floating dry dock near the MGBW maintenance pier would require dredging in the turning basin, approach, and sump, along with disposal of an estimated 165,000 cy of dredged sediments. Disposal options include beneficial reuse at a nearshore beach replenishment site, ocean disposal at the LA-5 ODMDs, or upland disposal at the Otay Landfill. All sediment disposal operations would adhere to pertinent regulatory programs, including the MPRSA, sections 401 and 404 of the Clean Water Act, and section 10 of the River and Harbors Act.

Dredging activities under this action alternative would produce similar noise levels and turbidity as described for dredging activities at the south berth of Mole Pier. However, the dredging

would involve almost double the volume of sediment; therefore, temporary impacts would be experienced for approximately twice as long (27 weeks) longer than described for the emplacement of a floating dry dock at the south berth of the Mole Pier (14 weeks).

Dredging under this action alternative would convert approximately 5 acres of shallow subtidal habitat representing approximately 0.13 percent of shallow subtidal habitat in San Diego Bay. Dredging would remove an eelgrass bed estimated in 2017 to occupy less than 1 acre. The actual area of impact for eelgrass would be determined by pre- and post-dredging surveys and mitigated to be consistent with the California Eelgrass Mitigation Policy (CEMP) (see Figure 6 for eelgrass locations in San Diego Bay).

Impacts to the benthic fish and invertebrate communities would be more severe than those described for the south berth of the Mole Pier, because the greater depth of excavation would remove all of the biologically active surface layers. Given the moderate depth and lack of recent dredging in this area, the community of algae and invertebrates is presumed to be more diverse and productive than that occurring in the surrounding deep subtidal areas, which have previously been dredged. Because of the proposed dredging necessary to support the emplacement of the floating dry dock, this habitat would be initially devoid of biological resources. The benthic community would gradually be colonized by the same organisms that inhabit the surrounding deep subtidal habitat. However, this process would be slow, probably requiring several years, because of the low productivity of deep subtidal habitat and poor circulation in the southern part of San Diego Bay.

No demolition would be required under this action alternative; however, the emplacement of a floating dry dock near the MGBW maintenance piers would require the construction of two pedestrian bridges and a ramp wharf (80-feet wide by 55-feet long) for a 60-foot long vehicle bridge. The concrete ramp wharf and vehicle bridge would cover approximately 5,360 square feet and would be supported by twenty-four (24) inch octagonal concrete piles. These access structures, in addition to the mooring dolphins, would require more piles installed than the Mole Pier floating dry dock construction, which would result in additional noise-related disturbance to fish, marine mammals, and GST. However, as described for the south berth of the Mole Pier, no significant effects would be anticipated.

Following emplacement, the floating dry dock would shade approximately 2.1 acres of deep subtidal bottom habitat. Given dredging activities, habitat values would be degraded, probably for several years before sediment characteristics, and fish, invertebrate, and microbial communities, would approach those of the surrounding deep subtidal areas that have been dredged in the past. The effects of shading in deep subtidal habitat would be relatively minor given the attenuation of light with depth.

Therefore, with implementation of the avoidance and minimization measures and BMPs, there would be no adverse effects to marine resources.

Land Resources (CRPMP Sections 30240 et seq.)

Section 30240(a) – Environmentally Sensitive Habitat Areas. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

There are no environmentally sensitive habitat areas, as defined by the California Coastal Act, within the project sites at the south berth of the Mole Pier or near the MGBW maintenance piers. Both sites are located in heavy industrial areas with no upland habitat identified. The project sites are primarily located within San Diego Bay and discussed above in the Marine Resources section.

Section 30244 – Archeological or Paleontological Resources: Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

There would be no effect on historic properties because none exist within project sites at the south berth of the Mole Pier or near the MGBW maintenance piers. Given their location within NBSD, both project sites fall under the coverage of the Commanding Officer Naval Base San Diego (CONBSD) Programmatic Agreement (PA) executed in 2014 between CONBSD, the Advisory Council on Historic Preservation, and the California State Historic Preservation Officer. In conformance with Stipulation 6.A of the CONBSD PA, actions proposed at the project sites would not affect listed, contributing, or eligible National Register of Historic Places (NRHP) properties. Consistent with 36 C.F.R. § 800.4(d)(I), the Navy's Cultural Resource Management Program has accordingly made a determination of "no historic properties affected." Both project locations are more than 325 feet from the nearest identified historic properties: the Naval Station San Diego Historic District (revised 2007) and individually eligible Dry Dock No. 1. Given the development history associated with both project locations, the potential for the presence of buried archeological resources (including shipwrecks) to occur or be adversely affected by the construction for and emplacement of the floating dry docks is precluded.

Therefore, there would be no effects to land resources.

Development (CRPMP Section 30250 et seq.)

Section 30251 – Scenic and Visual Qualities: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Scenic and Visual Quality. The emplacement and operation of floating dry dock space would not affect views available to the public and would be consistent with the surrounding military-industrial uses characteristic of this region of the San Diego Bay. Dredging activities would be visible to military personnel working near the Mole Pier and the MGBW maintenance piers; boaters in the San Diego Bay; and from multiple view corridors around San Diego Bay. However, the dredging and construction activities would be short-term and would occur in a developed area that is accessible only to military or contracted personnel. After activities associated with the emplacement of the floating dry dock space are concluded, the project sites would be visually consistent with the current marine-industrial and military activities that take place at surrounding NBSD waterfront sites and adjacent areas. Therefore, there would be no effect to aesthetics or visual resources.

Section 30253(a)-(c) – Standards for New Development. New development shall do all of the following: minimize risks to life and property in areas of high geologic, flood, and fire hazard; assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs; and be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Minimization of Adverse Impacts. The emplacement and operation of the floating dry docks – including all required dredging and sediment disposal as well as all required demolition and construction activities – would not result in adverse impacts to geological resources. The majority of the proposed activities would occur within previously developed areas of San Diego Bay. Dredging would not result in impacts to geology and topography, particularly at the south berth of the Mole Pier as this area was previously dredged to -55 feet MLLW to support AFDM 14 “Steadfast”. San Diego is a seismically active region, as is most of Southern California. Seismic hazards can include landslides, ground shaking, surface displacement, rupture, liquefaction, and tsunamis. The emplacement of a floating dry dock at the south berth of the Mole Pier and the southern edge of the property boundary for NBSD near the existing MGBW maintenance piers would comply with all applicable provisions of the Unified Facilities Criteria and would incorporate BMPs, specifically addressing susceptibility to geological/seismic hazards (e.g., overdredge limit).

Sea Level Rise. The projects would not include any improvements or construction within a managed flood zone. Further, all new in-water structures and landside improvements would be designed to withstand a 100-year storm event and would incorporate predicted sea level rise in the design.

Air Quality. The Proposed Action would follow applicable San Diego County Air Pollution Control District (SDCAPCD) policies. As described in the Navy’s Record of Non-Applicability, emissions from dredging, sediment disposal, and in-water and landside construction activities under any

of the three action alternatives would not exceed the *de minimis* thresholds identified for the San Diego Air Basin (SDAB). Therefore, the Proposed Action would conform to the SDAB State Implementation Plan and would not trigger a conformity determination under the Clean Air Act, as amended.

Section 30255 – Priority of coastal-dependent developments: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Coastal-Dependent Development. The Navy's mission "is to maintain, train and equip combat ready Naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas." The location of Navy installations on the coast directly supports the Navy's ability to provide training and equipping of combat-capable Naval forces ready to deploy worldwide. Development on NBSD thus can be considered a coastal-dependent use with priority in development. Emplacement and operation of one or more floating dry docks at NBSD would ensure the Navy's capability to conduct berth-side complex repair and maintenance of vessels, furthering its ability to provide training and equipping of combat-capable Naval forces ready to deploy worldwide. The Navy's project is proposed in an industrial area of San Diego Bay. The Navy's project is purposefully located to use existing infrastructure as much as possible and requires access to a navigational channel to function since the purpose of the project is to support repair and maintenance of U.S. Pacific Fleet ships. While there are three commercial shipyards located immediately to the north of NBSD that have existing dry docks, the only currently active Navy dry dock in San Diego is located on Naval Base Point Loma and it is designed to support submarines, not deep draft ships. The need for the additional dry dock space is to ensure NBSD's capability to conduct berth-side complex repair and maintenance of vessels, furthering the Navy's ability to provide training and equipping of combat-capable Naval forces ready to deploy worldwide. The Navy's facility must be located on or adjacent to the sea in order to maintain and repair ships, as transporting such large vessels inland is impractical and not practices.

Therefore, there would be no effect to visual, scenic, or air quality of coastal resources.

CONCLUSION

In accordance with section 307c(1) of the CZMA, the CCND demonstrates that the Navy will undertake the proposed project in a manner as to not adversely affect coastal uses or resources by avoiding and/or minimizing those effects. The Navy respectfully requests your concurrence. If you need additional information or if you have any questions, please do not hesitate to contact Ms. Deb McKay at (619) 532-2284 or via email at deborah.mckay@navy.mil.

[illegible]

Figure 2. South Berth of the Mole Pier

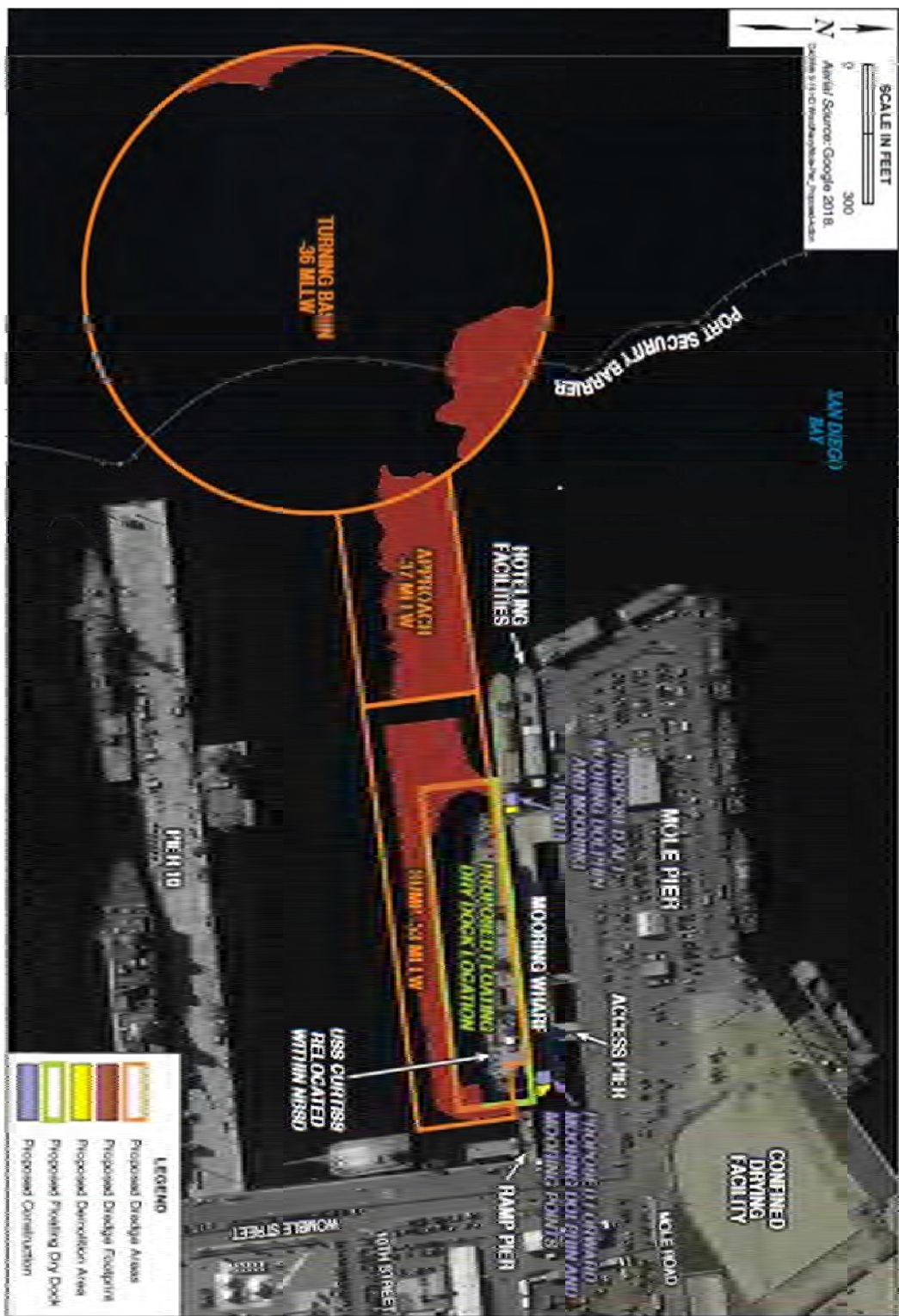


Figure 3. COL at near MGBW Maintenance Piers



[illegible]

Figure 5. NOAA Nautical Chart 18773

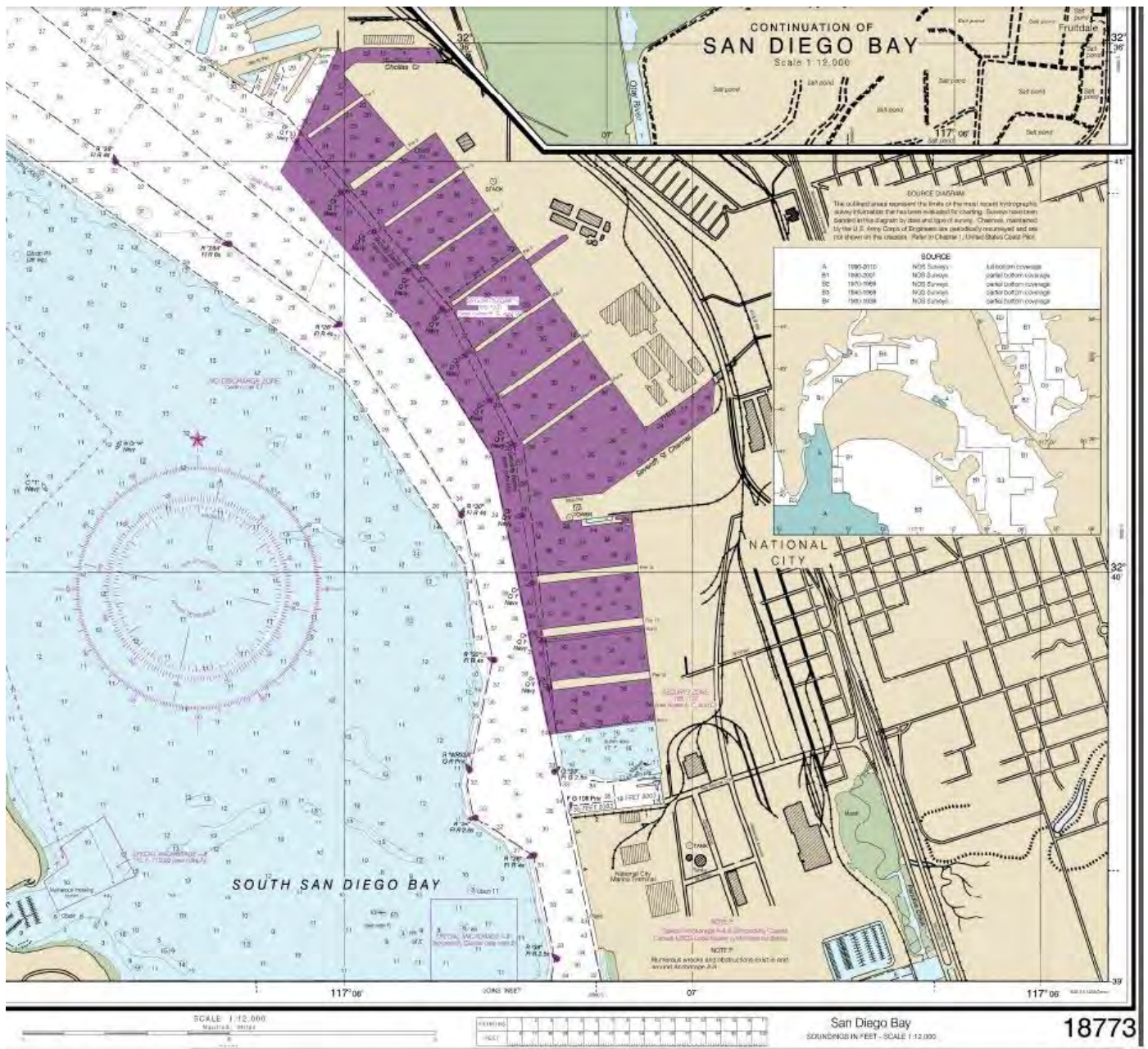


Figure 6. Eelgrass Beds Near the Project Sites



Table 1 – Best Management Practices

This following presents an overview of the BMPs that are incorporated into the Proposed Action in this document. BMPs are existing policies, practices, and measures that the Navy would apply to reduce environmental impacts of designated activities, functions, or processes. Although BMPs mitigate potential impacts by avoiding, minimizing or reducing/eliminating impacts.

<i>BMP</i>	<i>Description</i>	<i>Impacts Reduced/Avoided</i>
Pre-Construction <i>Caulerpa</i> Survey	A pre-construction <i>Caulerpa</i> survey would occur for both sediment collection and dredging activities per the <i>Caulerpa</i> Control Protocol.	Potential spread of invasive <i>Caulerpa</i> associated with bottom disturbing activities and/or transport of dredged sediments.
Pre- and post-dredging and construction eelgrass survey at MGBW Maintenance Piers Location	Prior to dredging and construction at the MGBW maintenance piers, the area will be surveyed for eelgrass. If detected, it will be mapped, and a post-construction survey will be conducted to determine the extent of any project-related impacts, which the Navy/MGBW would mitigate consistent with the Southern California Eelgrass Mitigation Policy (October 2014).	Potential loss of eelgrass which is important habitat for fish and sea turtles.
Vessel Speed Limits	Vessel operators will follow designated speed zones to and from the project site.	Potential vessel strikes with aquatic species.
Green Sea Turtle Monitoring (Clamshell Dredge/Daytime Operation)	A qualified biological monitor will be present to look for green sea turtle activity in the vicinity of the project site and will provide a brief training to vessel operators dredge operations, transportation of materials (including dredged sediments), and other construction vessels.	Potential impacts to green sea turtle.
Marine Mammal Monitoring	A qualified biological monitor will be present to look for marine mammal activity in the vicinity of the project site and will provide a brief training to vessel operators dredge operations, transportation of materials (including dredged sediments), and other construction vessels.	Potential impacts to marine mammals.
Pre-Construction Visual Sweep	A visual scan of the project surface area prior to commencing pile-driving activities, and after a break in pile driving for more than 30 minutes.	Potential impacts to green sea turtle and/or marine mammals.

BMP	Description	Impacts Reduced/Avoided
Sensitive Species Protection	Operations will be halted temporarily if any marine mammal or green turtles is observed in transit or occupying the project site or selected disposal sites. <u>Dredging</u> : Work will be suspended if an animal is observed within the buffered shutdown zone (<66 feet [<20 meters]). Work will be allowed to restart once the animal has been observed leaving the buffered shutdown zone, or once 15 minutes has elapsed since the most recent observation. <u>Pile driving</u> : Work will be suspended if an animal is observed within the buffered shutdown zone (<66 feet [<20 meters]). Work will be allowed to restart once the animal has been observed leaving the buffered shutdown zone, or once 15 minutes has elapsed since the last observation.	Potential impacts to marine mammals and green sea turtle.
Pile Driving Soft-Start Procedure	Prior to the start of pile driving each day, after each break of more than 30 minutes, the soft-start procedure will be used (i.e., at least three unfueled hammer blows separated by 30 seconds) to allow any undetected animals in the area to leave of their own volition prior to a fueled blow.	Potential impacts to marine mammals and green sea turtle.
Minimization of Suspended Sediments	Dredge passes will start on near the shoreline and move toward deeper water to minimize suspended sediments by reducing sloughing toward open water.	Potential water quality impacts.
Vessel Grounding Prevention	Vessel draft and movements will be controlled by the contractor to limit potential for grounding.	Potential water quality impacts associated with sediment disturbance or material spill due to vessel grounding incidents.
Sediment Spillage Control	During transport and handling of sediment, containment measures will be used to minimize spillage.	Potential water quality impacts associated with sediment spillage outside of selected disposal sites.
Surface Debris Survey	The contractor will be required to conduct a surface debris survey prior to dredging.	Potential water quality impacts associated with transport and deposition of non-dredge material.
GPS Locator Requirement	The contractor will use a GPS to ensure that material is removed from the correct locations.	Potential water quality impacts associated with dredge and transport of materials outside the project area.
Dredge Material Screening	Dredge materials requiring upland disposal and considered to be potentially hazardous will be screened for munitions and explosives of concern and radiological commodities, as necessary	Potential safety issues associated with upland dredge material disposal.

BMP	Description	Impacts Reduced/Avoided
Nighttime Dredging	Dredging operations will take place between 6:00 p.m. and 6:00 a.m., Monday through Friday	Potential impacts associated with munitions and explosive safety arcs.
Dredge Depth Limit and Area Limits	The contractor will not be allowed to excavate beyond the overdredge depth or outside of the project area limits.	Potential water quality impacts associated with dredge and transport of materials outside the project area.
Dredge Bucket Swing Limit	The dredge bucket will be swung directly to the barge after it breaks the water surface using the minimal swing distance.	Potential water quality impacts associated with sediment release at dredge site due to prolonged transit of dredge bucket to barge/scow.
Bottom Stockpiling and Dredging Limit	No bottom stockpiling or multiple bites of the clamshell bucket will be allowed.	Potential water quality impacts associated with unnecessary sediment disturbance at dredge site.
Overdredge Limit	The contractor will not be allowed to overdredge beyond the designed slide slopes.	Potential water quality impacts associated with over-steepening of the slope resulting in unnecessary sediment movement/sliding or impacts to adjacent structural stability.
Dredge Bucket Fill Limit	The dredge bucket will not be overfilled.	Potential water quality impacts associated with sediment spillage from overfilled dredge bucket.
Barge/Scow Maximum Capacity	The barge/scow will not be filled beyond 85 percent capacity.	Potential water quality impacts associated with sediment spillage outside of selected disposal sites.
Dredge Material Control	Material will not be allowed to leak from the bins or overtop the walls of the barge/scow.	Potential water quality impacts associated with unintended sediment release outside of selected disposal sites.
Offloading Spill Control	During offloading, metal spill aprons, upland spill control curbing and collection systems, and other spill control measures will be implemented. If a bucket is used, a dribble apron will be used.	Potential water quality impacts associated with uncontrolled deposition of sediment during offloading operations.
Spill/Sheen Response Materials	Surface booms, oil-absorbent pads, and similar materials will be maintained on-site to contain any sheen that may occur on the surface of the water during dredging.	Potential water quality impacts associated with spill/sheen.

<i>BMP</i>	<i>Description</i>	<i>Impacts Reduced/Avoided</i>
Clean Materials	Only clean construction materials suitable for use in the oceanic environment will be used.	Potential water quality impacts associated with construction materials.
Debris Control	A cable net and floating boom will be used to capture debris that falls into the water during demolition activities and debris will be collected and disposed of onshore.	Potential water quality impacts associated with uncontrolled construction and demolition debris.

Abbreviations:

BMP = best management practice

ESQD = Explosive Safety Quantity Distance

GPS = Global Positioning System

MGBW = Marine Group Boat Works

CALIFORNIA COASTAL COMMISSION

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December 31, 2019

Jackson Habeck, Commander
Public Works Officer
Department of the Navy
Attn: Deb McKay
Naval Base San Diego
3455 Senn Rd.
San Diego, CA 92136-5084

Re: **ND-0031-19** U.S Navy, Negative Determination, Floating Dry Dock Project, Naval Base San Diego

Dear CDR Habeck:

The U. S. Navy has submitted the above-referenced negative determination for the construction of a floating dry dock project on the east side of San Diego Bay at the Naval Base San Diego. The project would consist of placement and operation of up to two dry docks, one on the south side of the Mole Pier and one just north of the Marine Group Boat Works (MGBW) maintenance pier. The dry docks are needed to support maintenance operations for guided missile destroyer vessels, littoral combat ships, and dock landing ships (DDG-51, LCS-2, LSD-41 and LSD-49 class vessels). The Navy is currently at capacity for maintenance operations for DDG-51 class (guided missile destroyer) vessels.

The work at the first (Mole Pier) site would include:

- Relocation of the USS Curtiss and hoteling facilities along the south berth of the Mole Pier;
- Dredging of approximately 86,121 cubic yards (cy) of sediment and subsequent sediment disposal activities;
- Partial demolition of the existing pier deck and the existing mooring dolphin;
- Installation of two mooring dolphins;
- Fendering upgrades, including installation of two fender piles;
- Minor utility modifications; and
- Emplacement and operation of a prefabricated floating steel dry dock (18,000-ton capacity)

The work at the second (MGBW) site would include:

- Dredging of approximately 165,000 cy of sediment and subsequent sediment disposal activities;
- Installation of new access structures;
- Installation of two mooring dolphins;
- Utility installation and other landside improvements; and
- Emplacement and operation of a prefabricated steel floating dry dock (9,000-ton capacity).

The areas proposed for dredging have not yet been tested, and disposal sites would be identified after the test results have been performed. Suitable clean sandy material would be disposed of as nearshore beach replenishment at either Naval Base Coronado Silver Strand Training Complex Boat Lanes 9 and 10, or Naval Air Station North Island Beach. Suitable clean non-sandy material would be disposed of at LA-5. Contaminated material unsuitable for open ocean aquatic disposal would be disposed of at the Otay Landfill. The Navy will provide the test results to and clarify the disposal regime with the Commission staff, once the testing is complete and has been reviewed by the Environmental Protection Agency, the Army Corps, and other appropriate regulatory agencies.

The project will not affect public access; the Naval Base San Diego is off-limits to public access due to military security and public safety needs. The project will not affect scenic public views. Best Management Practices will be implemented to protect coastal water quality. Pre- and post-construction monitoring for *Caulerpa* (an invasive species) and eelgrass (an environmentally sensitive species) will be performed, and appropriate protocols and mitigation measures will be implemented in accordance with National Marine Fisheries Service and California Dept. of Fish and Wildlife requirements. Protocols will be in place to monitor, avoid, and protect marine mammals and sea turtles during any pile driving activities. Cultural resources would not be affected.

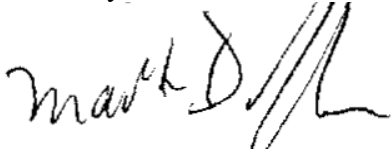
In addition, under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Navy states:

The proposed project is substantially similar in purpose and scope to previous CCNDs [Negative Determinations] and CCDS [Consistency Determinations] for dredging in the San Diego Bay (i.e., CD-51-87; CD-64-92; CD-51-94; CD-89-99; CD-031-01; ND-036-07; ND-011-11; ND-052-12; CD-011-13; ND-007-14; ND-0011-16; ND-0002-18; ND-0040-18; ND-0008-19; and ND-0009-19), as well as pier construction (i.e., CD-51-87 for Pier 12; CD-031-01 for Piers 10/11; ND-011-11 for Pier 12; CD-011-13 for Fuel Pier; and ND-0044-14 for Pier 8). In those decisions, the ... Commission found that the Navy's dredging and in-water construction activities would either have no effect on coastal resources and uses

or would otherwise be consistent with enforceable policies (15 C.F.R. § 930.33(a)(1)) of the California Coastal Management Program (CCMP). The Commission concurred that the activities complied with the water quality, public access and recreation, and environmentally sensitive habitat policies of the CCMP.

We **agree** with the Navy that the proposed project is similar to previous Commission and Commission staff concurrences with the above-described consistency and negative determinations submitted by the Navy for San Diego Bay pier, pile driving, and dredging activities, and would not adversely affect public access and recreation, sensitive habitats, or other coastal zone resources. We therefore **concur** with your negative determination made pursuant for 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289, if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. L.', with a stylized flourish at the end.

(for) JOHN AINSWORTH
Executive Director

cc: San Diego District
Environmental Protection Agency
U.S. Army Corps of Engineers, L.A. District
San Diego RWQCB