

**APPENDIX A**

**INITIAL STUDY, NOTICE OF PREPARATION, AND NOTICE OF  
PREPARATION COMMENTS**

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# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

November 25, 2009

To Interested Persons Mailing List

**SUBJECT: NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT  
REPORT**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will be the lead agency and will prepare an environmental impact report (EIR) for the following project:

Project Description: The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard (NASSCO)/BAE Systems Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.

Location: The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the NASSCO and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west.

A copy of the Notice of Preparation of the draft EIR is enclosed. The San Diego Water Board needs to know the views of your agency as to the scope of content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by the San Diego Water Board when considering your permit or other approval for the project.

If you have any questions regarding the Notice of Preparation, please contact Mr. Tom Alo of my staff at (858) 636-3154 or [TAlo@waterboards.ca.gov](mailto:TAlo@waterboards.ca.gov). Thank you for your participation.

Respectfully,

DAVID W. GIBSON  
Executive Officer

**California Environmental Protection Agency**

Notice of Preparation  
Interested Parties

- 2 -

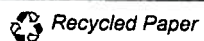
November 24, 2009

Enclosures:

1. Interested Persons Mailing List
2. Notice of Preparation of Draft Environmental Impact Report and Attachment

***California Environmental Protection Agency***

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## INTERSTED PERSONS MAILING LIST

Ms. Sylvia Oey  
Division of Planning and Technical Support  
Air Resources Board  
1001 I St.  
Sacramento, CA 95814

Mr. Kevin Hunting  
Acting Regional Manager  
South Coast Region  
Department of Fish and Game  
4949 Viewridge Ave.  
San Diego, CA 92123

Ms. Susan Young  
State Lands Commission  
100 Howe Ave., Suite 100  
Sacramento, CA 95825

Mr. David Merk  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92112-0488

Mr. Scott Morgan  
California State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812

Ms. Elizabeth A. Fuchs  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Ms. Denise Klimas  
National Oceanic and Atmospheric Administration  
Office of Response & Restoration  
Coastal Protection & Restoration Division  
8800 Cal Center Drive  
Sacramento, CA 95826

Mr. Fritz Ortlieb  
City of San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION**

**NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL  
IMPACT REPORT**

**TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2010-0002  
FOR THE SHIPYARD SEDIMENT SITE, SAN DIEGO BAY**

**NOTICE OF PREPARATION**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will be the lead agency and will prepare an environmental impact report (EIR) for the following project:

Project Description: The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard (NASSCO)/BAE Systems Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.

Location: The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the NASSCO and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west.

Potential Environmental Effects: See attachment.

Copy of Initial Study: Not attached.

The San Diego Water Board needs to know the views of your agency as to the scope of content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to:

Mr. Tom Alo, Water Resource Control Engineer  
Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100,  
San Diego CA 92123-4340

**INFORMATION**

For questions regarding this notice, please contact Mr. Tom Alo, Water Resource Control Engineer by:

U.S. Mail: Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Email: [TAlo@waterboards.ca.gov](mailto:TAlo@waterboards.ca.gov)

Telephone: (858) 636-3154

Please bring the foregoing to the attention of any persons you know who would be interested in this matter. Thank you for your interest in the protection of water quality.



**David W. Gibson**  
**Executive Officer**  
November 25, 2009

## **ATTACHMENT TO NOTICE**

### **Potential Environmental Effects**

#### **I. Biological Resources**

1. Dredging is expected to release some sediment in the water column and thus contaminated sediments may be deposited in areas that may not currently be contaminated.
2. In the short term, dredging would result in complete destruction of benthic macroinvertebrate communities and eelgrass.
3. Epibenthic organisms (e.g., fish and lobsters) that feed on benthic macroinvertebrates or that use the eelgrass beds as nurseries may also be affected because the site would not provide the resources they need.
4. The destruction of benthic macroinvertebrate communities and absence of epibenthic fish may cause short-term effects on some aquatic-dependent wildlife that feed at the site.
5. In the long term, eelgrass is currently found primarily in areas with water depths less than 10 feet and may not be able to reestablish itself in some areas with deeper water that would exist after dredging. Lost eelgrass beds would not be available as nursery areas for juvenile fish and other species, and the greater water depths and changed benthic communities may provide fewer feeding opportunities for epibenthic feeders such as diving birds.
6. The use of imported sand as backfill may lower the quality of the bottom substrate at the site, impacting benthic macroinvertebrate communities.

#### **II. Water Quality**

1. Short-term turbidity impacts may occur as a result of resuspended sediments at the point of dredging.

#### **III. Transportation/Traffic**

1. In the event dredge spoils are dewatered on shore and disposed of at a landfill, traffic would increase due to trucks transporting and disposing sediments at an offsite landfill.
2. In the event dredge spoils are dewatered on shore and disposed of at a landfill, accidents may occur as a result of the increased traffic.
3. In the event dredge spoils are dewatered on shore and disposed of at a landfill, increased truck traffic may reduce the service life of road infrastructure by wearing out pavement.

#### IV. Noise

1. In the event dredge spoils are dewatered on shore and disposed of at a landfill, with the number of trucks passing through the community, there would be an ongoing noise impact over the course of the work.
2. Dredging operations combined with the most intensive ship building and/or maintenance operations could create a cumulative noise impact to the community if they were to occur at the same time.

#### V. Air Quality

1. Diesel emissions from trucks and dredging equipment may affect air quality.

#### VI. Geology/Soils

1. Backfill material such as imported sand may shift during a seismic event, which in turn could lead to exposure to underlying contaminated sediment.

#### VII. Navigation

1. Use of San Diego Bay near the site by recreational and commercial watercraft may be impeded during dredging activities.



**INITIAL STUDY/ENVIRONMENTAL CHECKLIST**

1. **Project title:**  
Tentative Cleanup and Abatement Order No. R9-2010-0002 for the Shipyard Sediment Site, San Diego Bay
  
2. **Lead agency name and address:**  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123
  
3. **Contact person and phone number:**  
Mr. Tom Alo  
(858) 636-3154
  
4. **Project location:**  
The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the National Steel and Shipbuilding Company (NASSCO) and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west.
  
5. **Project sponsor's name and address:**  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123
  
6. **General plan designation:**  
Industrial
  
7. **Zoning:**  
Industrial
  
8. **Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**

The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the NASSCO/BAE Systems Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Industrial land use surrounds the property. The area is located within the Belt Street Industrial and Harbor Drive Industrial of the Tenth Avenue Marine Terminal Planning District (Port Master Plan). Belt Street Industrial is a heavy industrial district, south of the Tenth Avenue marine Terminal and consists of several well-established and highly important marine-related manufacturing, processing, and servicing establishments. All of the area is developed and leased to marine related industrial businesses except for a small, partly vacated parcel west of Crosby Road. Harbor Drive Industrial consists entirely of one major shipbuilding plant, National Steel and Shipbuilding Company.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, California Coastal Commission, California Regional Water Quality Control Board, Air Pollution Control District

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input checked="" type="checkbox"/> Air Quality    |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning       |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing      |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic    |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |  |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature *ASSIST. EXECUTIVE OFFICER*

*12/22/09*  
Date

 David W. Gibson  
Name

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) **A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).**
- 2) **All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.**
- 3) **Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.**
- 4) **"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).**
- 5) **Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:**
  - a) **Earlier Analysis Used. Identify and state where they are available for review.**
  - b) **Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such**

effects were addressed by mitigation measures based on the earlier analysis.

- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
  
- 6) **Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.**
  
- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  
- 8) **This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.**
  
- 9) **The explanation of each issue should identify:**
  - a) **The significance criteria or threshold, if any, used to evaluate each question; and**
  - b) **The mitigation measure identified, if any, to reduce the impact to less than significance.**

**Issues:**

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**I. AESTHETICS -- Would the project:**

- a) **Have a substantial adverse effect on a scenic vista?**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** The project is located in a heavy marine industrial area known in the Port Master Plan as the Belt Street Industrial & Harbor Drive Industrial of the Tenth Avenue Marine Terminal Planning District. Ship repair and construction activity occurs within the project area for the Navy and commercial customers. The dredging and disposal equipment will likely appear similar and blend with the equipment associated with these activities. Furthermore, the Port Master Plan does not identify scenic vistas that transverse the project. This issue will not be addressed in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR).
- b) **No Impact.** The Port Master Plan does not identify scenic highways that transverse the project. No scenic resources, trees or rock outcroppings would be damaged as a result of dredging in the project area. This issue will not be addressed in the EIS/EIR.
- c) **No Impact.** The project would not involve the construction or reconstruction of any structures that could potentially alter the visual character of the area surrounding the project. The dredging equipment and covered dredged materials stored on-site

would temporarily alter but not degrade the visual character of the surrounding area. This issue will not be addressed in the EIS/EIR.

- d) **No Impact.** Dredging would be conducted during daytime hours and no new structures or lighting facilities would be constructed as part of the project implementation. This issue will not be addressed in the EIS/EIR.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |



**DISCUSSION**

- a) **No Impact.** The California Department of Conservation Farmland Mapping and Monitoring Program identify categories of agricultural resources that are significant and therefore require special consideration. The proposed project is not located in an area designated as Prime or Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation, 1999). No farmland or row crops currently exist in the vicinity of the proposed project and therefore, none would be converted to accommodate the proposed project. No impacts would occur. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** The project area is not zoned for agricultural use but for heavy industrial use. No agricultural resources or operations exist within the project limits or adjacent areas, and no Williamson Act contracts apply to the area. Therefore, this issue will not be addressed in the EIS/EIR.
- c) **No Impact.** The proposed project would not disrupt or damage the operation or productivity of any areas designated as Farmland. As discussed above, no farmland is located within the project area that could be affected by the project. This issue will not be addressed in the EIS/EIR.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                                     |                          |                          |                          |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
or projected air quality violation?				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

a) **Potentially Significant Impact.** Dredging, dewatering, and truck trips would all create emissions that would contribute to the existing air quality conditions in the area. Emissions associated with dredging activities come from emissions as opposed to dust; the dewatering phase has a low potential for particulate matter (PM) dust emissions and wind erosion due to self contained equipment being used and to the wet (submerged) nature of the soils that would be disturbed. Truck trips hauling dewatered soils to the landfills are also potential sources for temporary PM and diesel emissions.

The principal source of emissions, however, would be from the dredge's diesel engine used for dredge propulsion, driving dredging pumps, and driving electric generators. These would be large diesel engines, and short-term NO<sub>x</sub> emission rates would very likely exceed the Air Pollution Control District (APCD) thresholds for daily emissions, for new and modified sources. This would require the applicant (i.e., dredge contractor) to obtain an Authority to Construct and Permit to Operate.

As part of the permitting procedure, an Air Quality Impact analysis would be performed, if necessary, to provide data relative to anticipated NO<sub>x</sub> emissions rates, and to demonstrate that the state and federal air quality standards would not be violated, and there would be no significant impact. Alternatively, an individual dredging vessel may be registered with the California Air Resources Board (ARB) and not require a specific air quality permit for this project.

This issue will be addressed in the EIS/EIR.

- b) **Potentially Significant Impact.** See response to item (a) above.
- c) **Potentially Significant Impact.** See response to item (a) above.
- d) **Less than Significant with Mitigation Measures Incorporated.** Certain population groups are considered particularly sensitive to air pollution. Sensitive receptors consist of land uses that are more likely to be used by these population groups. Sensitive receptors include health care facilities, retirement homes, school and playground facilities, and residential areas. Trucks hauling dewatered soils could subject sensitive receptors within the Barrio Logan community to significant diesel emissions during transport to the landfills. Mitigation could include using alternative fuel vehicles and/or routing trucks away from sensitive receptors. This issue will be addressed in the EIS/EIR.
- e) **Less than Significant with Mitigation Measures Incorporated.** See response to item (d) above.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**IV. BIOLOGICAL RESOURCES –**  
 Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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Natural Community Conservation  
Plan, or other approved local,  
regional, or state habitat  
conservation plan?

## DISCUSSION

- a) **Less Than Significant with Mitigation Incorporation. Marine Vegetation** – Patches and beds of eelgrass are present within the project area. Eelgrass beds are considered to be very valuable nursery sites for many species of invertebrates and fish species. Eelgrass bed habitat has been identified as a sensitive marine resource by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. Eelgrass beds serve as refuges, foraging areas, and nursery habitats for various coastal and bay invertebrates, fishes, and birds. The loss of eelgrass habitat as a result of dredging in the project area will be addressed through the National Marine Fisheries' Southern California Eelgrass Mitigation Policy (SCEMP). This policy requires a minimum in kind replacement at a ratio of 1:2:1 and a five year monitoring requirement to determine success. Implementation of this policy would reduce the impact caused by the project to a less than significant level.

Invertebrates – Dredging activities inherently cause a disturbance and redistribution of bottom sediments which may persist for the duration of the operation. Some invertebrates, especially small crustaceans and mollusks of the infauna, may be relocated with the dredged material and deposited on the discharge site. Some would be smothered, some would become food for opportunistic shorebirds, and others would survive at the new location. Invertebrates, epifauna, and infauna may be exposed to suspended sediment concentrations during dredging and up to 24 hours later. Dredging operations may cause some clogging to gills and suspension feeding apparatuses, resulting in smothering to invertebrates in the immediate vicinity. Invertebrates are expected to recover from the disturbance upon completion of the project. The impacts to invertebrates are minimal, temporary, and not significant.

Fish and Essential Fish Habitat – The dredging process could result in direct loss of foraging habitat, but perhaps even more significant is the turbidity associated with

this activity. Some fish may avoid the immediate project area during dredging operations because of the increased turbidity, noise levels, and oxygen depletion caused by dredging bottom sediment. The dredging operation will be monitored to ensure that any substantial increases in turbidity or decreases in dissolved oxygen are restricted to the immediate area around the dredge. The potential for significant impacts exist due to the presence of fine sediments and organisms in the potential dredging areas. Fine sediments remain suspended in the water column. On the beneficial side, dredging could increase water circulation and indirectly benefit fish resources. Also, dredging activities sometimes suspend infauna and epifauna to temporarily enhance fish feeding activities. Impacts to fish and essential habitat is minimum and short term, and it would not result in a significant, adverse impact.

Birds – Dredging activities may temporarily degrade water quality and increase ambient noise levels, which could cause disturbances to some birds. Increased levels of activities within the project area may decrease waterfowl use of the water for resting and the use of the any nearby structures for roosting; however given the current industrial activities within the project area (e.g., ship repair and construction), the addition of the dredge would not significantly increase activity levels. Furthermore, these affects are not significant because dredging operations would occur over a short duration and be localized. Birds and marine mammals are expected to rapidly acclimate to the dredge's monotonous, non-threatening noise.

Marine Mammals – San Diego Bay does not constitute essential feeding or breeding habitat for any marine mammal species that may be present in the project area. Sea lions would probably keep clear of the dredging activities; therefore, there would be no significant impacts to these mammals. Similarly, the proposed dredging operation is not expected to adversely affect any other marine mammals. Any short-term disruptions to pre-dredge foraging or movement behaviors would be temporary and not significant, as wildlife activities would return to normal upon project completion.

- b) **Less Than Significant with Mitigation Incorporation.** See response to item (a) above - Marine Vegetation.
- c) **No Impact.** No known federally protected wetlands exist in or near the project site. No impacts would occur, and no further study this issue is required.
- d) **Less Than Significant Impact.** Dredging of the project area would temporarily disturb subtidal habitat (eelgrass bed). This aquatic habitat within the project area is not located in any important fish or wildlife movement corridor or located in any identified native wildlife nursery site, though the eelgrass beds are likely to provide this resource. Mobile marine organisms such as fish are anticipated to avoid the

immediate vicinity of the dredging activities; however, fish are expected to return to the project area in the absence of dredging activities, especially at night, and subsequent to project completion.

- e) **No Impact.** The proposed project would not conflict with any local policies or ordinances protecting biological resources. No policies specifically apply to eelgrass or eelgrass habitat. Mitigation and habitat protection as part of the project and mitigation strategy will be consistent with the SCEMP. This issue will not be addressed in the EIS/EIR.
- f) **No Impact.** The proposed project is not within the area of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No plans specifically apply to eelgrass or eelgrass habitat. Mitigation and habitat protection as part of the project and mitigation strategy will be consistent with the SCEMP. This issue will not be addressed in the EIS/EIR.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**V. CULTURAL RESOURCES –**  
 Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) **No Impact.** The project site is currently, and has been for many years, utilized as shipyards providing shipyard construction and repair services to both commercial customers and the Navy. The project does not entail grading undisturbed areas on the site, and the area proposed for dredging consists of recently deposited material and undisturbed subtidal material below the depth that would include cultural resources. Therefore, the proposed project would have no impact on historical or archaeological resources pursuant to '15064.5. No paleontological resources or unique geologic features would be impacted.

As part of the project, standard BMPs will be employed to ensure no impacts occur. In the event that an archaeological or paleontological resource is found during implementation of this project, the contractor will immediately cease all construction at the place of discovery and a qualified archaeologist and/or paleontologist will evaluate the find. If the archaeologist or paleontologist determines that potentially significant archaeological or paleontological materials or human remains are encountered, the archaeologist or paleontologist will recover, retrieve, and/or remove any archaeological or paleontological materials. The archaeologist will provide a copy of documentation of all recovered data and materials found on site to the regional information center of the California Archaeological Inventory for inclusion in the permanent archives and another copy shall accompany any recorded archaeological materials data.

No potential indirect, operational, or cumulative impact to cultural resources have been identified. This issue will not be addressed in the EIS/EIR.

- b) **No Impact.** See response to item (a) above.
- c) **No Impact.** See response to item (a) above.
- d) **No Impact.** See response to item (a) above.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS – Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a.i) **No Impact.** Seismic- and soil-related issues from project implementation would not be a significant consideration since the project consists of dredging contaminated sediments within the water area of the project site and no structures would be constructed for human occupancy. This issue will not be addressed in the EIS/EIR.

a.ii) **Potentially Significant Impact.** Backfill material such as imported sand may shift during a seismic event, which in turn could lead to exposure to underlying contaminated sediment.

a.iii) **No Impact.** See response to item (a.i) above.

a.iv) **No Impact.** See response to item (a.i) above.

b) **No Impact.** See response to item (a.i) above.

c) **No Impact.** See response to item (a.i) above.

d) **No Impact.** See response to item (a.i) above.

e) **No Impact.** See response to item (a.i) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **Less Than Significant with Mitigation Incorporation.** The proposed project could result in a significant release of hazardous material into the environment. During dredging and disposal of contaminated sediment, operational BMPs will be employed to prevent the release of contaminants into the marine environment. Silt curtains will be deployed around the in-water work site, which will contain temporary construction-related turbidity. The contractor will be responsible for removing any debris in the water at the end of each work day. This issue will not be addressed in the EIS/EIR.
- b) **Less Than Significant with Mitigation Incorporation.** Accidental spills of oil, grease, or other petroleum products could occur during dredging. The contractor will implement a Spill Prevention, Containment, and Control (SPCC) Plan to avoid

accidental spills and to have the appropriate materials on site in order to respond to any gas, oil, or other leak or spill. All equipment (on land and over water) will be kept in proper operating condition, and any leak will be immediately repaired. This issue will not be addressed in the EIS/EIR.

- c) **No Impact.** The project is not located within one-quarter mile of an existing or proposed school, on a site listed on the list of hazardous materials sites compiled pursuant to Government Code section 65962.5, or within an airport land use plan. This issue will not be addressed in the EIS/EIR.
- d) **No Impact.** See response to item (c) above.
- e) **No Impact.** See response to item (c) above.
- f) **No Impact.** See response to item (c) above.
- g) **No Impact.** The project will comply with all applicable fire codes and emergency evacuation plans set forth by the City of San Diego Fire Department. Existing emergency access to the project site will remain in place. Emergency plans will be made by the contractor to ensure prompt, safe, and orderly evacuation at any time during dredging and disposal activities, if necessary. This issue will not be addressed in the EIS/EIR.
- h) **No Impact.** The project is located in an industrial environment removed from wildlands. Therefore, no fire hazard related to wildlands is identified. This issue will not be addressed in the EIS/EIR.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**VIII. HYDROLOGY AND WATER QUALITY – Would the project:**

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **Less Than Significant with Mitigation Incorporation.** The project could violate water quality standards or waste discharge requirements (WDR) during dredging and disposal activities as a result of accidental release of contaminants from construction equipment. Discharges into San Diego Bay would be managed in accordance with applicable state regulations, including WDRs and water quality monitoring during dredging and disposal. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** Groundwater at the project site has significant saltwater intrusion and is therefore unsuitable for use as drinking water. The area does not support surface recharge of groundwater and the project will have no affect on existing groundwater conditions. This issue will not be addressed in the EIS/EIR.

- c) **No Impact.** The proposed project involves dredging contaminated sediments within the water area of the project site. This activity would not affect surface runoff levels or direction, nor would it increase the potential for flooding or erosion. This issue will not be addressed in the EIS/EIR.
- d) **No Impact.** See response to item (c) above.
- e) **No Impact.** See response to item (c) above.
- f) **Less than Significant Impact.** See response to item (a) above.
- g) **No Impact.** The project is located within San Diego Bay and is subject to tidal variations that could potentially create risks to people and property. The proposed project involves dredging contaminated sediment within the water area of the project site, which would not increase exposure of people, housing, or other property to risks associated with flooding. This issue will not be addressed in the EIS/EIR.
- h) **No Impact.** See response to (g) above.
- i) **No Impact.** See response to (g) above.
- j) **No Impact.** The project is located within San Diego Bay and is within a designated tsunami hazard area. In addition, it could be vulnerable to a seiche (inland tsunami). However, the proposed dredging project would not increase the severity of such risks as it would not add people or activities to the existing facility. This issue will not be addressed in the EIS/EIR.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**IX. LAND USE AND PLANNING -**  
 Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|



	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** The proposed project will not physically divide an established community, conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or conflict with any applicable habitat conservation plan or natural community conservation plan.
- b) **No Impact.** See response to item (a) above.
- c) **No Impact.** See response to item (a) above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a known mineral resource that would be of value to the region and the residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** The proposed project will not result in the loss of availability of known mineral resources.
- b) **No Impact.** See response to item (a) above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
vibration or groundborne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

a) **Less than Significant Impact.** The project is located in a heavy marine industrial area. Noise generated from the dredging would come from the use of large generators, engine noise from tug, cable winches, and clamshell bucket. Short-term dredging noise levels will likely blend with the noise from existing marine operations. Dredging and disposal activities could generate temporary, periodic increases in noise levels in the project vicinities. This issue will not be addressed in the EIS/EIR.

- b) **Less than Significant Impact.** Activities that result in the generation of groundborne vibrations are typically associated with construction activities such as blasting, grading or pile driving. The proposed project does not include these activities. Dredging activities typically do not result in high levels of groundborne vibration. Dewatering procedures would similarly not result in the generation of groundborne vibrations that would affect nearby land uses. This issue will not be addressed in the EIS/EIR.
- c) **No Impact.** The proposed dredging and dewatering of dredged materials would be temporary and would not be a permanent noise source. After the project is completed, the noise levels would be similar to existing conditions. This issue will not be addressed in the EIS/EIR.
- d) **Less than Significant Impact.** See the response to item (a) above.
- e) **No Impact.** The proposed project is not located within an airport use plan or located within two miles of a public airport.
- f) **No Impact.** See the response to item (e) above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**XII. POPULATION AND HOUSING –**  
 Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** The project would not directly or indirectly induce population growth in the project vicinity. The project would not create any new housing units or employment generating land uses. The water area of the project site is intended for ship building and construction for the Navy and commercial customers and would therefore have no population growth impacts. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** There are no housing units on the project site or people residing on the project site in any form of temporary housing. The project would therefore not displace any existing housing units or people from the project site. This issue will not be addressed in the EIS/EIR.
- c) **No Impact.** See response to item (b) above.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**XIII. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<p>altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** The project does not include any new buildings or structures, as the work scope involves only for dredging and eelgrass replacement activities. Therefore, this project would not significantly impact existing fire service ratios and response times. It would also not increase the demand for additional fire protection services. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** See response to item (a) above. The project would not significantly impact existing police service ratios and response times, and would not increase the demand for additional police protection services. This issue will not be addressed in the EIS/EIR.
- c) **No Impact.** The project does not involve any housing units or employments generating land uses and therefore would not create the demand for any new school facilities. This issue will not be addressed in the EIS/EIR.
- d) **No Impact.** See response to item (c) above.

- e) **No Impact.** No other impacts have been identified that would require the provision of new or physically altered government facilities. Due to the nature and scope of the proposed dredging, project implementation would not increase the demand for any other public facilities (e.g., libraries) or create the need for alteration or construction of any government buildings. This issue will not be addressed in the EIS/EIR.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**XIV. RECREATION –**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**DISCUSSION**

- a) **No Impact.** The project does not involve new housing units or construction of new parks or any other type of recreational facilities. The project would not create any new demands for parks or recreational facilities. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** See the response to item (a) above.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**XV. TRANSPORTATION/TRAFFIC --**  
 Would the project:

- |  |                          |                                     |                          |                                     |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |



	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **Less Than Significant Impact with Mitigation Incorporation.** The project involves dredging contaminated sediments within the water area of the project site. The dredging activities would include truck and construction vehicle trips. A few construction vehicle trips would be required for movement of dredging equipment. Most project vehicle trips would involve the transport of dredged materials to landfills. All dredging-related traffic impacts would cease at the end of the project dredging and eelgrass transplantation phases. The contractor will be required to prepare a traffic plan that ensures adequate access to all residences and businesses in the project area during all aspects of construction. This issue will be addressed in the EIS/EIR.
- b) **Less Than Significant Impact with Mitigation Incorporation.** See the response to item (a) above.
- c) **No Impact.** Dredging operations would not impact airport operations, alter traffic patterns or in any way conflict with established Federal Aviation Administration (FAA) flight protection zones. This issue will not be addressed in the EIS/EIR.
- d) **No Impact.** The project would not alter the design features of any streets or alleys and would not introduce or encourage any incompatible land uses in the project vicinity. This issue will not be addressed in the EIS/EIR.
- e) **No Impact.** The project would not alter any land uses, transportation patterns, or emergency access routes. This issue will not be addressed in the EIS/EIR.
- f) **Less Than Significant Impact with Mitigation Incorporation.** Additional parking would be required for the workers conducting the dredging and disposal operations.

As a result, the employee parking lot may be impacted. This issue will be addressed in the EIS/EIR.

- g) **No Impact.** The project would not set forth or encourage any proposals or projects that would conflict with any adopted alternative transportation policies. This issue will not be addressed in the EIS/EIR.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---	--	---	----------------------

**XVI. UTILITIES AND SERVICE SYSTEMS** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

- a) **No Impact.** For Sections XVI. (a) through (g) – The project would not create any housing units or growth inducing commercial, industrial or institutional land uses and therefore the project would not create any substantial demands or place an undue burden on any utility or service system. This issue will not be addressed in the EIS/EIR.
- b) **No Impact.** See the response to item (a) above.
- c) **No Impact.** See the response to item (a) above.
- d) **No Impact.** See the response to item (a) above.
- e) **No Impact.** See the response to item (a) above.
- f) **No Impact.** See the response to item (a) above.
- g) **No Impact.** See the response to item (a) above.

<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
---	--	---	----------------------

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE --**

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

## DISCUSSION

- a) **Less Than Significant Impact with Mitigation Incorporation.** The dredging of the proposed area will result in a temporary loss of the eelgrass. This eelgrass resource provides important functions to the ecosystem and is regulated by state and federal agencies. Impacts to eelgrass will therefore need to be mitigated in accordance with the Southern Eelgrass Mitigation Policy. Monitoring the success of eelgrass mitigation shall be required for a period of five years in accordance with the SEMP. An eelgrass mitigation plan shall be prepared to discuss the methods and schedule for planting eelgrass, and post-planting monitoring. The mitigation plan will include the following information, as relevant to the eelgrass mitigation sites: baseline conditions, transplant methods, transplant timing, success criteria, and a five year monitoring program. Eelgrass beds provide nursery habitat for some species of invertebrates and fish. The existing eelgrass will be supplemented by the creation of additional eelgrass habitat and transplanting. Any loss of eelgrass within the project site will be offset through the implementation of a mitigation measure in accordance with the SEMP. Therefore, impacts to potential aquatic nursery sites are less than significant with mitigation incorporation. This issue will be addressed in the EIS/EIR.
- b) **Less than Significant Impact.** This project is one of several contaminated sediment dredging projects expected to take place in San Diego Bay over the next 10 years. Other sites include the Naval Training Center Boat Channel, the East Harbor Basin, and other potential sites along the commercial/industrial water front of San Diego Bay. Impacts to eel grass beds are not expected to be cumulatively considerable because the SCEMP requires a replacement at a ratio of 1:2:1 and a five year monitoring requirement to determine success. Any dredging project that will impact eel grass beds must comply with this federal plan.

Cumulative air quality impacts from the operation of dredges and trucks should be addressed in the Air Quality Impact analyses required in order to obtain an Authority to Construct and Permit to Operate. As long as each dredging project does not violate a state or federal air quality standard, the cumulative impacts to air quality should be less than significant.

The various dredging projects are located far enough apart that, in the event that dredging and hauling activities coincide, the noise and vibration effects of each individual project will not be additive.

- c) **Less Than Significant Impact with Mitigation Incorporation.** Potential project impacts related to aesthetics, air quality, hazardous materials, noise and other environmental issues will be analyzed in the EIR/EIS.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION**

**NOTICE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT  
SCOPING MEETING**

**TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2010-0002  
FOR THE SHIPYARD SEDIMENT SITE, SAN DIEGO BAY**

**January 21, 2010 9:00 a.m.  
Regional Board Office Hearing Room  
9174 Sky Park Court, Suite 100  
San Diego California 92123-4340**

**SCOPING MEETING**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will hold a California Environmental Quality Act (CEQA) scoping meeting to receive comments on the scope of issues to be addressed in the environmental documents prepared for the project described below.

Project Description: The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard (NASSCO)/BAE Systems Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.

Location: The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the NASSCO and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west.

Written responses to comments will be posted on the San Diego Water Board website prior to preparation of environmental documents for the project. Section 21083.9 of the California Public Resources Code requires lead agencies to call at least one scoping meeting for projects of regional and area-wide significance.

Scoping is helpful in identifying a range of actions, alternatives, mitigation measures, and significant environmental effects to be analyzed prior to the

decision making process. Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, State, and local agencies, the proponent of the actions, and other interested persons including those who might not be in accord with the proposed actions on environmental grounds.

Date: Thursday, January 21, 2010

Time: 9:00 am

Location: Regional Board Office Hearing Room  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

**INFORMATION**

Parking is available at the scoping meeting location. A map with directions to the scoping meeting may be obtained from the Regional Board's website or by contacting Ms. Lori Costa at the phone number below.

The scoping meeting room facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Ms. Lori Costa at (858) 467-2357 at least 5 working days prior to January 21, 2010. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

For questions regarding this notice, please contact Mr. Tom Alo, Water Resource Control Engineer by:

U.S. Mail: Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Email: [TAlo@waterboards.ca.gov](mailto:TAlo@waterboards.ca.gov)

Telephone: (858) 636-3154

Please bring the foregoing to the attention of any persons you know who would be interested in this matter. Thank you for your interest in the protection of water quality.

A handwritten signature in black ink, appearing to read "David W. Gibson", written over a horizontal line.

**David W. Gibson**

**Executive Officer**

November 24, 2009

**CA Regional Water Quality Control Board  
San Diego Region**

**CEQA SCOPING MEETING:  
TENTATIVE CLEANUP AND  
ABATEMENT ORDER (CAO)  
NO. R9-2010-0002**

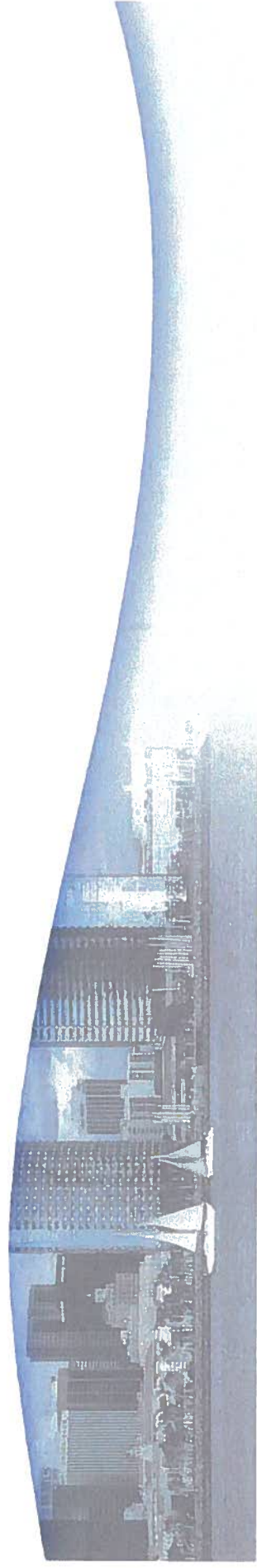
**January 21, 2010**





# **CEQA SCOPING MEETING**

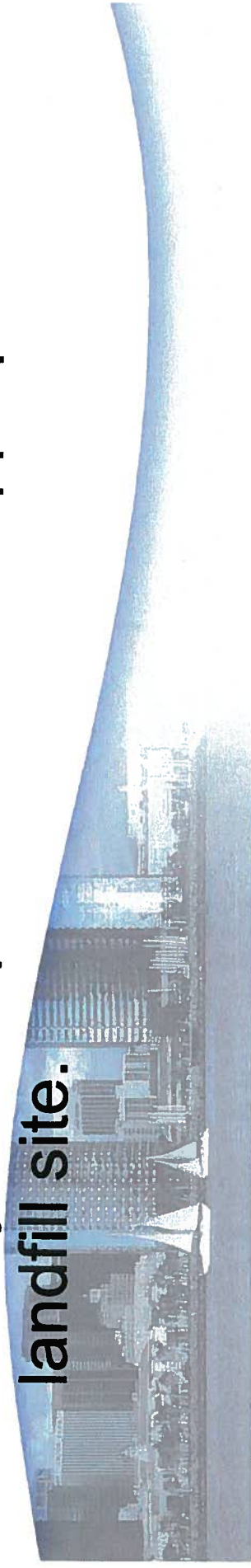
- ◆ Project Description
- ◆ Project Alternatives
- ◆ Initial Study/Environmental Checklist
- ◆ Next Steps
- ◆ Questions & Comments



## **Project Description**

**The project is a CAO for cleanup of contaminated marine sediments at the NASSCO/BAE Systems Shipyard Sediment Site in San Diego Bay.**

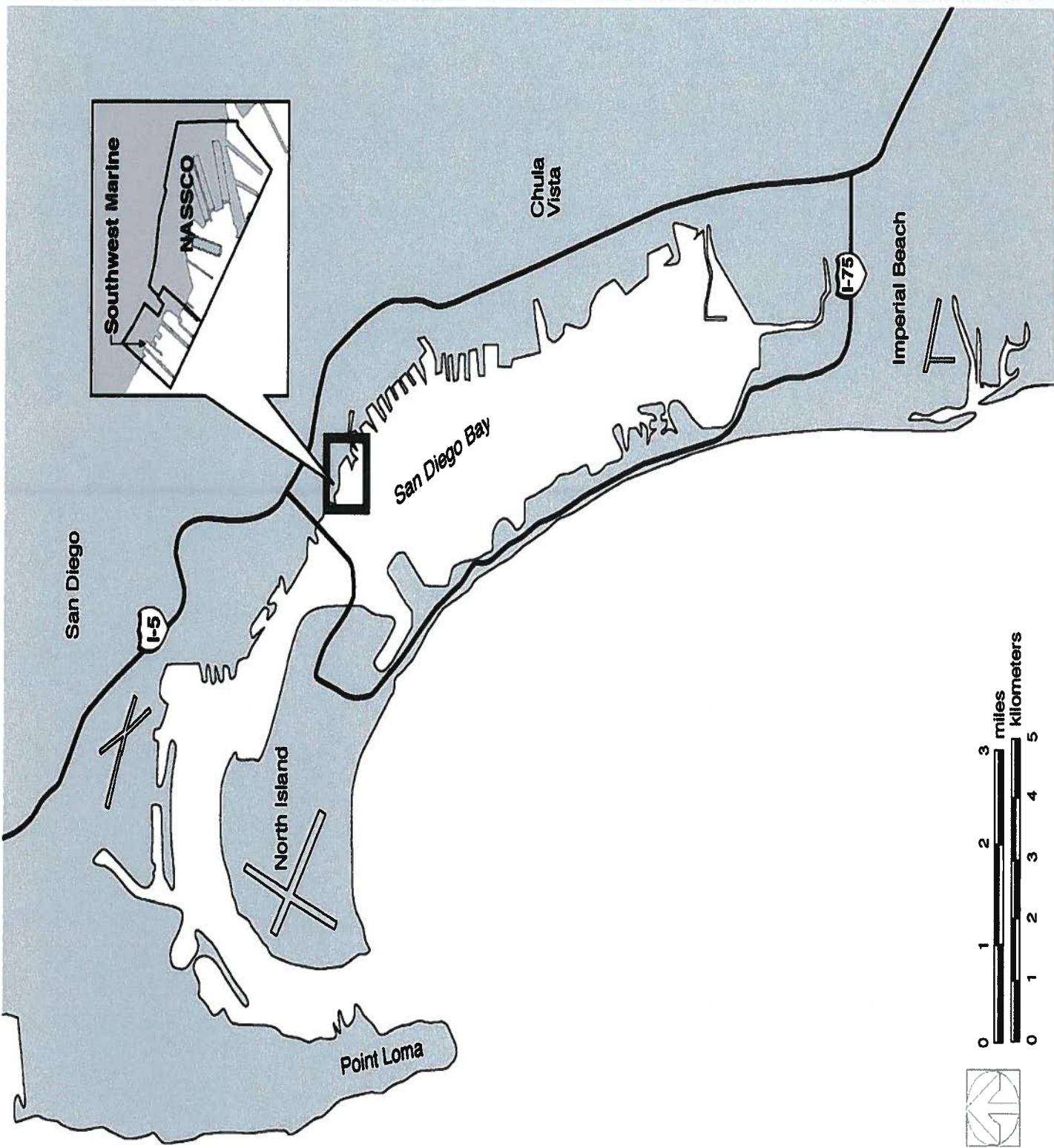
**The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.**

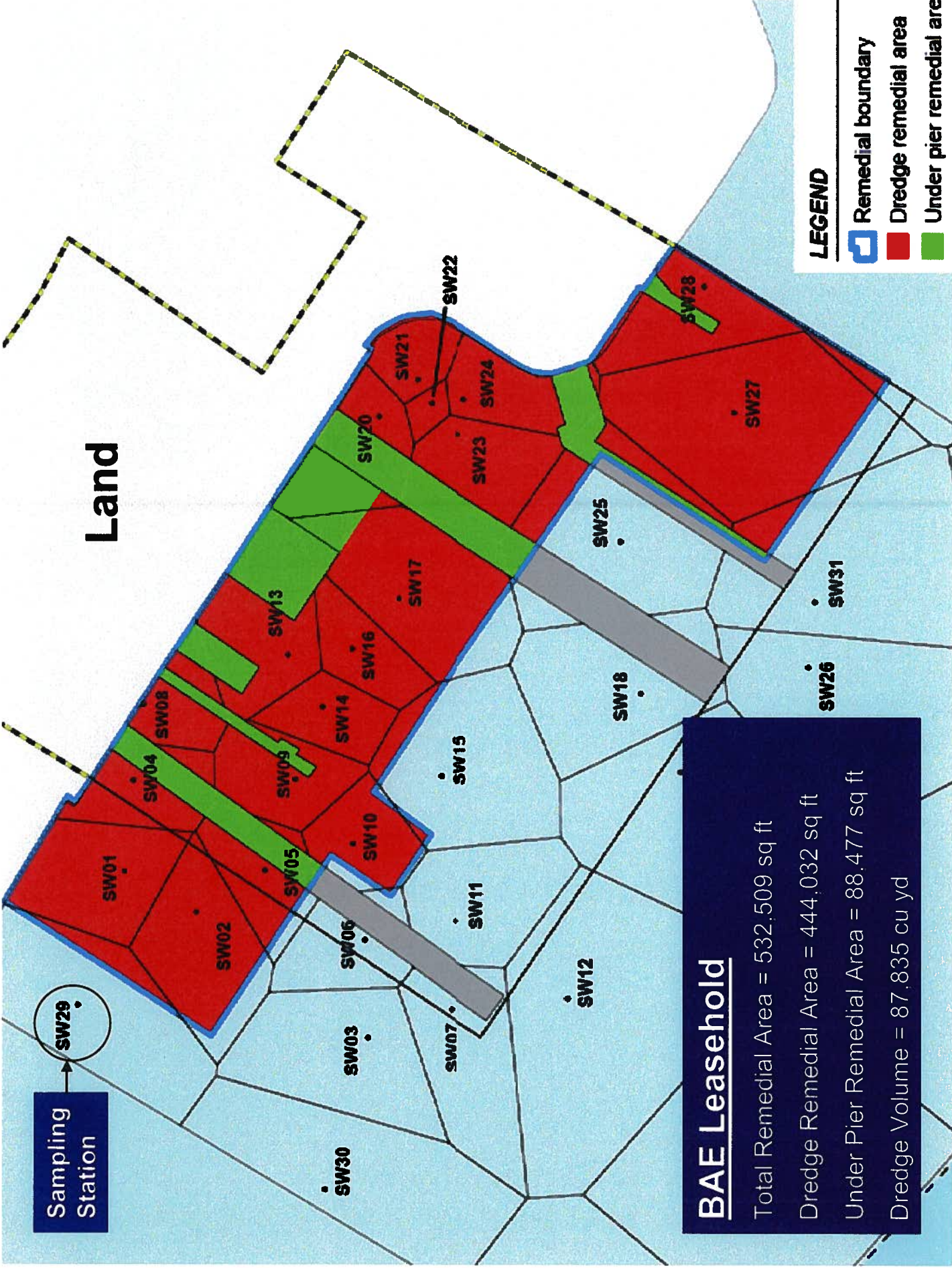


# **Project Alternatives**

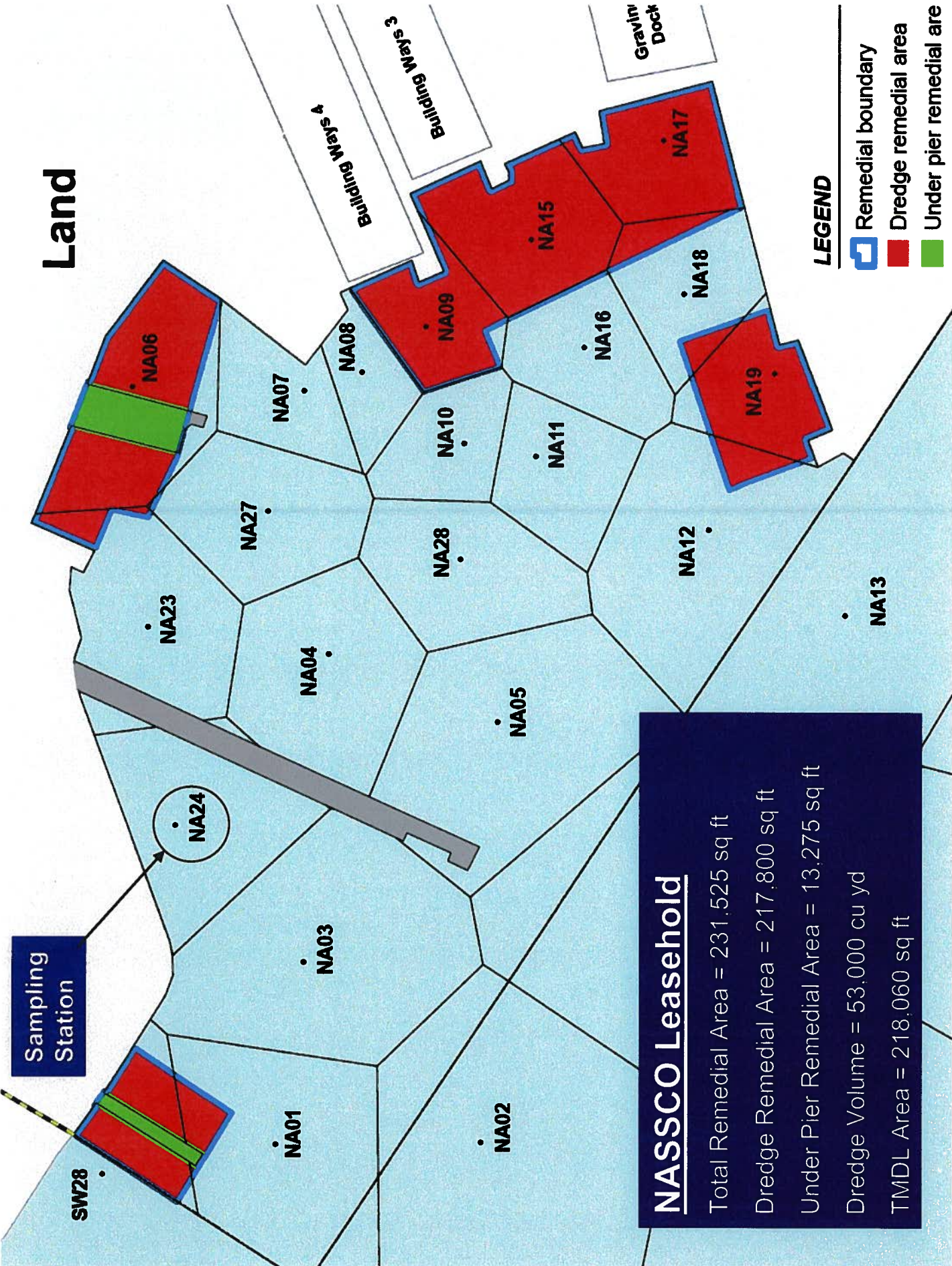
- **Alternative #1 – No Action**
- **Alternative #2 – Dredge & Landfill Disposal**
- **Alternative #3 – Dredge & Confined Aquatic Disposal (CAD)**







# Land

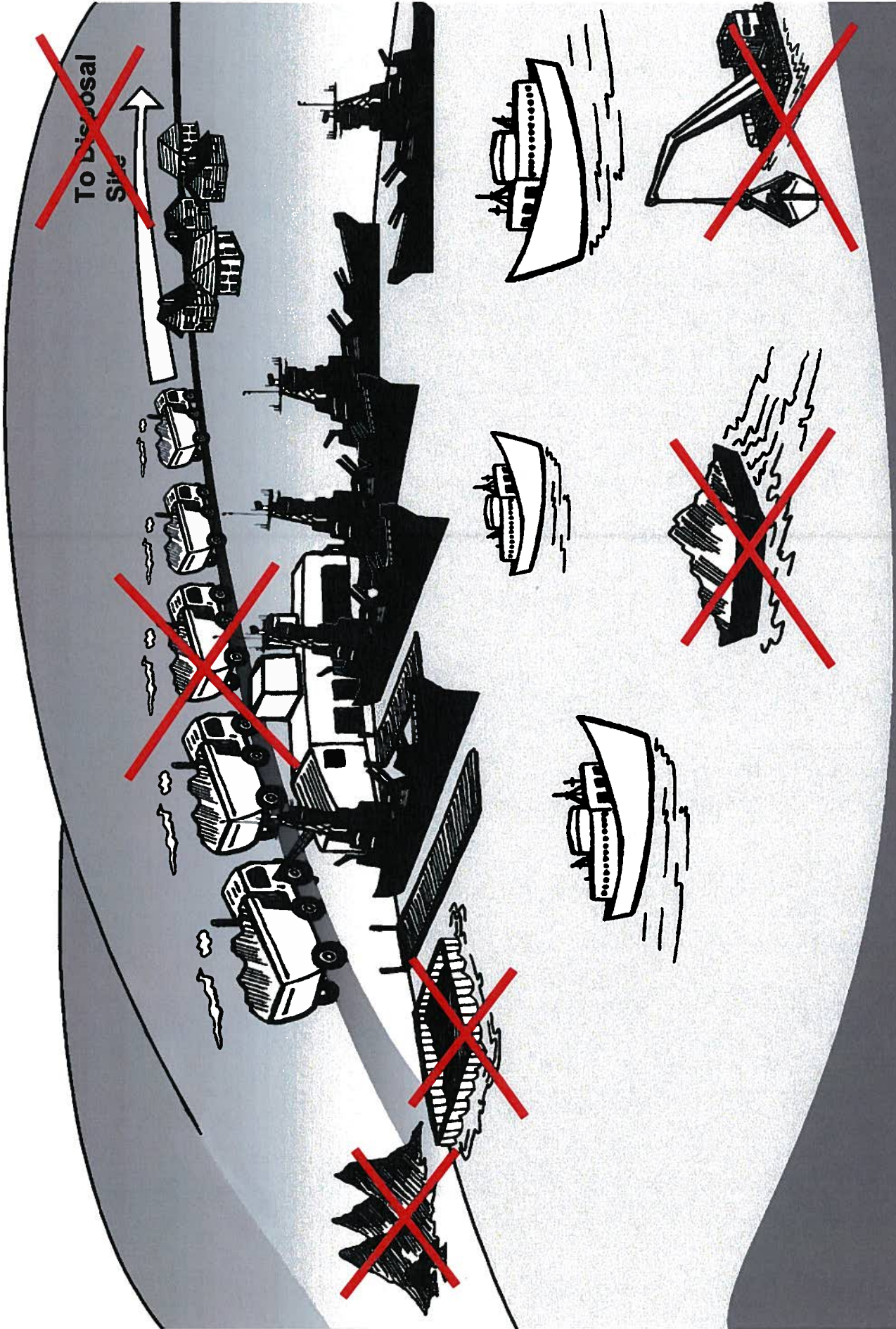


## LEGEND

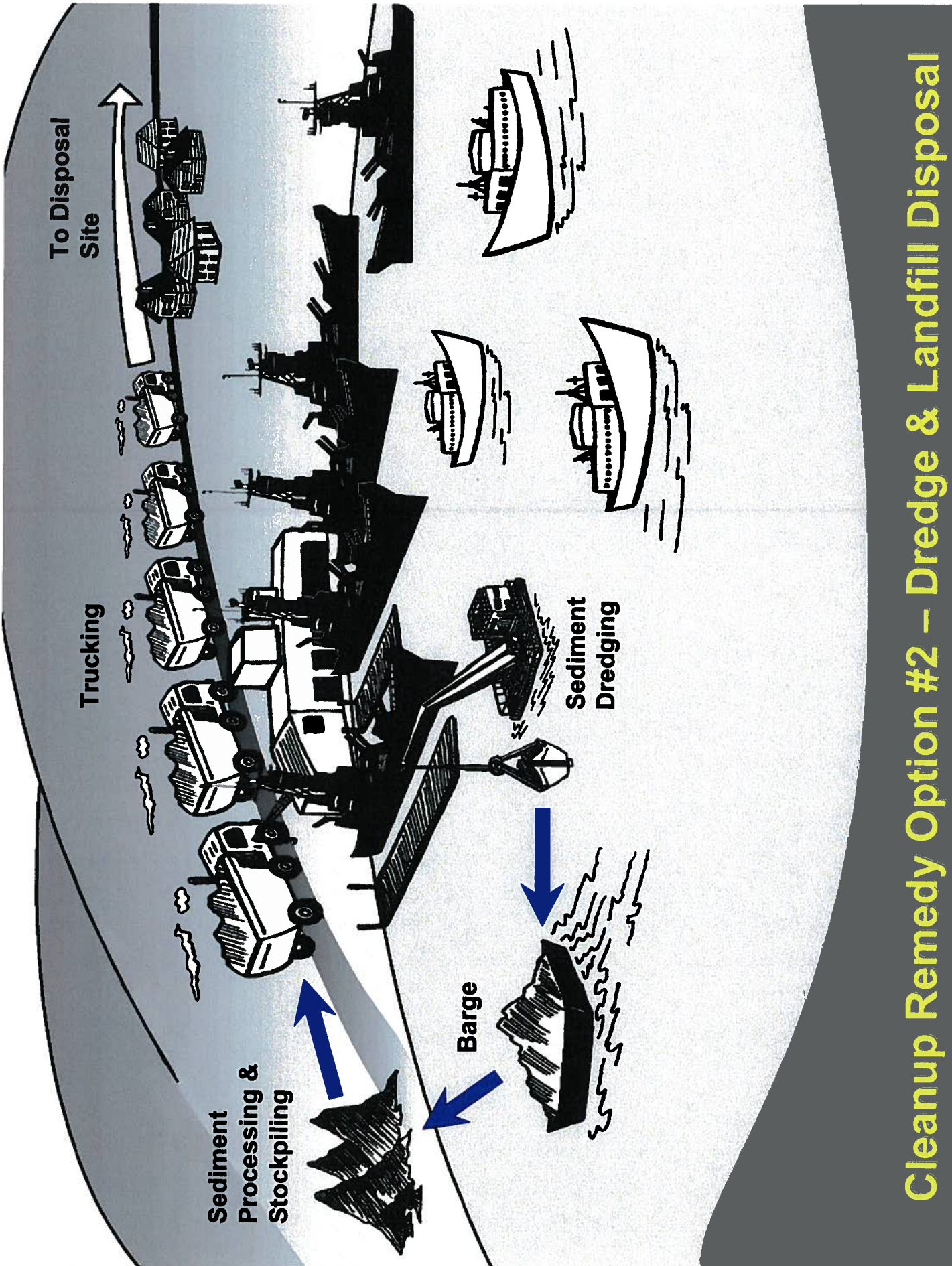
- Remedial boundary
- Dredge remedial area
- Under pier remedial area

**NASSCO Leasehold**

Total Remedial Area = 231,525 sq ft  
 Dredge Remedial Area = 217,800 sq ft  
 Under Pier Remedial Area = 13,275 sq ft  
 Dredge Volume = 53,000 cu yd  
 TMDL Area = 218,060 sq ft

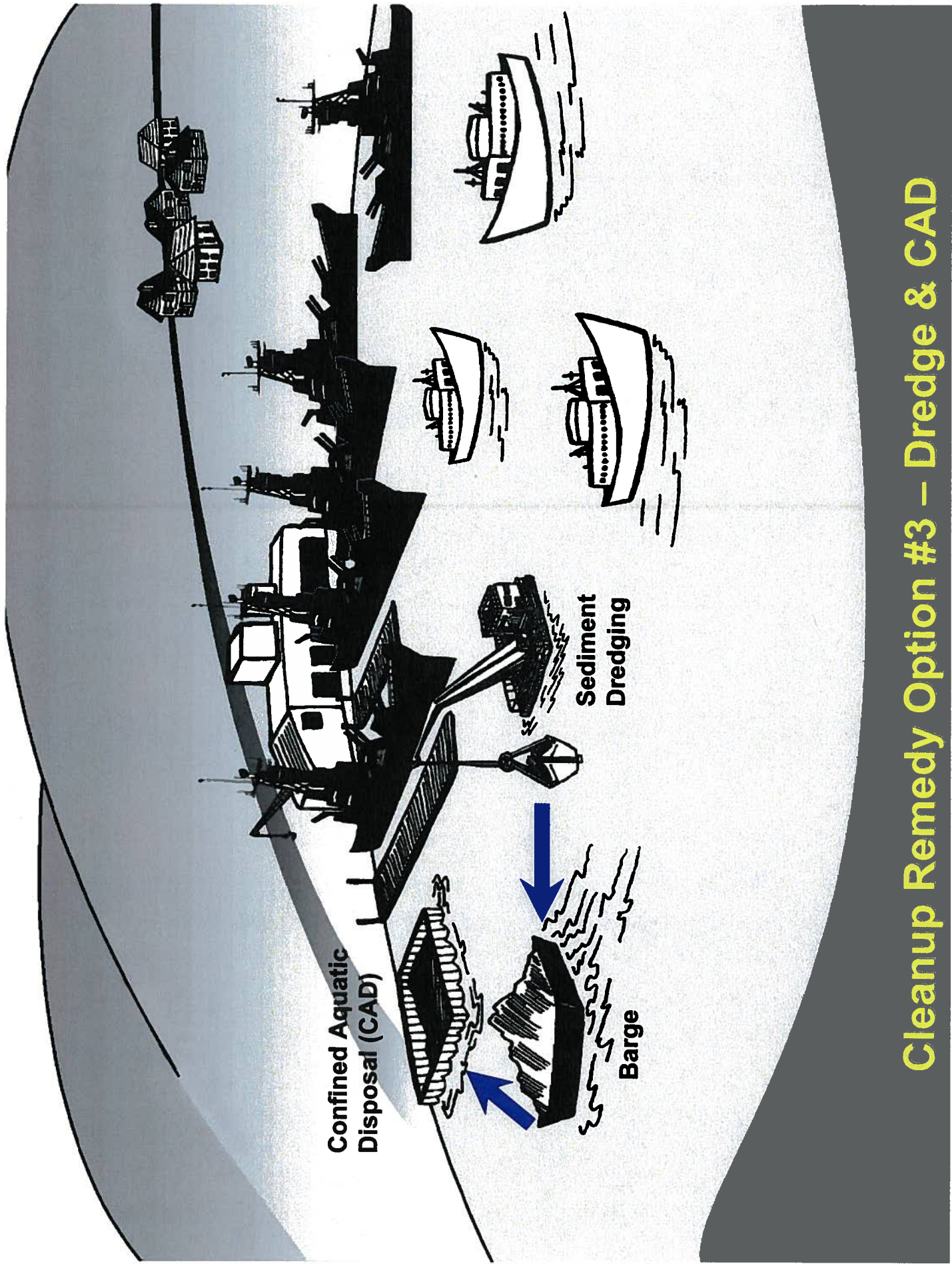


**Cleanup Remedy Alternative #1 – No Action**



# Cleanup Remedy Option #2 – Dredge & Landfill Disposal





**Confined Aquatic  
Disposal (CAD)**

**Sediment  
Dredging**

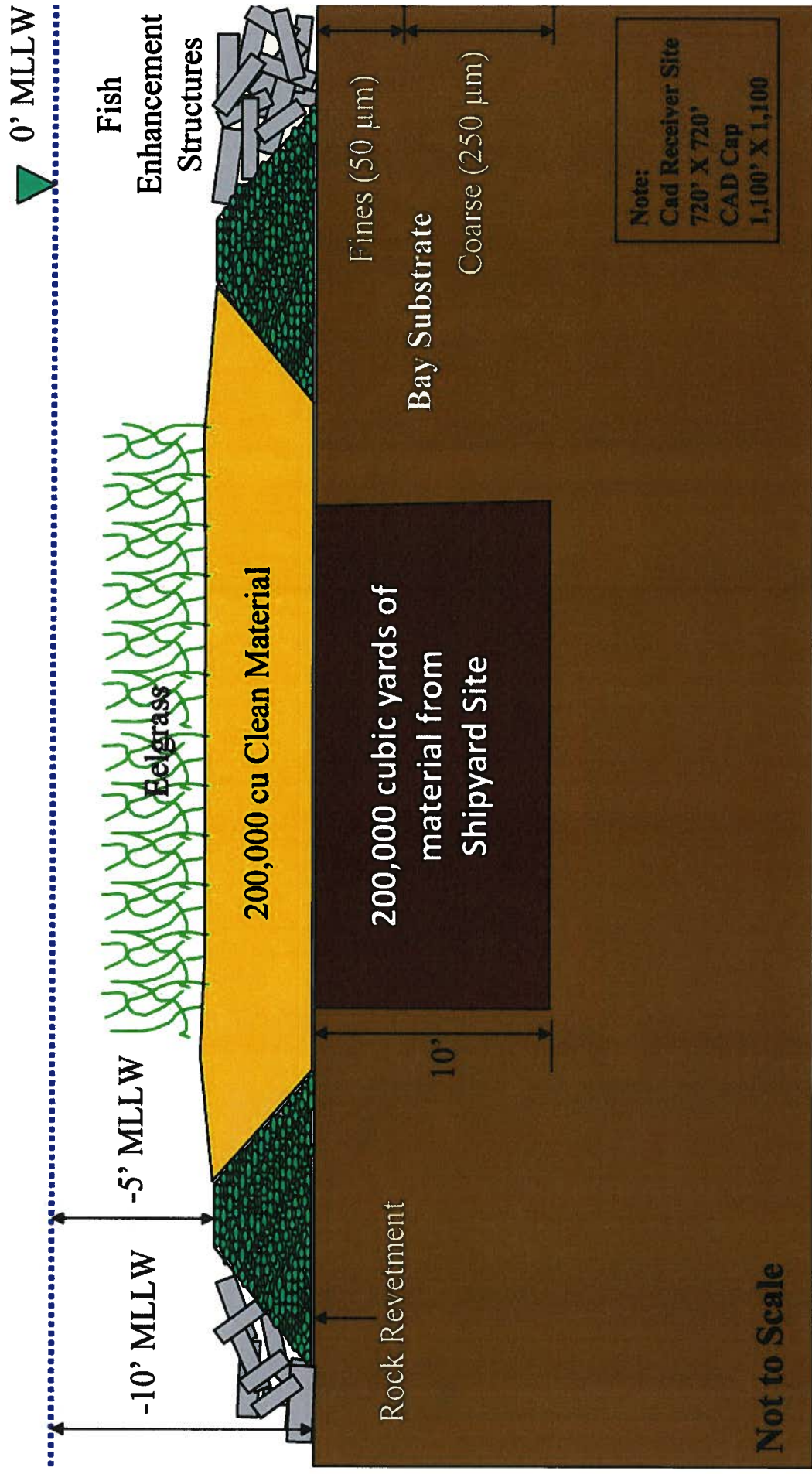
**Barge**

# **Cleanup Remedy Option #3 – Dredge & CAD**

# TYPICAL CAD CONSTRUCTION

with

## Fish Enhancement Structures & Eelgrass



# Initial Study/Environmental Checklist

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact".

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

Air Quality	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	X			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			

<b>GEOLOGY AND SOILS</b>	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
ii) Strong seismic ground shaking?	X			

# Next Steps

12/9/09

Notice for  
CEQA Scoping  
Meeting

12/22/09

Initial Study

1/21/10

CEQA Scoping  
Meeting

Draft EIR

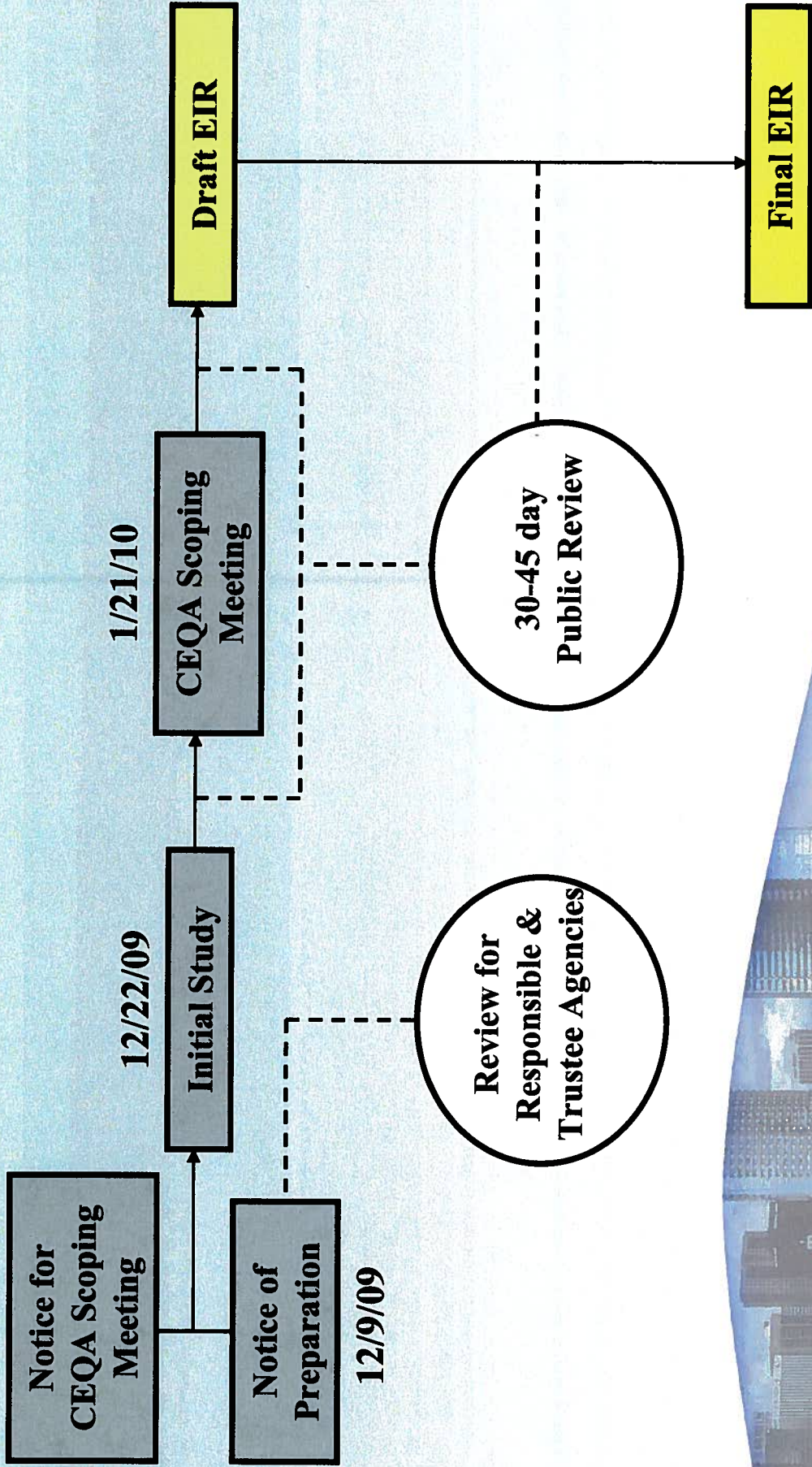
12/9/09

Notice of  
Preparation

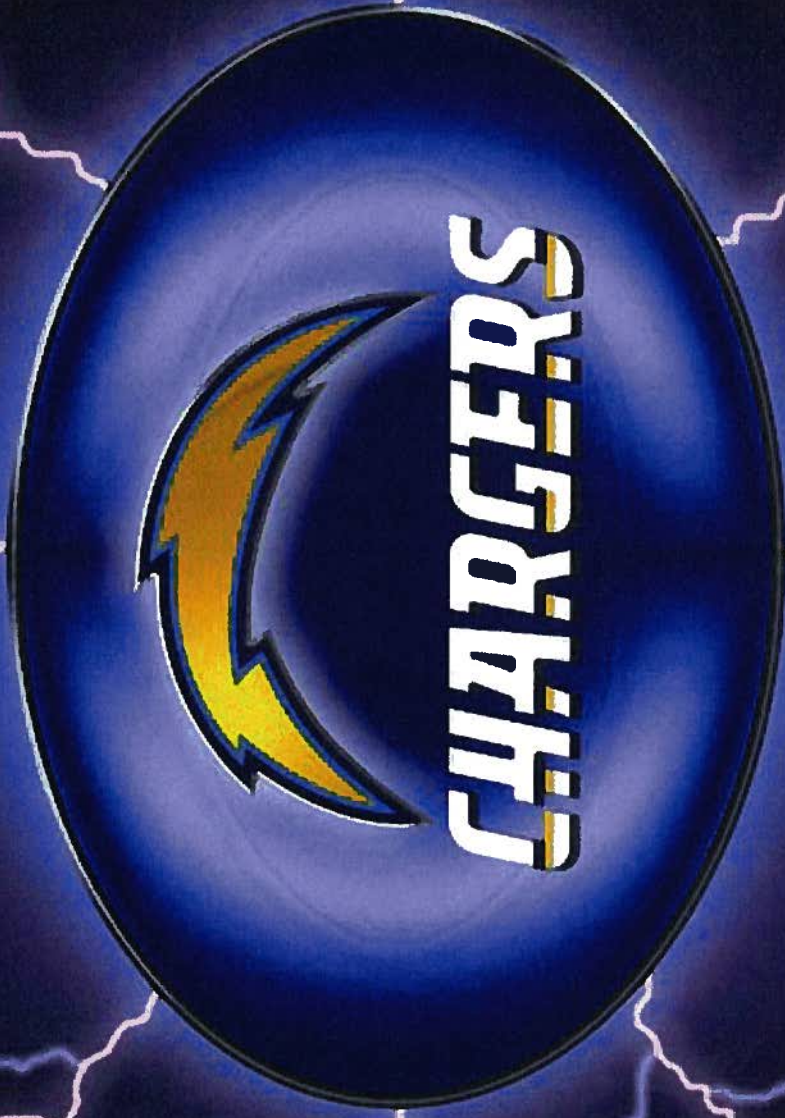
Review for  
Responsible &  
Trustee Agencies

30-45 day  
Public Review

Final EIR



Questions & Comments



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION**

**NOTICE OF EXTENSION OF PUBLIC REVIEW AND COMMENT PERIOD ON  
CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY**

**TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2010-0002  
FOR THE SHIPYARD SEDIMENT SITE, SAN DIEGO BAY**

**INITIAL STUDY**

A California Environmental Quality Act (CEQA) initial study is a preliminary analysis of a project's potential environmental effects. Based on the findings, a decision is made whether or not an Environmental Impact Report (EIR) is necessary.

The Shipyard Sediment Cleanup Team (Cleanup Team) from the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) prepared an initial study for the project described below:

**Project Description:** The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard (NASSCO)/BAE Systems Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredge spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site.

**Location:** The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the NASSCO and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west.

The initial study indicates that the proposed project may have a significant effect on Air Quality and Geology/Soils and as such, an EIR should be prepared. On December 22, 2009, the initial study was posted on the San Diego Water Board's website for a 30-day public review and comment period. No comments were received from the public.

**CEQA SCOPING MEETING**

On January 21, 2010, the Cleanup Team held a CEQA scoping meeting to receive comments on (1)

the initial study, and (2) the scope of the environmental issues to be addressed in the EIR for the Cleanup and Abatement Order for the Shipyard Sediment Site. Comments were received from NASSCO, BAE Systems, Environmental Health Coalition, Sierra Club, and San Diego Coastkeeper.

**EXTENSION OF THE PUBLIC COMMENT PERIOD**

The San Diego Water Board is extending the comment period on the initial study to 5:00 pm on Monday, March 22, 2010. Interested persons are encouraged to review the initial study and provide written comments to the Cleanup Team. Written comments are due no later than **5:00 pm on Monday, March 22, 2010**. Written comments should be submitted in either MS Word or pdf format by email to:

[TAlo@waterboards.ca.gov](mailto:TAlo@waterboards.ca.gov)

Comments on paper may also be submitted, but electronic format is preferred. Comments on paper should be submitted to:

Mr. Tom Alo  
California Regional Water Quality Control Board,  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Written responses to significant environmental comments will be posted on the San Diego Water Board's website prior to preparation of the EIR for the proposed project.



## **AVAILABILITY OF DOCUMENTS**

The initial study may be reviewed at the San Diego Water Board office or on the San Diego Water Board's website at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment/docs/sediment\\_cleanup/cut/updates\\_122209/Shipyard\\_InitialStudy.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/docs/sediment_cleanup/cut/updates_122209/Shipyard_InitialStudy.pdf)

## **ADDITIONAL INFORMATION**

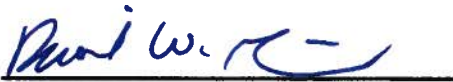
For questions regarding this notice, please contact Mr. Tom Alo, Water Resource Control Engineer by:

**U.S. Mail:** California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

**Email:** [TAlo@waterboards.ca.gov](mailto:TAlo@waterboards.ca.gov)

**Telephone:** (858) 636-3154

Please bring the foregoing to the attention of any persons you know who would be interested in this matter. Thank you for your interest in the protection of water quality.



**David W. Gibson**  
**Executive Officer**  
February 3, 2010



# Department of Toxic Substances Control



Linda S. Adams  
Secretary for  
Environmental Protection

Maziar Movassaghi, Acting Director  
5796 Corporate Avenue  
Cypress, California 90630

Arnold Schwarzenegger  
Governor

December 22, 2009

2009 DEC 24 A 2:17  
CALIFORNIA  
QUALITY  
COUNCIL

Mr. Tom Alo  
Water Resource Control Engineer  
Regional Water Quality Control Board  
Region 9  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340  
TAlo@waterboards.ca.gov

## NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NASSCO/BAE SHIPYARD SEDIMENT SITE, SAN DIEGO BAY PROJECT (SCH# 2009111098), SAN DIEGO COUNTY

Dear Mr. Alo:

The Department of Toxic Substances Control (DTSC) has received your submitted Initial Study and Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the above-mentioned Project. The following project description is stated in your document: "The project is a tentative Cleanup and Abatement Order (CAO) for cleanup of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard (NASSCO/BAE Systems) Shipyard Sediment Site in San Diego Bay. The cleanup remedy may include dredging, capping, and/or natural recovery. Dredged spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site. The Shipyard Sediment Site is located along the eastern shore of central San Diego Bay and encompasses an area extending approximately from the Sampson Street Extension to the north and Chollas Creek to the south and from the NASSCO and BAE Systems shipyard facilities shoreline out to the San Diego Bay main shipping channel on the west." DTSC has the following comments:

The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed project area.

The NOE says, "The cleanup remedy may include dredging, capping, and/or natural recovery. Dredged spoils may be dewatered at an onshore facility and disposed of at an appropriate landfill site." If soil is contaminated, it must be properly disposed of and not

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L. Scip Time: 12:53

Mr. Tom Alo  
December 22, 2009  
Page 2 of 2

simply placed in another location on the site. Land Disposal Restrictions (LDRs) may be applicable to such soils.

If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA), or DTSC.

DTSC is the lead agency for the inland portion of the site. Please contact Mr. Pratap Bulsara, Project Manager at [PBulsara@dtsc.ca.gov](mailto:PBulsara@dtsc.ca.gov) or by phone at (714) 484-5343 to coordinate any actions involving the inland portion of the site.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at [rahmed@dtsc.ca.gov](mailto:rahmed@dtsc.ca.gov) or by phone at (714) 484-5491.

Sincerely,



Greg Holmes  
Unit Chief  
Brownfields and Environmental Restoration Program - Cypress Office

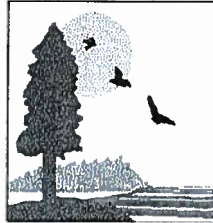
cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22nd Floor, M.S. 22-2  
Sacramento, California 95814  
[nritter@dtsc.ca.gov](mailto:nritter@dtsc.ca.gov)

CEQA# 2742

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service from TDD Phone **1-800-735-2929**

from Voice Phone **1-800-735-2922**

**Contact Phone: (916) 574-1892**

**Contact FAX: (916) 574-1925**

December 29, 2009

File Ref: SCH# 2009111098

YC/G10-08

REGIONAL WATER QUALITY CONTROL BOARD  
2010 JAN -4 A 11:28

Tom Alo  
Regional Water Quality Control Board  
Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

**SUBJECT: Notice of Preparation (NOP) of Draft Environmental Impact Report (EIR), Tentative Cleanup and Abatement Order No. R9-2010-0002 for the Shipyard Sediment Site, San Diego Bay**

Dear Mr. Alo:

Staff of the California State Lands Commission (CSLC) has reviewed the Notice of Preparation (NOP) for the above-proposed project. Under the California Environmental Quality Act (CEQA), the Regional Water Quality Control Board (RWQCB) is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust.

The draft EIR will address tentative Cleanup and Abatement Order No. R9-2010-0002 (CAO) for the proposed remediation of contaminated marine sediments at the National Steel and Shipbuilding Company Shipyard and BAE Systems Shipyard Sediment Site in San Diego Bay. The project may include dredging, capping, and/or natural recovery, and the dewatering of dredge spoils at an onshore facility with disposal at an appropriate landfill site.

The remediation project will involve: (1) ungranted sovereign lands under the CSLC's exclusive jurisdiction; and (2) sovereign lands granted to the San Diego Unified

1-5-10

Port District (Port) pursuant to Chapter 67, Statutes of 1962, as amended, with minerals reserved to the State. Any remediation work on ungranted sovereign lands will require formal authorization by the CSLC. Any dredging activities on legislatively granted sovereign lands will also require formal authorization by the CSLC.

The CSLC is extremely concerned about the impacts of sediment contamination on the public trust resources within San Diego Bay. On December 14, 2006, the CSLC adopted a resolution acknowledging the significant contamination in San Diego Bay and urging the Board to act expeditiously to require remediation of the contaminated sediment. A copy of the Resolution is attached for your convenience.

The Biological Resources section of the EIR should include a discussion of the potential effects of any contaminants that may be exposed or released during cleanup activities and the effect that may have on aquatic species or other wildlife. The issue of what effect this potential contaminant exposure may have on aquatic species or other wildlife and their habitat should also be addressed more thoroughly in the Water Quality section.

There are several issue areas in the NOP that are marked as "less than significant" or "less than significant with mitigation incorporation" but their associated discussions indicate that the issues in question will **not** be addressed in the EIR. These include:

- VII. Hazards and Hazardous Materials, sections a and b
- VIII. Hydrology and Water Quality, sections a and f
- XI. Noise, sections a, b, and d

Any potentially significant issue areas and their associated mitigations are required by CEQA to be discussed in the EIR, and therefore all of these issue areas should be included (CCR sections 15126 and 15126.2).

Please contact Jane Smith, Public Land Management Specialist, at (916) 574-1892, or by email at [smithj@slc.ca.gov](mailto:smithj@slc.ca.gov), for information concerning our leasing requirements. If you have any questions concerning the environmental review, please contact Sarah Mongano at (916) 574-1889 or by e-mail at [mongans@slc.ca.gov](mailto:mongans@slc.ca.gov).

Sincerely,



Marina R. Brand, Acting Chief  
Division of Environmental Planning  
and Management

Attachment

cc: Office of Planning and Research  
Jennifer Lucchesi, Jane Smith,  
Susan Young, Kathryn Wiens,  
and Sarah Mongano



**CALIFORNIA STATE  
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*  
JOHN CHIANG, *Controller*  
MICHAEL C. GENEST, *Director of Finance*



**EXECUTIVE OFFICE**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION  
REGARDING SEDIMENT QUALITY IN SAN DIEGO BAY**

**WHEREAS**, elevated levels of pollutants above background conditions exist in the San Diego Bay (Bay) bottom marine sediment generally between the Sampson Street extension and the mouth of Chollas Creek in the City of San Diego (Shipyard Sediment Site), and

**WHEREAS**, the concentrations of these pollutants causes or threatens to cause conditions of pollution, contamination, and nuisance in the Bay that impairs the aquatic life, aquatic dependent wildlife, and human health, categories of beneficial uses at this site, and

**WHEREAS**, shipyard, municipal, and industrial dischargers have caused or permitted the discharge of pollutants to the Shipyard Sediment Site resulting in the accumulation of pollutants in the marine sediment, and

**WHEREAS**, more than 50 years of discharges into the Bay have left nationally recognized toxic hot spots in the Bay, and

**WHEREAS**, a 1998 National Oceanographic and Atmospheric Administration, *State of the Coastal Environment* report found pervasive toxicity and toxic hot spots in the Bay, and

**WHEREAS**, many chemicals in the contaminated sediments are of concern to human health, and

**WHEREAS**, studies indicate that there are significant health risks to people who consume Bay fish at higher rates of consumption than the average recreational fisher, and

**WHEREAS**, the *Survey of Fishers on Piers in San Diego Bay* undertaken by Environmental Health Coalition conducted in 2004 reveals that a significant population of fishers frequently fish near contaminated areas of the Bay, and

**WHEREAS**, this potential public health threat led the Port of San Diego to place fish advisory warnings at piers throughout the Bay, and

**WHEREAS**, in April 2005 the San Diego Regional Water Quality Board (Regional Board) released a Tentative Cleanup and Abatement Order (TCAO) for eight named parties, including both major shipyards, to remove 885,000 cubic yards of tainted sediment at an estimated cost of \$96 million, and

**WHEREAS**, delays in issuing a TCAO are detrimental to the quality of water and sediments in the Bay and its users; therefore, be it

**RESOLVED**, by the California State Lands Commission that it supports a cleanup plan for San Diego Bay sediments that fully protects beneficial uses and human health, and be it also

**RESOLVED**, that the California State Lands Commission urges the Regional Board to move as expeditiously as possible in issuing and implementing a Cleanup and Abatement Order that effectively remediates the contamination and protects the public resources.

Adopted by the State Lands Commission on December 14, 2006.

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5300  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



December 29, 2009

Mr. Tom Alo

**CALIFORNIA REG. WATER QUALITY CONTROL BOARD - REGION 9**

9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Sent by FAX to : 858-571-6972  
No. of Pages: 4

Re: SCH#2009111098 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Nassco/BAE Shipyard Sediment Site, San Diego located in the San Diego Bay area near National City, San Diego County, California

Dear Mr. Alo:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604) The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within one-half mile of the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 (f))et se),



36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. .

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

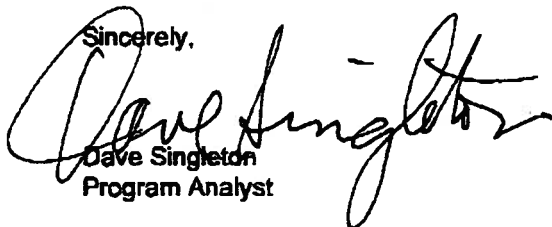
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

SEEN ON 11

Native American Contacts  
San Diego County  
December 29, 2009

Barona Group of the Capitan Grande  
Edwin Romero, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-8612  
619-443-0681

Sycuan Band of the Kumeyaay Nation  
Danny Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92021  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno  
Boulevard , CA 91905  
(619) 478-2113  
619-478-2125

Viejas Band of Mission Indians  
Bobby L. Barrett, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
jrothauff@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center, CA 92082  
(760) 749-3200  
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

Santa Ysabel Band of Diegueno Indians  
Johnny Hernandez, Spokesman  
PO Box 130 Diegueno  
Santa Ysabel, CA 92070  
brandietaylor@yahoo.com  
(760) 765-0845  
(760) 765-0320 Fax

Jamul Indian Village  
Kenneth Meza, Chairperson  
P.O. Box 612 Diegueno/Kumeyaay  
Jamul , CA 91935  
jamulrez@sctdv.net  
(619) 669-4785  
(619) 669-48178 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106, and federal NAGPRA.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009111098; CEQA Notice of Preparation (NOP); draft Environmental Report (DEIR) for the Nasseco/BAE Shipyard Sediment Site, San Diego; located in the San Diego Bay area; San Diego County, California.

Native American Contacts  
San Diego County  
December 29, 2009

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O Box 270 Diegueno  
Santa Ysabel, CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside, CA 92040  
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(619) 443-0681 FAX

Kumeyaay Cultural Heritage Preservation  
Paul Cuero  
36190 Church Road, Suite 5 Diegueno/ Kumeyaay  
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chairman@campo-nsn.gov  
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(619) 478-9505  
(619) 478-5818 Fax

Clint Linton  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
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cjlinton73@aol.com

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775 Diegueno -  
Pine Valley, CA 91962  
(619) 709-4207

Inaja Band of Mission Indians  
Rebecca Osuna, Spokesperson  
309 S. Maple Street Diegueno  
Escondido, CA 92025  
(760) 737-7628  
(760) 747-8568 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106, and federal NAGPRA.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009111088; CEQA Notice of Preparation (NOP); draft Environmental Report (DEIR) for the Nassco/BAE Shipyard Sediment Site, San Diego; located in the San Diego Bay area; San Diego County, California.



DLA Piper LLP (US)  
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San Diego, California 92101-4297  
www.dlapiper.com

Amy G. Nefouse  
amy.nefouse@dlapiper.com  
T 619.699.2693  
F 619.764.6693

January 21, 2010  
BY HAND

RWRCB rec'd 1/21/10  
@ 9:00 am

San Diego Regional Water Quality Control Board  
9174 Sky Park Court  
San Diego, CA 92123

**Re: Scoping Meeting – Tentative CAO for NASSCO/BAE Systems Shipyard Sediment Site**

To whom it may concern:

On behalf of our client BAE Systems San Diego Ship Repair, Inc., we submit the following comments with respect to the California Environmental Quality Act (CEQA) scoping meeting being held on January 21, 2010.

Under CEQA, the purpose for holding a scoping meeting is to solicit comments from the public and other responsible public agencies on the scope and content of the environmental information to be addressed in the planned environmental impact report (EIR) for a specific project. Pub. Res. Code §§ 21080.4, 21083.9, 21104. The holding of a scoping meeting now, with respect to the Tentative Cleanup and Abatement Order (Tentative CAO), is inappropriate and pre-mature for several reasons. Therefore, BAE respectfully requests that the scoping meeting be continued and not be rescheduled unless and until it is determined that such a meeting is appropriate.

First, as clearly articulated in the Tentative CAO, there has been no decision yet as to whether the Tentative CAO is even subject to CEQA. As noted, many (if not all) prior CAOs such as this have been considered exempt from CEQA under three separate categorical exemptions. 14 Cal. Code of Regs. (CEQA Guidelines) §§ 15307, 15308, 15321. If the Tentative CAO is exempt from CEQA, there would be no preparation of an EIR and hence no scoping meeting would be necessary or appropriate.

Second, in order to consider the "scope" and content of a proposed EIR, there must be a clear and definite description of the project to be analyzed in the EIR. As noted in the Tentative CAO, the proposed Remedial Action Plan (RAP) is not even required to be submitted to the Regional Board until 90 days *after* adoption of the CAO. How can a project that is not now and will not be fully articulated until after the CAO is approved be described with sufficient clarity and detail to be "scoped" for purposes of an EIR?

Finally, the very purpose of preparing an EIR is to analyze a proposed project and provide the lead agency with information concerning that project's potential environmental impacts *before* the lead agency makes a decision whether or not to approve the project. Because the proposed manner of complying with the COA will not be known until the RAP is submitted, and because that is not intended to occur until after the CAO is approved, it is not possible at this point to begin preparation of an EIR that could be considered by the Board before it decides whether to approve the Tentative CAO.

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San Diego Regional Water Quality Control Board  
January 21, 2010  
Page Two

Any comments provided today on the appropriate scope of an EIR for the Tentative CAO will be premature. Holding a scoping meeting before it has even been determined whether or not CEQA applies could also lead to public confusion. Therefore, the Board should continue this CEQA "scoping" meeting for the Tentative CAO until such time as it determines what, if any, CEQA review is required and appropriate.

Very truly yours,

**DLA Piper LLP (US)**

A handwritten signature in cursive script that reads 'Amy G. Nefouse'.

Amy G. Nefouse  
Partner

Admitted to practice in California

Cc: Ray Parra, Esq.  
Mike Tracy, Esq.  
Matt Dart, Esq.  
Mr. Shawn Halvax

CHON\ON\F



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San Diego Chapter  
*Serving the Environment in San Diego and Imperial Counties*  
8304 Clairemont Mesa Boulevard, #101  
San Diego, California 92111

February 20, 2010

California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4353  
Attn: Mr. Tom Alo

Subject: Initial Study/Environmental Checklist for Tentative Cleanup and Abatement  
Order No. R9-2010-0002 for the Shipyard Sediment Site, San Diego Bay  
Dated December 22, 2009

Dear Mr. Alo:

On behalf of the Sierra Club San Diego Chapter, I have reviewed the subject Initial Study/Environment Checklist for the Shipyard Sediment site and submit the following comments.

The subject Initial Study/Environmental Checklist does not clearly distinguish the potential impacts between the Alternative #2 Dredge and Landfill Disposal (preferred alternative) and Alternative #3 Dredge and Confined Aquatic Disposal. In our view there are potentially distinct environmental impacts between these two alternatives that must be addressed. The Initial Study/Environmental Checklist has not provided sufficient information to adequately scope the environmental issues for the Confined Aquatic Disposal portion of Alternative #3.

Our comments on the Initial Study/Environmental Checklist separate the two alternatives where there are notable differences in potential impacts.

Where we agree with the subject checklist no comments are made.

### III. Air Quality .

Alternative # 2 Dredge and Landfill Disposal. The Initial Study/Environmental Checklist does not describe in any details of the equipment used for dewatering the dredged material for the shipyard site. Presumably the dewatering equipment would be diesel powered.

#### a) Potentially significant impact

The Port of San Diego Clean Air Program<sup>1</sup> and the San Diego Air Pollution Control District Air Quality Planning<sup>2</sup> should be consulted to avoid conflicts with their plans and mitigation measures. The State designations for the priority pollutants ozone (one and 8 hour) , PM 10 and PM 2.5 as Nonattainment.<sup>3</sup>

<sup>1</sup> Port of San Diego Clean Air Program <http://www.portofsandiego.org/environment/clean-air.html>

<sup>2</sup> San Diego County Air Pollution Control District Air Quality Planning. <http://www.sdapcd.org/planning/plan.html>

<sup>3</sup> San Diego Air Pollution District Fact Sheet Attainment Status <http://www.sdapcd.org/info/facts/attain.pdf>

b) Potentially Significant

The US Environmental Protection Agency should be consulted for measures to reduce the emissions from the diesel engines used in all the equipment associated with dredging<sup>4</sup>. USEPA also has list of verified diesel retrofit technologies<sup>5</sup>. A report prepared for the USEPA U.S. Environmental Protection Agency Office of Policy, Economics and Innovation provides information on incentives to reduce emissions for off-road diesel equipment used in port and construction sectors.<sup>6</sup>

c) Potentially significant.

The cumulative impacts from ozone and particulates (PM 10 and PM 2.5) would be significant. It will pose additional health risks to communities within the dredge site air shed including the Barrio Logan community. See XVII on environmental justice.

d) Less than significant with mitigation measures incorporated.

Trucks to haul the dewatered dredged material should meet strict emission standards. As noted above diesel truck exhaust emission retrofit systems are available that significantly reduces emissions. Additional measures noted in the staff Initial Study/Environmental Checklist should be evaluated and addressed in the EIS/EIR

e) Less than significant with mitigation measures incorporated

### III Air Quality

#### Alternative # 3 Dredge and Confined Aquatic Disposal (CAD)

The air quality impacts related to the dredge operations of the shipyard sediment site would be the same as Alternative #2. Air quality impacts related to the construction of the CAD, transport of the dredged matter from the shipyard site to the CAD and capping the site. These would include:

- Construction
  - Dredging CAD site
  - Disposal of dredge spoils to a landfill
  - Transport and placement of the construction material- revetments, cap
  - Dewatering the site
- Transport of the dredged matter from shipyard site to the CAD
- Capping and restoration of the CAD site

The air quality impacts of Alternative #3 will be greater than the preferred Alternative #2. Staging the construction site for the CAD and truck disposal route of the dredge material is unknown.

### IV. Biological Resources (1)

a) Potentially significant impacts

#### Alternative #2 and #3 Shipyard dredging

The shipyard remedial dredging footprint will have potentially significant impacts on the aquatic ecosystem. The Tentative Cleanup and Abatement Order<sup>7</sup> Attachments 3 and 4 show the remedial footprints for BAE and NASSCO shipyards, respectively. The Draft Technical Report for the Tentative Cleanup and Abatement Order<sup>8</sup> (CAO) tacitly assumes that boundaries between the dredged and un-dredged sectors will be distinct without disturbing the un-dredged sector. Sediment core data (38 core samples) for chemicals, engineering characteristics (moisture, total solids, grain

<sup>4</sup> USEPA EPA Clean Ports <http://www.epa.gov/diesel/ports/technologies.htm>

<sup>5</sup> USEPA Diesel Retrofit Technology Verification <http://www.epa.gov/otaq/retrofit/verif-list.htm>

<sup>6</sup> ICF Consulting, Emission Reduction Incentives for Off-Road Diesel Equipment Used in Port and Construction Sectors Final Report May 19, 2005 prepared for U.S. Environmental Protection Agency Office of Policy, Economics and Innovation <http://westcoastcollaborative.org/files/sector-marine/ICF%20Emission%20Reduction%20Incentives.pdf>

<sup>7</sup> California Regional Water Quality Control Board San Diego Region Tentative Cleanup and Abatement Order, No. R9-2010-0002

<sup>8</sup> California Regional Water Quality Control Board San Diego Region Draft Technical Report Vol. II

size, etc) and depth profiles of sediment grain size collected by Exponent<sup>9</sup> reveal that the bay sediments are not highly consolidated from surface to the depths where the core sampling encountered resistance (hard bottom, 1 to 8 feet). With few exceptions these sediment samples contain chemicals of concern that exceed the cleanup levels. The unconsolidated sediment samples indicate that dredged boundaries will not be well defined. Rather the sediment from the un-dredged sectors will slump into the dredged area forming a new unstable boundary that shift into the previously un-dredged sector. In those cases where these un-dredged sectors contain highly contaminated sediments, the dredging would expose these sediments and slump into the adjoining dredged sector. The unstable boundary will be contaminated at the upper surfaces of the un-dredged section as the movement of the sediment exposes a new surface that may not be in compliance with the sediment quality objectives. If not, additional dredging into the un-dredged sector will be needed until compliance with the CAO sediment quality objectives is obtained.

The size, surface area and depth, of the transition region between the remediated an un-remediated sector is dependent on the depth gradient caused by the dredging and other factors such as erosion from ship induced wave motion, tidal currents, storm drain flows and gravitational forces exposing subsurface sediments that may not be in compliance with the CAO.

**Invertebrates** The Draft Technical Report Vol. II Section 35 remediation plan only focuses on achieving the prescribed chemical cleanup levels but fails recognize that remediated sites must also provide suitable habitats that are necessary to recruit and re-colonize the benthic community. Cleanup alone will not be adequate. This subject is very complex<sup>10</sup>. A qualified benthic ecologist should be consulted to address this issue. Therefore, we do not agree with the discussion on invertebrates in the staff Initial Study/Environmental Checklist<sup>11</sup> that the impacts to the invertebrates are minimal, temporary and not significant.

**Fish and Essential Fish Habitat** The Initial Study/Environmental Checklist asserts that the impacts to fish and essential habitat are minimum and short term. It does not define short term. Is it weeks, months? It fails to recognize that the suspended sediments responsible for the turbidity may very likely contain contaminants of concern that are toxic to fish: copper, and PAH's.

A pre-remediation plan should be required. It should include contingencies to address the issues described above. There should be a core sampling plan that adequately addresses the subsurface sediment quality on both sides of the boundary between the sector to be dredged and the un-dredged sector.

The Draft Technical Report Volume I<sup>12</sup> reports the disadvantages of subaqueous capping in most shipyard locations subject to sediment disturbance are not viable candidates for in-place capping. But in the very next paragraph it states that that where contaminated sediments under the piers cannot be removed, subaqueous capping will be used. A ship moored at a pier will cause wave motion that can erode the cap. No discussion is presented on the possible depth differential (> 1 ft.) between the dredged and capped area that could exacerbate the erosion of the cap. Monitoring for cap integrity to contain the contamination is not discussed. The Campbell Shipyard capping has proved to be difficult to maintain the required cap depth over varying bottom depth.

---

<sup>9</sup> Exponent NASSCO and Southwest Marine Detailed Sediment Investigation Vol. II, Appendix B Tables B2, B3, and B4

<sup>10</sup> NOAA Costal Services Center Benthic Habitat Monitoring  
<http://www.csc.noaa.gov/benthic/mapping/applying/quality.htm>

<sup>11</sup> Initial Study/Environmental Checklist Dec 22, 2009 page 13

<sup>12</sup> California Regional Water Quality Control Board San Diego Region Draft Technical Report Vol. I page 32-2



Unless mitigated the issues discussed above the shipyard sites will not comply with the target remediation concentration for the contaminants of concern and thereby expose the biological resources including the marine vegetation, the invertebrates, fish and fish habitats and birds to unacceptable levels of contamination.

The above issues if not mitigated will have a substantial adverse effects on the natural community including the beneficial uses of the Bay as defined in the Basin Plan.

#### **IV Biological Resources (2)**

##### **Alternative #3 Confined Aquatic Disposal**

This alternative proposes to locate a CAD at an undefined location in San Diego Bay. Based on the description provided at the January 21, 2010 CEQA Scoping meeting presentation, the approximate footprint of the CAD is about 30 acres.

Potentially significant impacts a), b), c), d) The CAD could have significant adverse effects due to change in natural habitat of San Diego Bay in spite of the fact that it proposes to offset the adverse effect by adding an eelgrass habitat.

#### **XVII Mandatory Findings of Significance**

##### **Environmental Justice**

##### **Potentially significant impact**

The CAO must address the environmental quality and public health of low-income communities and communities of color.

Thank you for this opportunity to submit these comments.

Sincerely,



Edward Kimura  
Chair, Water Committee  
Sierra Club  
San Diego Chapter

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