

RESOLUTION 2014-139

RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT 2013-06 FOR THE SAN DIEGO SHIPYARD SEDIMENT REMEDIATION PROJECT AT THE NORTH SHIPYARD SITE ISSUED TO BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. TO INCLUDE PROJECT MODIFICATIONS INCLUDING INSTALLATION OF A PERMANENT SHEETPILE BULKHEAD WALL, REMOVAL OF A SUBMERGED SHEETPILE WALL AND MARINE RAILWAY DEBRIS, REMOVAL OF PIER 2 FROM BAE'S LEASEHOLD, ELIMINATION OF ON-SITE DREDGE HANDLING AND INCREASE THE TOTAL DREDGE VOLUME FROM 90,800 TO 105,800 CUBIC YARDS

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, on March 14, 2012, the California Regional Water Quality Control Board, San Diego Region (Regional Board) released Tentative Cleanup and Abatement Order (CAO) No. R9-2012-0024, which identified elevated levels of pollutants in the bottom marine sediment along the eastern shore of central San Diego Bay extending approximately from the Sampson Street extension to the northwest and Chollas Creek to the southeast, and from the shoreline out to the San Diego Bay main shipping channel to the west (Shipyards Sediment Site) and which required dischargers that caused or permitted the discharge of waste to the Shipyards Sediment Site to remediate marine sediment within the Shipyards Sediment Site that was determined to have pollutant levels likely to adversely affect the health of the benthic community within the San Diego Bay; and

WHEREAS, BAE Systems was named in the CAO as a discharger that caused or permitted the discharge of waste to the Shipyards Sediment Site resulting in the accumulation of waste in the marine sediment; and

WHEREAS, BAE Systems has a lease with the District to operate and maintain a shipyard at 2205 Belt Street, San Diego, comprised of 10.41 acres of land area and 16.62 acres of water area, where it provides non-nuclear ship repair, modernization, conversion, maintenance and overhaul for government, military and commercial contracts; and

WHEREAS, BAE Systems proposed the San Diego Shipyard Sediment Remediation Project – North Shipyard (Project) to comply with the requirements of CAO No. R9-2012-0024, which included the dredging of approximately 90,800 cubic yards (cy), an estimated 4,600 cy of debris, or application of approximately 36,700 cy of clean sand/gravel over contaminated sediment in areas that are inaccessible; the transportation, dewatering, stockpiling, and testing of dredge materials and effluent (water) at a landside sediment management area to be located on an approximately 1.2-acre site within the existing BAE Systems facility; the treatment (if needed) and discharge of the effluent; the truck transport of dredge materials to appropriate landfill disposal facilities; and, once dredging activities are completed, the placement of approximately 13,400 tons of quarry rock on slopes adjacent to existing bulkheads and piers to protect those structures; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Project was analyzed in a Final Program Environmental Impact Report (Final PEIR) for the Shipyard Sediment Remediation Project (SCH No. 2009111098), which was prepared and certified by the Regional Board as lead agency; and

WHEREAS, the Port District is the trustee of said tidelands where the Project will be constructed; and

WHEREAS, on July 16, 2013, as a Responsible Agency pursuant to CEQA Guidelines Section 15096(f), the Board of Port Commissioners (Board) reviewed and considered the information contained in the Final PEIR and adopted a resolution approving an application for a Coastal Development Permit (CDP-2013-06) to provide for implementation of the Project; and

WHEREAS, on September 24, 2013, the District granted BAE Systems the First Amendment to CDP-2013-06, which modified Special Provisions 5 and 6 of the CDP consistent with the Regional Board's final adopted Waste Discharge Requirements (WDR) and 401 Water Quality Certification (WQC); and

WHEREAS, the District has received an application from BAE Systems to modify the Project by incorporating the following proposed design changes (Proposed Modifications), which will enable BAE Systems to comply with the requirements of the CAO, WDR, and 401 WQC: installation of a permanent sheetpile bulkhead wall along the San Diego Gas & Electric (SDG&E) Tidelands Use and Occupancy Permit parcel to address potential destabilization of on-shore land and infrastructure caused by the remedial dredging activities; removal of a submerged sheetpile wall and marine railway debris from the bay bottom; removal of the existing approximately 5,140-square-foot Pier 2 structure from BAE Systems' leasehold, including 6 steel piles, 39 concrete piles and all timber deck, asphalt, and concrete, to facilitate dredging beneath the existing Pier 2 in lieu of placing a clean sand cover over sediments located beneath the pier; elimination of on-site dredge handling by transferring sediment from barge or scow directly to trucks, which will

eliminate the “double handling” of dredge sediment and reduce opportunities for the release of hazardous material and will be performed in accordance with all applicable mitigation measures identified in the Final PEIR’s MMRP, and minor improvements to a portion of the adjacent site to the north (CP Kelco) for truck access to East Belt Street; and an increase in the total permitted dredge volume from 90,800 to 105,800 cy within the North Shipyard Site to achieve the required cleanup levels required by the CAO, WDR, and 401 WQC; and

WHEREAS, on July 13, 2013, pursuant to CEQA Guidelines Section 15164(d), the Regional Board adopted an Addendum to the Final PEIR which analyzed the increase in dredge volume from 90,800 to 105,800 cy concurrent with the final WDR and 401 WQC, and concluded that there were no substantial changes to the Project or to the circumstances under which the Project was undertaken that will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects that would require major revisions of the Final PEIR and therefore, did not require preparation of a subsequent EIR; and

WHEREAS, on April 17, 2014, pursuant to CEQA Guidelines Section 15168(c)(2), the Regional Board made findings that no new significant environmental effects or substantial increase in the severity of previously identified significant effects that would require major revision to the Final PEIR will result from the Proposed Modifications and that no new mitigation measures are required and the Regional Board may rely on the Final PEIR to provide CEQA compliance for the Proposed Modifications; and

WHEREAS, the Proposed Modifications comply with all District policies and requirements, including BAE Systems’ lease provisions, and will allow BAE Systems to comply with the CAO issued by the Regional Board and to continue servicing military and commercial contracts into the future; and

WHEREAS, the Proposed Modifications are located within the Belt Street Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the Port Master Plan (PMP), and the PMP land and water use designations within the limits of the site are Marine Related Industrial and Specialized Berthing; and

WHEREAS, the Proposed Modifications conform to the certified PMP and facilitate the land use designations of Marine Related Industrial and Specialized Berthing by remediating contaminated sediments located within the San Diego Bay and will not change the uses of the site nor will it expand the existing conforming uses of the site; and

WHEREAS, the Proposed Modifications are located between the sea (as defined in the California Coastal Act) and the first inland continuous public road

paralleling the sea and are fully consistent with Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, pursuant to CEQA Guidelines Section 15096, the Board, as a Responsible Agency, has reviewed and considered the information contained in the Final PEIR, the Addendum to the Final PEIR, and a CEQA memorandum in its decision concerning the Second Amendment to CDP-2013-06 for the Proposed Modifications and following the Board's consideration of the Addendum District staff will file a Notice of Determination pursuant to CEQA Guidelines Section 15096(i); and

WHEREAS, the Board has concluded that the Proposed Modifications conform to the District Master Plan; and

WHEREAS, the Board of Port Commissioners (Board) finds that said application and attachments contain correct and accurate statements of fact; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:


1. The Proposed Modifications have been proposed to comply with the requirements of CAO No. R9-2012-0024, and, in general, include the installation of a permanent sheetpile bulkhead wall along the San Diego Gas & Electric (SDG&E) Tidelands Use and Occupancy Permit parcel to address potential destabilization of on-shore land and infrastructure caused by the remedial dredging activities; removal of a submerged sheetpile wall and marine railway debris from the bay bottom; removal of the existing approximately 5,140-square-foot Pier 2 structure from BAE Systems' leasehold, including 6 steel piles, 39 concrete piles and all timber deck, asphalt, and concrete, to facilitate dredging beneath the existing Pier 2 in lieu of placing a clean sand cover over sediments located beneath the pier; elimination of on-site dredge handling by transferring sediment from barge or scow directly to trucks, which will eliminate the "double handling" of dredge sediment and reduce opportunities for the release of hazardous material and will be performed in accordance with all applicable mitigation measures identified in the Final PEIR's MMRP, and minor improvements to a portion of the adjacent site to the north (CP Kelco) for truck access to East Belt Street; and an increase in the total permitted dredge volume from 90,800 to 105,800 cy within the North Shipyard Site to achieve the required cleanup levels required by the CAO, WDR, and 401 WQC; which are all within the Belt Street Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, as delineated on Precise Plan Map Figure 13 of the District Master Plan.

2. In accordance with the District's CDP Regulations, the Proposed Modifications are considered "Non-Appealable" because they do not qualify as an "Excluded," "Appealable," or "Emergency" development. The Proposed Modifications are consistent with the use and development concept for the project area as provided in the District Master Plan and, as such, are part of a Non-

Appealable Development which conforms to the certified District Master Plan. The Proposed Modifications are located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea, and the proposed project is consistent with Public Resources Code Sections 30604(a) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.


3. The Proposed Modifications are consistent with and conform to the District Master Plan, and accordingly, the Executive Director or his authorized representative is hereby authorized and directed to issue the Second Amendment to CDP-2013-06 for the proposed project, said Coastal Development Permit, as amended, shall require compliance with the Standard Provisions and Short-Term Constructions Measures incorporated therein, and in particular the conditions listed under the Special Provisions section, including the Mitigation Measures contained in the Final PEIR for the proposed project.

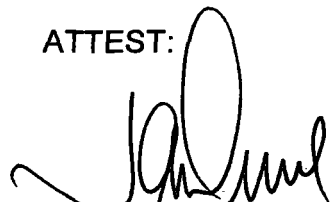
APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of July 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.
NAYS: None.
EXCUSED: None.
ABSENT: None.
ABSTAIN: None.


Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)