RESOLUTION 2015-152

RESOLUTION CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT," ADOPTING FINDINGS OF FACT, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION

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, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, BAE Systems San Diego Ship Repair, Inc. (BAE), the project proponent/applicant, is a current District tenant that operates and maintains a shipyard at 2205 Belt Street, San Diego, and provides non-nuclear ship repair, modernization, conversion, maintenance and overhaul for government, military and commercial contracts on its leasehold premises; and

WHEREAS, BAE proposes to construct and operate a new floating drydock, the Pier 1 North Drydock, on the north side of its existing Pier 1 (collectively, Proposed Drydock Component), which, in summary, consists of: (1) a 205 feet by 851 feet drydock with aprons on each end, measuring approximately 174,455 square feet in total for a total of capacity to lift 55,000 long tons; (2) an underwater wall and cantilever king pile system along the north side of the pier; (3) a ramp wharf with a southern, intermediary and northern structure designed for accessing the drydock adjacent to and westward of the bulkhead (the northern ramp wharf and intermediary structures to be installed after the cooling tunnels are removed, as more particularly described below); (4) a temporary, pedestrian-only access ramp on the north side of the drydock would be used; (5) two mooring dolphins, one of which will be approximately 26 feet by 33 feet, and include a 4-foot thick concrete deck, and the other will be incorporated into the deck of the existing Pier 1 and strengthened to account for adjacent drydock sump dredging and retrofitted with a drydock gripper; and (6) approximately 395,000 cubic yards of dredging; and

WHEREAS, additional project features for the Proposed Drydock Component consist of the following, which are more particularly described in the Environmental Impact Report (EIR): (1) new light-emitting diode (LED) fixtures; (2) two electric cranes mounted on the proposed drydock; (3) a zero-discharge salt water system (pumps) using smart controllers and cascading pumps; (4) coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit [CGP]); (5) compliance with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality (Order No. 2003–0003-DWQ) and for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto Order No. R9-2007-0034 (NPDES No. CAG919001); (6) compliance with the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Order No. R9-2013-0001, NPDES No. CAS0109266); (7) preparation and implementation of an Urban Storm Water Mitigation Plan (USMP); (8) compliance with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District; (9) compliance with the requirements set forth in WDRs for BAE Systems San Diego Ship Repair Inc. (Order No. R9-2015-0034, NPDES No. CA0109151), including all storm water runoff contained on-site before discharging into the storm sewer system; and (10) preparation and implementation of a Construction Management Plan; and

WHEREAS, BAE has been occupying a 2-acre land parcel and a 4-acre water parcel under a Tidelands Use and Occupancy Permit (TUOP) (collectively, TUOP parcels), which was historically leased and occupied by San Diego Gas & Electric (SDG&E) as part of the Silvergate Power Plant; and

WHEREAS, two underground intake/discharge cooling tunnels are located on the TUOP parcels and as a condition of its former lease and TUOP with the District, SDG&E is required to remove the underground cooling tunnels; and

WHEREAS, in addition to the Proposed Drydock Component, the EIR analyzed removal of the cooling tunnels (Proposed Cooling Tunnel Removal Component), which in summary, consists of: (1) excavation of soil; (2) installation of a cofferdam; (3) dewatering the site; (4) installation of shoring to protect the excavation; (5) demolition and removal of the tunnels (e.g, concrete); and (6) backfill with clean structural fill; and

WHEREAS, additional project features for the Proposed Cooling Tunnel Removal Component consists of the following, which are more particularly described in the EIR: (1) coverage under the State Water Resources Control Board NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) CGP; (2) compliance with the Statewide General WDRs for discharges to land with a low threat to water quality (Order No. 2003–0003-DWQ) and for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto Order No. R9-2007-0034 (NPDES No. CAG919001); (3) compliance with the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Order No. R9-2013-0001, NPDES No. CAS0109266); (4) preparation and implementation of an USMP; (5) compliance with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District; and (6) preparation and implementation of a Construction Management Plan; and

WHEREAS, the Proposed Drydock Component and Proposed Cooling Tunnel Removal Component will also comply with the following standard conditions: (1) adherence with the existing no wake zone requirements for the shipyard and the maximum speed limit of 5 knots (5.75 miles per hour) within 500 feet of any BAE Systems seawall, pier, or mooring dolphin; (2) compliance with the City of San Diego's Municipal Code regarding hours and days of construction, as well as construction noise limitations; and (3) compliance with San Diego Air Pollution Control District Rule 55, including implementation of best available control measures stated therein; and

WHEREAS, in accordance with Board of Commissioners (BPC) Policy No. 355, the Proposed Drydock Component is estimated to cost approximately $104 million in investment, and in August 2012, the BPC granted concept approval for BAE's Pier 4 project of approximately $12 million, both of which qualify BAE for lease term extension; and

WHEREAS, at a later date, BAE may propose to extend its current leasehold term to 2058 based on its capital investments, and incorporate the TUOP Parcels into its premises (Proposed Real Estate Agreement Component); and

WHEREAS, the Proposed Real Estate Agreement Component would restrict the uses on the TUOP parcels to those currently existing: (1) activities associated with the RAP prepared to comply with the CAO No. R9-2012-0024, and/or (2) parking, movement of vehicles and equipment, temporary storage and movement of materials, and other staging activities in support of pier-side activity; and

WHEREAS, the Proposed Drydock Component, Proposed Real Estate Agreement Component and Proposed Cooling Tunnel Removal Component are collectively referred to as the "Project"; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.*, and its implementing regulations,
14 California Code of Regulations Section 15000, *et seq.* (CEQA Guidelines), the District drafted a Draft EIR for the Project, which was circulated for more than 45 days from April 3, 2015 through May 20, 2015; and

WHEREAS, the District received four comments letters concerning the Draft EIR and pursuant to CEQA Guidelines section 15088, the District has prepared written responses to all comments received on the Draft EIR during the public comment period which raised environmental issues; and

WHEREAS, the District has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required; and

WHEREAS, the District has prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the revisions and additions thereto, including an Errata, technical appendices, public comments and the District's responses to public comments on the Draft EIR, which has been filed with the Office of the District Clerk; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091, 15093 and 15097, the District has prepared Findings of Fact and a Mitigation Monitoring and Reporting Program, both of which are attached hereto; and

WHEREAS, the Office of the District Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Office of the District Clerk; and

WHEREAS, all materials with regard to the Project were made available to the BPC for its review and consideration of the Project including, but not limited to, the following:

1. The Draft EIR (April 2015);

2. The Final EIR (November 2015);

3. The Errata to the Final EIR and proposed Mitigation Monitoring and

Reporting Program (November 2015);

4. The Staff Report and Agenda Sheet (November 2015);

5. The proposed Findings of Fact (November 2015);

6. The proposed Mitigation Monitoring and Reporting Program (November 2015); and

7. All documents and records filed in this proceeding by interested parties; and

WHEREAS, a duly noticed public hearing was held on November 17, 2015, before the BPC, at which the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the BPC, including but not limited to the Draft EIR, Final EIR, Errata to the Final EIR and proposed Mitigation Monitoring and Reporting Program, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Project, the BPC took the actions hereinafter set forth.

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

1. The Board of Port Commissioners (BPC) finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The BPC finds and determines that the applicable provisions of the California Environmental Quality Act (CEQA), CEQA Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The BPC finds and determines that (a) the Final Environmental Impact Report (EIR) is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and District Guidelines for implementation thereof, (b) the Final EIR was presented to the BPC, and the BPC has fully reviewed and considered the information in Final EIR prior to approving the Project or any component thereof, and (c) the Final EIR reflects the District's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution; and therefore, the BPC hereby certifies the Final EIR.

4. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the BPC hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the BPC hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.

6. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the BPC shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

7. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

8. As a condition of this approval, BAE systems shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's certification of the Final EIR, and adoption of the Findings of Fact and Mitigation Monitoring and Reporting Program. Said indemnity and hold harmless condition is independent of any agreements by and between BAE and the District.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: ~~Assistant~~/Deputy

Attachments:

Exhibit A: Findings of Fact

Exhibit B: Mitigation Monitoring and Reporting Program

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 17th day of November, 2015, by the following vote:

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

Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)

EXHIBIT "A"

THE BOARD OF PORT COMMISSIONERS
OF THE

SAN DIEGO UNIFIED PORT DISTRICT

FINDINGS OF FACT

FOR

PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT
(UPD # EIR-2014-31; SCH # 2014041071)

November 2015

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT

REVISED FINAL ENVIRONMENTAL IMPACT REPORT (UPD # EIR-2014-31; SCH # 2014041071)

INTRODUCTION

The Board of Port Commissioners of the San Diego Unified Port District (District or Port District or Port) hereby makes the following Findings concerning the Final Environmental Impact Report (Final EIR) (UPD # EIR-2014-31; SCH # 2014041071) for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal Of Cooling Tunnels Project (Project or proposed project), pursuant to the California Environmental Quality Act, Public Resources Code § 21000, et seq. (CEQA), and its implementing regulations, CCR, Title 14 § 15000, et seq. (*CEQA Guidelines*).

The Final EIR prepared for the Project consists of four volumes. Volume 1 contains the final Introduction; the final Executive Summary and Summary of Impacts and Mitigation Measures for the Proposed Project; the Errata and Revisions to the Draft EIR; a list of public agencies, organizations and persons commenting on the Draft EIR; comments received on the Draft EIR, Revisions to the Draft EIR, and the Port's responses to those comments; and the Mitigation Monitoring and Reporting Program (MMRP). Volume 2 contains the Draft EIR. Volumes 3 and 4 contain the appendices to the Draft EIR.

The environmental effects, proposed mitigation measures and alternatives analyzed in the Draft EIR, the Revisions to the Draft EIR, and the public comments and responses thereto contained in the Final EIR have influenced the design of the Project. These environmental documents and procedures reflect the Port's commitment to incorporate the environmental considerations identified during the CEQA process into the final project design.

1.0 PROJECT DESCRIPTION

BAE Systems proposes to site a new drydock (dry berth) on the north side of its Pier 1 and extend its existing lease-term on the leasehold based on its investments from the proposed project on the leasehold. The drydock would support the current and planned future home-porting of United States (US) Naval assets (ships) in San Diego and allow greater flexibility in the utilization of drydocking facilities. The proposed drydock would replace an existing wet berth, used for ship repair and maintenance, with a dry berth.

BAE Systems also proposes to enter into a future, long-term real estate agreement with the Port for the neighboring 2-acre land parcel and 4-acre water area currently occupied by BAE Systems through a Tidelands Use and Occupancy Permit (TUOP). The future, long-term real estate agreement may include, but is not limited to, an amendment to BAE Systems' existing lease with the Port. The TUOP parcel (formerly known as the San Diego Gas and Electric [SDG&E] parcel) contains two existing underground intake/discharge tunnels, which could be removed during construction of the proposed new drydock or at a later phase of the proposed project. Preliminary potential remediation efforts associated with the removal of the intake/discharge tunnels that exist within the Port tidelands are identified and analyzed as part of the EIR.

1.1 PROJECT LOCATION

The BAE Systems' existing facility is situated along the eastern shoreline of central San Diego Bay located at 2205 East Belt Street in the City of San Diego. The proposed project site includes the existing 9.8-acre (landside) and 16.6-acre (waterside) of the BAE Systems leasehold, as well as the adjacent 2-acre (landside) and 4-acre (waterside) parcels that are being occupied by BAE Systems through the TUOP (collectively, TUOP parcel). Approximately 74,300 square feet (sf) of the project site extends beyond the U.S. Pierhead line and is located within the jurisdiction of the California State Lands Commission (CSLC).

The majority of the proposed project site is within the jurisdiction of the Port and is located in Planning District 4 (Tenth Avenue Marine Terminal), Planning Subarea 43 (Belt Street Industrial) of the Port District's Port Master Plan. The land uses at the proposed project site within Planning Subarea 43 include Marine Related – Industrial over the land portion of the proposed project site and Specialized Berthing over the water portion of the proposed project site. Land to the east of the proposed project site is within the City of San Diego (City) and is currently designated in the City's General Plan as Industrial Employment and is zoned as Barrio Logan Planned District: SubDistrict D (BLPD-SUBD-D). Approximately 159,450 sf of water area west of the US Pierhead Line (outside Port District Jurisdiction) is held by the CSLC and is under the California Coastal Act jurisdiction of the California Coastal Commission.

1.2 PROJECT COMPONENTS

The proposed drydock component would be located on the north side of existing BAE Systems Pier 1 and would extend onto the neighboring TUOP parcel and approximately 350 feet (ft) west into CSLC jurisdiction. The drydock component of the proposed project includes dredging activities, the installation of the drydock, a sheet pile protection wall along the existing Pier 1 north, over-water structure(s) (apron ramp wharves [south] and the future north ramp wharf and intermediary wharf structure), two new mooring dolphins (one stand-alone and one integrated into the existing Pier 1 structure) and expansion of one existing mooring dolphin, and installation of utilities.

BAE Systems currently leases approximately 9.8 acres of land and 16.6 acres of water from the Port. This lease is scheduled to expire on August 31, 2034. Based on its investments proposed as part of the proposed project and the Board of Port Commissioners Policy No. 355, BAE Systems proposes to extend the lease term of its existing leasehold with the Port for an additional 24 year term to 2058, which will require an amendment to the existing lease. Additionally, BAE Systems proposes to lease, on a long-term basis, the TUOP parcel currently occupied by BAE Systems through a 5-year TUOP, which is set to expire on October 31, 2019. This action will require terminating the TUOP and amending the current BAE Systems' lease to add the TUOP parcel into the BAE Systems' lease. Additionally, uses on the TUOP parcel will be restricted in the lease to those that were existing at the time the NOP was published, which include parking, movement of vehicles and equipment in support of ship repair activities pierside, temporary storage of materials and movement of materials in support of ship repair activities pierside, staging areas in support of pierside activities, and implementation of the Remedial Action Plan (RAP) that was approved by the San Diego Regional Water Quality Control Board (San Diego RWQCB) in December 2012 in compliance with Cleanup and Abatement Order (CAO) No. R9-2012-0024; hence, resulting in the continuation of the existing uses. No additional uses are proposed for the remaining portion of the leasehold premises. As a result, BAE Systems will ultimately be leasing approximately 11.8 acres of land area and approximately 20.6 acres of water area from the Port.

Two sets of intake/discharge cooling tunnels that were previously installed by SDG&E and used by the former SDG&E Silvergate Power Plant currently exist beneath the TUOP parcel. The underground tunnels traverse underneath properties owned by Kelco, Burlington-Northern Santa Fe railroad, and the Port and underneath the Belt Street right-of-way. The portion of the cooling tunnels within the Port's jurisdiction stretch from the south curb of Belt Street to the San Diego Bay and consist of approximately 490 ft of intake tunnels and approximately 450 ft of discharge tunnels. Outside the Port's boundaries, the tunnels traverse an additional 250 ft underneath the Belt Street right-of-way and the Burlington-Northern Santa Fe railroad properties. The proposed project includes the removal of the cooling tunnels within the Port's jurisdiction.

The Project is described in greater detail in the Final EIR, Chapter 3.0 (Project Description).

1.3 PROJECT OBJECTIVES

The proposed project objectives include the following:

- Construct and operate shipyard repair facilities that maximize the use of existing waterways, available shoreline, and existing land;
- Retain and expand current ship repair business operations by BAE Systems, in order to provide economic and employment benefits to the Port and the San Diego region;
- Modernize the BAE Systems shipyard by providing a new drydock facility, including associated improvements, and ship repair services, to meet the needs of the current and anticipated ship fleet of military and commercial customers;
- Invest in new shipyard infrastructure that will enhance the short- and long-term attractiveness and viability of San Diego Bay and the region to military and commercial ship operators for construction and repair;
- Impose current terms of the SDG&E TUOP that require removal of the cooling tunnels;
- Ensure the long-term health, safety, and sustainability of the project site and surrounding tidelands area by removing the SDG&E cooling tunnels in a manner that minimizes environmental impacts, including the potential to release hazardous materials into the environment; and
- Obtain real estate agreement(s) necessary to achieve the aforementioned project objectives.

2.0 ENVIRONMENTAL PROCEDURES

2.1 LEAD AGENCY

The Port is the Lead Agency for CEQA and will be the certifying body for the EIR. The Port may also issue the Coastal Development Permit, other entitlements and a lease amendment for land and water areas within their jurisdiction. Outside of Port District jurisdiction, the CSLC may issue a lease and other entitlements, and the California Coastal Commission may issue a Coastal Development Permits for the portion of the proposed project within their respective jurisdictions. The following discretionary actions by the Port are necessary for implementation of the proposed project:

- Certification of the Final Environmental Impact Report (UPD No. EIR-2014-31);
- Approval of the proposed Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project;
- Approval of a Coastal Development Permit for the portion of the proposed project in the Port's jurisdiction;
- Approval of Engineering Plans; and
- Approval of lease amendment or other real estate agreements.

Various Federal, State and local laws, regulations, and permit requirements will apply to the proposed project. Table 3.I, Volume 2 (Draft EIR), Chapter 3 (Project Description), identifies potential required permits and approvals that would be required for the Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project.

2.2 ENVIRONMENTAL IMPACT REPORT

Pursuant to *CEQA Guidelines* §15080, et seq., the Port prepared an Environmental Impact Report (EIR) to analyze the potential impacts of the Project on the environment. The Final EIR consists of four volumes, which contain all of the information required by *CEQA Guidelines* §15132, including the Draft EIR and the appendices to the Draft EIR, and the Revisions to the Draft EIR and its appendices.

2.3 PUBLIC PARTICIPATION

Environmental review of the Project began on April 18, 2014, with the publication of a Notice of Preparation (NOP) of the EIR and a 30-day public review period. The Port held a Public Scoping meeting on May 1, 2014. The Draft EIR was completed and made available for public review on April 3, 2015. The 45-day public review period required by CEQA began on April 3, 2015, and ended on May 20, 2015. Four interested parties submitted written comments on the Draft EIR. No comments on the Draft EIR were received by individual members of the public.

After the close of public review, the Port prepared the Final EIR and published it, as well as an errata on November 5, 2015, in accordance with CEQA. The final EIR provided responses in writing to all comments received on the Draft EIR.

2.4 RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth below, the administrative record of the Port's decision concerning certification of the Final EIR for the Project shall include the following:

- The Notice of Preparation and all other public notices issued by the Port;
- The Draft EIR (April 2015);
- The Final EIR (November 2015);
- The appendices to the Draft EIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR, Revisions to the Draft EIR, and the Final EIR, including, but not limited to, the materials identified in the Draft EIR, Chapter 7 and Chapter 8 (References and List of Preparers);
- The MMRP for the Project;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the Port's staff and consultants for the Project that are public records;
- All documents, comments or other materials submitted by interested persons and public agencies in connection with the Draft EIR, Revisions to the Draft EIR, and the Final EIR; and
- Matters of common knowledge to the Board of Port Commissioners and the Port, including, but not limited, to the Port Master Plan;
- All findings and resolutions adopted by Board of Port Commissioners in connection with the Project (including these findings), and all documents cited or referred to therein;
- The minutes, tape recordings and verbatim transcripts, if any, of the public hearing held on November 17, 2015 concerning the Final EIR and the Project;
- Any documentary or other evidence submitted to the Port at such information sessions, public meetings, and public hearings concerning the Final EIR and the Project;
- The certified Port Master Plan;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents and other materials comprising the administrative record of the Port's decision concerning certification of the Final EIR is the District Clerk of the San Diego Unified Port District. The location of the administrative record is the Port's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code § 21081.6(a)(2); *CEQA Guidelines* § 15091(e).)

The Board of Port Commissioners has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Board of Port Commissioners as part of the Port files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Port was aware in approving the Project. Other documents influenced the expert advice provided to Port staff or consultants, who then provided advice to the Board of Port Commissioners. For that reason, such documents form part of the underlying factual basis for the Board of Port Commissioners' decisions relating to the approval of the Project.

3.0 FINDINGS UNDER CEQA

3.1 PURPOSE AND TERMINOLOGY

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code § 21081 (a); *CEQA Guidelines* § 15091 (a).) A "finding" is a written statement made by the Port, which explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation regarding how the substantial evidence supports the conclusion. For each significant effect identified in the Final EIR, the Port is required by CEQA to make a written finding reaching one or more of the following conclusions:

(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the Final EIR;

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or

(3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (*CEQA Guidelines* §15091(a)).

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." *CEQA Guidelines* section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The *CEQA Guidelines* do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The Port must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which *CEQA Guidelines* section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The *CEQA Guidelines* therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. For reasons set forth in the EIR, all of the significant environmental effects identified therein can be fully "avoided" – that is, reduced to a less than significant level – by the adoption of the recommended mitigation measures.

Because the Board of Port Commissioners has chosen to adopt all such recommended mitigation measures, there is no need to identify any instances in which a significant effect has been merely "substantially lessened," rather than "avoided," by the adoption of mitigation measures. It may be worth noting, though, that the Port understands the term "substantially lessen" to refer to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. County Board of Supervisors* (1978) 83 Cal.App.3d 515, 519-527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant. In any event, there is no need here to address the legal implications of a finding that a significant effect has been substantially lessened but not avoided. All such effects associated with the Project have been avoided (reduced to a less than significant level) through incorporation of project features into the Project and through the adoption of mitigation measures.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts

that will otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (*CEQA Guidelines* §§ 15091 (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (*CEQA Guidelines* §§ 15093, 15043 (b); see also Pub. Resources Code § 21081 (b).) The California Supreme Court has stated, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576.)

Such a statement of overriding considerations is not required for this Project because, as noted above, the Project incorporates project features to minimize potentially significant effects and all remaining significant effects will be mitigated to less than significant levels through the adoption of mitigation measures.

These findings set forth the reasons, and the evidence in support of, the Port's determinations.

3.2 LEGAL EFFECT

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the Port hereby binds itself and any other responsible parties, including the BAE Systems, as the Project applicant, and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the Port and responsible parties, which will take effect if and when the Port adopts a resolution certifying the Final EIR and the Port and/or the responsible agencies adopt resolution(s) approving the Project.

3.3 MITIGATION MONITORING AND REPORTING PROGRAM

In adopting these findings, the Port also adopts a MMRP pursuant to Public Resources Code §21081.6. This program is designed to ensure the Project complies with the feasible mitigation measures identified below during implementation of the Project. The program is set forth in the Final EIR, "Mitigation Monitoring and Reporting Program," which is adopted by the Port concurrently with these findings and is incorporated herein by this reference.

3.4 CERTIFICATION OF THE FINAL EIR

Pursuant to *CEQA Guidelines* section 15090, the Board of Port Commissioners further finds and certifies that:

(1) The Final EIR has been completed in compliance with CEQA.

(2) The Final EIR has been presented to the Board of Port Commissioners, which constitutes the decision-making body of the lead agency, and the Board has reviewed and considered the information contained in the Final EIR prior to approving the Project.

(3) The Final EIR reflects the Port's independent judgment and analysis.

4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The Project could result in significant environmental effects with respect to Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Land Use and Planning. For purposes of clarity, the findings regarding the potential significant impacts of the project are set forth separately below. Additionally, findings have been made for the different components of the project – dry dock, cooling tunnels and real estate agreement as shown below.

4.1 PIER 1 NORTH DRYDOCK COMPONENT

Potentially Significant Impacts

The Pier 1 North Drydock component will result in direct significant environmental effects with respect to Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Land Use and Planning. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in Chapter 3 (Errata and Revisions) of Volume 1 (Final EIR); and Volume 2 (Draft EIR), Sections 4.2 (Biological Resources), 4.3 (Geology and Soils), 4.5 (Hazards and Hazardous Materials), 4.6 (Hydrology and Water Quality), and 4.7 (Land Use and Planning). A summary of significant impacts and mitigation measures for the Project is set forth in Volume 1 (Final EIR), Chapter 2 (Summary).

Set forth below are the findings regarding the potential direct significant effects of the Pier 1 North Drydock component. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in Table 1.A, Volume 2 (Draft EIR), Chapter 1 (Executive Summary).

4.1.1 Biological Resources

Potentially Significant Impact (Special-Status Species). The EIR identifies a potential significant impact to Biological Resources (Special-Status Species) in that there is the potential for special-status species to be subject to impacts due to the noise and turbidity caused by construction activities. During operation, there are also long-term impacts that could occur as a result of changes in the structural composition of the habitat and the increase in bay surface area coverage. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Biological Resources (Special-Status Species) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Biological Resources (Special-Status Species) will be mitigated to a level less than

significant by implementing the following measures. BAE Systems shall retain a qualified biologist, as approved by the Director of the District's Environmental and Land Use Management Department (ELUM) or his/her designee (collectively, Director of ELUM), to monitor active dredging and pile-driving project activities. The biological monitor shall be located in the best vantage point to practicable to monitor, using binoculars and the naked eye, and when applicable shall communicate directly with the construction superintendent and/or hammer operator if a special status species in sighted. The biological monitor shall be authorized to temporarily halt or redirect work in the event that special-status species are sighted, and once the special-status species is out of the construction area, the biological monitor shall direct work to recommence. Daily logs shall be kept by the daily monitor for each construction work day, which shall be maintained by BAE Systems and shall include at minimum: dates, names of monitors, descriptions of construction activity, times of observations, actions taken upon observations, and detailed descriptions of any special-status species, including observations and behaviors of observed animal(s) with notations on its (their) arrival and departure in the construction area. In the event that the biological monitor suspects that work being conducted would have significant adverse effects to special-status species, he/she shall immediately notify the contractor and BAE Systems and impose corrective measures, such as temporarily halting construction activity and/or redirecting construction activity from within specific locations. If the situation is not remedied immediately, the monitor shall notify the permitting agencies. The monitoring log, along with a summary of observations, shall be submitted to the United States Army Corps of Engineers (USACE) and the Port within 60 days of the completion of the monitoring. (The substance of this measure is collectively, herein referred to as "Biological Monitoring for Special-Status Species Measure"[1].) The Biological Monitoring for Special-Status Species Measure will ensure that special-status species are identified if they are within the construction zone, and construction activities will cease if such species are present and only start up again once the special-status species has left the area, or alternatively, construction activities will be redirected so that the construction does not impact the particular special-status species within the area; therefore, reducing the potential for construction impacts to special-status species traversing the construction zone. The daily logs will ensure that the measure is properly implemented as part of the proposed project.

Additionally, a qualified biologist, approved by the Director of ELUM, shall for a period of 15 minutes daily prior to the start of in-water construction, conduct monitoring of a 380 ft (116 meter) surface radius around any active pile driving area to ensure that special-status species are not present. The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of pile-driving activities, the construction contractor

[1] The measures described throughout these findings are summaries of the mitigation measures in the Final EIR and MMRP, and their titles are the same as the corresponding mitigation measure identified in the Final EIR and MMRP.

shall halt the piling-driving activity until the qualified biologist confirms that the special-status species has voluntarily left the area or 15 minutes have passed without redetection of the animal. If weather conditions prevent the visual detection of special-status species (e.g., heavy fog), any pile-driving activities with the potential to reach the Level A Harassment Injury threshold shall not be conducted until conditions change to allow for visual detection. (The substance of this measure is collectively herein referred to as the Biological Monitoring of Impact Hammer and Pile Driving Measure.) The Biological Monitoring of Impact Hammer and Pile Driving Measure will ensure that no pile driving will occur if a special-status species is within a certain radius of the pile driving and hence, less than significant hydroacustical impacts would occur from the pile driving as part of the project.

When performing impact pile driving, the contractor of the dry dock shall also commence work with one soft strike at 40 percent or less energy, followed by a 30-second period of no pile driving, prior to commencing full pile-driving activities. This process shall be repeated if pile-driving activities cease for a period of 1 hour or more. A biologist, approved by the Director of ELUM, shall commence monitoring after the soft strike to determine if turtles or marine mammals are in the area. If any special-status species are in the area, the biological monitor shall be authorized to temporarily halt construction, and once the species are out of the construction area, the biological monitor shall direct work to recommence. (The substance of this measure is collectively herein referred to as the Pile Driving Measure.). Normally, special-status species and in particular, the Eastern Pacific Green Sea Turtle, will leave the area after a soft strike has occurred, allowing for pile driving to subsequently occur with less than significant impacts to the animals. Repeating the Pile Driving Measure if pile driving ceases will ensure that special-status species continue to leave the pile driving area. In the rare event the soft strike is ineffective, the biological monitor's ability to halt the pile driving will further ensure pile driving does not occur until the animal has left the area, resulting in less than significant impacts.

Where feasible, the project contractor shall schedule and complete all dredging and in-water construction activity outside of the nesting season for California least tern (generally between mid-April and late September). However, should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented: (1) the contractor shall deploy a turbidity curtain, consisting of a hanging weighted curtain with a surface float line and shall extend from the surface to 20 feet down into the water column around the dredging areas to restrict the visible surface turbidity plume to the area of construction and dredging and (2) a qualified biologist shall conduct monitoring within 500 feet of construction activities to identify presence of terns displaying foraging behavior (e.g. searching and diving) and assess adverse impacts, if any, to California least terns, and should adverse impacts to tern occur (e.g., agitation or startling during foraging activities), construction shall cease until least terns have left the project site. (The substance of this measure is collectively herein referred to as the California Least Tern Measure.) If the construction can occur outside of the breeding season, no impacts to breeding California least tern would occur.

However, this may not be practicable. Therefore, the turbidity curtains and biological monitoring, as well as the monitor's ability to stop construction activities, will protect breeding birds from significant construction impacts. With these mitigation measures, the unavoidable dredging or pile driving during the California least tern breeding season would not result in a significant impact.

BAE Systems shall implement a 1:1 mitigation ratio for approximately 168,425 sf of bay coverage impacts and 1.2:1 mitigation ratio for approximately 0.13 acre (5,663 sf) of eelgrass habitat through beneficial reuse of dredged sediment for restoration of subtidal eelgrass habitat within south San Diego Bay. The mitigation locations shall be identified and described in a final mitigation plan submitted to the District and reviewed by the Director of ELUM. Demolition and construction activities associated with the proposed project shall conform to the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP) (National Marine Fisheries Service [NMFS] 1991, revision 11). In accordance with the requirements of the SCEMP, a pre-construction eelgrass survey shall be completed by a qualified biologist within 60 days prior to initiation of demolition or construction activities at the site. This survey shall include both area and density characterization of the beds. A post-construction survey shall be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts shall then be determined from a comparison of pre- and post-construction survey results. Impacts to eelgrass, if any, would require mitigation as defined in the SCEMP. If required following the post-construction survey, a mitigation planting plan shall be developed, approved by the Director of ELUM and the NMFS, and implemented to offset losses to eelgrass. Impacts are anticipated to be approximately 0.13 acre with a mitigation requirement of approximately 0.16 acre. The identified mitigation site shall be acceptable to the Director of ELUM and the resource and regulatory agencies. BAE Systems shall secure all applicable permits for the mitigation site prior to commencement of any dredging activities. (The substance of this measure is collectively herein referred to as the Bay Coverage and Eelgrass Measure.) The Bay Coverage and Eelgrass Measure ensures that BAE Systems implements off-site mitigation for any on-site impacts resulting from increase of bay coverage and the destruction of eelgrass habitat. The surveys will precisely determine the impacts and the exact amount of off-site mitigation required. Implementation of the measure will be accomplished through necessary review and approval by the District, if applicable and will result in less than significant impacts to eelgrass habitat and bay coverage.

These measures are further described in **Mitigation Measures BIO-1 through BIO-5**, which are set forth in full in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR. Implementation of **Mitigation Measures BIO-1 through BIO-5** will reduce the potential impact to Biological Resources (Special-Status Species) to a level less than significant.

Potentially Significant Impact (Riparian Habitat or Other Sensitive Natural Communities). The EIR identifies a potential significant impact to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) in that

there is the potential for sensitive natural communities – in particular eelgrass – to be subject to impacts during dredging and the dry dock construction. During operation, there are also long-term impacts that could occur as a result of changes in the structural composition of the habitat and the increase in bay surface area coverage.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) will be mitigated to a level less than significant by implementing the following measures.

Implementation of the Bay Coverage and Eelgrass Measure, described above in the Biological Resources (Special-Status Species) discussion, will provide for the appropriate off-site mitigation for significant impact to eelgrass through habitat surveys and replacement of eelgrass at an appropriate location and at an adequate mitigation ratio, as reviewed and approved by the District.

In addition to the Bay Coverage and Eelgrass Measure, the following measures are required to reduce the impact to below a level of significance. The boundaries of any existing eelgrass beds, located along the bulkheads adjacent to Pier 1 within the BAE Systems facility, shall be staked by the contractor with ridged polyvinyl chloride markers or self-centering buoys visible at all tide heights prior to construction activities. The contractor shall protect, replace, and maintain the markers/buoys as needed to ensure that they remain in place and that they are avoided. In addition, the contractor shall properly stake the boundaries of the eelgrass beds until all construction activities associated with the proposed project are complete. (The substance of this measure is collectively herein referred to as the Eelgrass Boundaries Measure.) The Eelgrass Boundaries Measure will allow the contractor to identify and try to avoid the eelgrass areas.

The contractor shall also deploy a turbidity curtain, consisting of a hanging weighted curtain with a surface float line that extends from the surface to below the lower depth of the existing eelgrass beds (a minimum of 20 feet deep), around the dredging areas to limit turbidity drift. The turbidity curtain shall be kept a minimum of 20 feet away from staked eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement. (The substance of the measure is collectively herein referred to as the Turbidity Curtain Measure.) Deployment of turbidity curtains is a proven method to reduce turbidity, which can disturb and impact eelgrass habitat. Placement of the curtains at the appropriate location, as required by this measure, will increase the effectiveness of the turbidity curtains.

During shoreline work, the contractor shall also deploy silt curtains that are designed to prevent drift (for example, stretched between stakes so that the curtain is rigid) above the eelgrass and below the shoreline work area. (The substance of this measure is collectively herein referred to as the Eelgrass Silt Curtain Measure.) Use and placement of the silt curtain will in essence cocoon eelgrass and protect it from direct impacts associated with shoreline construction.

BAE Systems shall conduct a surveillance-level survey for *Caulerpa taxifolia* and *Undaria pinnatifida* not more than 90 days before the initiation of construction activities within San Diego Bay to determine the presence/absence of this species within the immediate vicinity of the project and shall submit the findings to the District. If *Caulerpa taxifolia* or *Undaria pinnatifida* is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both the NMFS and the California Department of Fish and Wildlife (CDFW shall be contacted within 24 hours of first noting the occurrence. In the event that either *Caulerpa taxifolia* or *Undaria pinnatifida* is detected, all disturbing activity shall cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the Caulerpa Control Protocol. (The substance of this measure is collectively herein referred to as the Invasive Species Survey Measure.) *Caulerpa taxifolia* and *Undaria pinnatifida* are known invasive species that can spread and result in significant impacts to native species found in the Bay. The Invasive Species Survey Measure ensures early detection of these invasive species and notification to the appropriate agencies charged with eradicating these species. Moreover, all work must cease if the invasive species are found to protect against colonization or spreading of the species.

These measures are further described in **Mitigation Measures BIO-4 through BIO-9**, which are set forth in full in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR. Implementation of **Mitigation Measures BIO-4 through BIO-9** will reduce the potential impact to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) to a level less than significant.

Potentially Significant Impact (Movement of Fish or Wildlife Species). The EIR identifies a potential significant impact to Biological Resources (Movement of Fish or Wildlife Species) in that there is the potential for fish movement and eelgrass to be subject to impacts during project construction. During operation, there are no long-term impacts that could occur as a result of project as the dry dock would have no effect on migratory patterns, there would be negligible increase in operations and no substantial increase in turbidity. Additionally, the permanent impacts to eelgrass would not be substantial.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Biological Resources (Movement of Fish or Wildlife Species) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Biological Resources (Movement of Fish or Wildlife Species) will be mitigated to a level less than significant by implementing the Bay Coverage and Eelgrass Measure, the California Least Tern Measure, described in the Biological Resources (Special-Status Species) discussion, above, as well as the Eelgrass Boundaries Measure, the Turbidity Curtain Measure, and the Eelgrass Silt Curtain Measure, described above in the Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) discussion.

These measures reduce impacts to eelgrass – an important habitat for a variety of invertebrates, fish, and avian species – through the delineation of eelgrass, avoidance of construction activities if possible in the delineated areas, and the appropriate use of curtains to reduce turbidity, which can disturb the habitat and protection of the eelgrass during shoreline construction. However, dredging activities and increased bay coverage will still likely result in a direct impact to eelgrass. Eelgrass surveys will determine the exact extent of this impact and the requirement that offsite mitigation occur will reduce this impact to below a level of significance. Additionally, avoidance of construction activities during the California least tern breeding season or if that is not practicable, stopping construction if the least terns are agitated will reduce impacts to California least tern to below a level of significance.

These measures are further described in **Mitigation Measures BIO-4 through BIO-8**, which are set forth in full in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR. Implementation of **Mitigation Measures BIO-4 through BIO-8** will reduce the potential impact to Biological Resources (Movement of Fish or Wildlife Species) to a level less than significant.

4.1.2 Geology and Soils

Potentially Significant Impact (Loss, Injury, or Death Due to Seismic Conditions – *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*). The EIR identifies potentially significant impacts to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) in that the potential for fault rupture cannot be ruled out at this time, and the site is susceptible to strong seismic ground shaking conditions and has a high potential for liquefaction, which could result in a potentially significant impact by exposing people or structures to potential substantial adverse effects, including loss, injury, or death due to seismic conditions during both construction and operation. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Loss, Injury, or

Death Due to Seismic Conditions - *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) will be mitigated to a level less than significant through the following measure.

BAE Systems shall submit a Final Geotechnical Report, subject to review and approval by the District Engineering-Construction Department Director, or designee (collectively, Director of Engineering), indicating that design, dredging, and construction shall be performed in accordance with the requirements of the most current California Building Code (CBC) applicable at the time of construction, appropriate local construction regulations, and the requirements of the project geotechnical consultant. All dredging and construction activities shall be conducted in conformance with the recommendations included in the Final Geotechnical Report and with the constraints identified in *the Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California* (TerraCosta Consulting Group, Inc.) (Geotechnical Report).

The following conditions shall be addressed in the Final Geotechnical Report. The Report shall identify removal quantities of the relatively loose bay deposits susceptible to liquefaction, primarily those at the eastern end of the king pile wall alignment adjacent to Pier 1, and determine appropriate design to address increased loading on the wall system. Additionally, the Report shall determine sufficient (1) embedment depth into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance needed to accommodate the axial and uplift forces associated with the anticipated lateral loading; (2) embedment depth into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance needed to accommodate those forces and require piles to provide the necessary axial and uplift resistance to seismically-induced lateral loads; (3) embedment depth of both vertical and battered piles into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance needed to accommodate the axial and uplift forces associated with the anticipated lateral loading. The Final Geotechnical Report shall also confirm removal of any remaining sheetpile jetties in the vicinity of the proposed sump before or during dredging, and confirm that the inclinations of the dredged excavations and depths of removals are reviewed and adjusted as necessary to maintain the stability of surrounding structures, including the proposed king pile wall, Pier 1, and the existing and proposed bulkhead walls along the bulkhead line. The Report shall include an analysis of existing Pier 1 pile capacities to identify the potential for reduced pile capacities as a result of dredging, and the possible need for supplementary piles if additional capacity is required. If required, the Report will specify backfill and compaction requirements for clean structural backfill, due to removal of existing surface pavements and excavation along the trench alignments. Additional site testing and final design evaluation shall be conducted by the project geotechnical consultant to refine and enhance the requirements needed to be

addressed in the Final Geotechnical Report. If the project geotechnical consultant identifies modifications or refinements to the requirements, the project Applicant shall require appropriate changes to the final project design and specifications, subject to review and approval by the District. (The substance of this measure is collectively herein referred to as the Dry Dock Conformance with the Project Geotechnical Study Measure.)

The Drydock Conformance with the Project Geotechnical Study Measure provides that the project will be constructed in a manner that can withstand conditions that may pose risks from seismic events, including a fault rapture, ground shaking and ground failure/liquefaction. Sufficient embedment of the dry dock components, appropriate dredging inclinations and pile capacities, adequate backfill, all required by the measure to be part of the project, will ensure that the project can withstand a strong seismic event and reduce potential impacts related to loss, injury, or death due to a seismic occurrence and the aftermath of the same, such as damage due to a rapture fault or ground failure and liquefaction.

This measure is also described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) to a level less than significant.

Potentially Significant Impact (Soil Stability). The EIR identifies potentially significant impacts to Geology and Soils (Soil Stability) in that there is the potential for the project construction activities to be located on a geologic unit that is unstable or that would become unstable as a result of the Project. Accordingly, both construction and operational impacts could occur. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Soil Stability) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Soil Stability) will be mitigated to a level less than significant through implementation of the Dry Dock Conformance with the Project Geotechnical Study Measure, described in the above in the Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions-*Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) section. This measure required the Project be designed and built, in accordance with current engineering standards, to withstand liquefaction and the potential soil instability of the project site. Specifically, the project will include sufficient embedment of the dry dock components, appropriate dredging

inclinations and pile capacities, and adequate backfill to withstand a liquefaction event.

This measure are also described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Soil Stability) to a level less than significant.

Potentially Significant Impact (Expansive Soils). The EIR identifies potentially significant impacts to Geology and Soils (Expansive Soils) concerning substantial risks to life or property for both construction and operation. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Expansive Soils) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Expansive Soils) will be mitigated to a level less than significant through implementation of the Dry Dock Conformance with the Project Geotechnical Study Measure, described above in the Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Fault Rapture, Ground Shaking and Seismic Failure/Liquefaction*) section. While the project site has a low potential for expansion, the project will be built with clean structural backfill with the prerequisite of compaction, observation and testing, ensuring expansive soils will not occur onsite.

This measure is also described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Expansive Soils) to a level less than significant.

4.1.3 Hazards and Hazardous Materials

Potentially Significant Impact (Routine Transport, Use, or Disposal of Hazardous Materials). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) in that construction workers and the environment have the potential to encounter contaminated soils. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the

significant environmental effect to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) will be mitigated to a level below significance by implementing the following measure prior to construction activities. The contractor shall prepare a Health and Safety Plan (HASP) and submit it for review and approval by the Director of ELUM. The HASP shall include appropriate recommendations and implementation of measures if contaminated groundwater or soils are encountered during any trenching activities. BAE Systems shall require that all construction subcontractors comply with the HASP and appropriate health and safety measures in section 29 Code of Federal Regulations (CFR) Part 1926, which are focused on worker safety in excavations. In the event that suspicious odors are detected in soil, construction shall be terminated until the soil is properly characterized for hazardous waste content. Appropriate measures shall be taken in compliance with all applicable regulations for the characterization and disposal of hazardous materials. Additionally, the District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (The substance of this measure is collectively, herein referred to as the HASP for Landside Activities Measure.) The HASP for Landside Activities Measure provides for a plan to be implemented if an unexpected encounter with contaminates or hazardous materials occurs. Characterization of such encountered materials provides for the appropriate handing of the materials to lessen any impact to the public to below a level of significance.

This measure is further described in **Mitigation Measure HAZ-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR. Implementation of **Mitigation Measure HAZ-1** will reduce the potential impact to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) at the project site to a level less than significant.

Potentially Significant Impact (Reasonable Foreseeable Upset and Accident Conditions). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) in that construction workers and the environment have the potential to encounter contaminated soils, equipment or operational failure, and sediment, fuel, and/or oil spills. Additionally, there are potential impacts regarding resuspension of sediment during construction and water quality impacts from dredging. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) will be mitigated to a level below significance by implementing the following measures.

BAE System's contractor shall submit a Dredging Management Plan (DMP), Contingency Plan, a HASP, and a Communications Plan, each of which are described in more detail below.

Prior to commencement of dredging operations, BAE System's contractor shall prepare a DMP for review and approval by the ELUM Director and the Regional Water Quality Control Board (RWQCB). The DMP shall contain Standard Operation Procedures (SOPs) that are developed for the project prior to initiation of dredging and are implemented for the duration of the dredging activity. The DMP shall include the following specifications to prevent release of hazardous materials during construction activities. Personnel involved with dredging and handling of the dredged material shall be given training, as approved by the District, on their specific task areas, which shall be identified in the HASP. The training materials shall include and address potential hazards resulting from accidental oil and/or fuel spills, potential impacts to water quality associated with turbidity and proper operation of dredging equipment.

The DMP shall also require the identification of instrumentation to avoid spillage of dredged material for each piece of equipment used during dredging operations. A provision of the DMP shall also require personnel to visually monitor for oil or fuel spills during construction activities. In the event that a sheen or spill is observed, the equipment shall be immediately shut down and the source of the spill identified and contained. Additionally, the spill shall be reported to the applicable agencies identified in the DMP. The DMP shall require all personnel associated with dredging activities be trained as to where to find oil/fuel spill kits, how to deploy the oil-absorbent pads, and how to dispose of the materials properly. The dredging barge shall have a sufficient quantity of oil/fuel spill kits onboard to allow for quick and timely spill containment.

The DMP shall further require that barge load limits and loading procedures be identified, and the appropriate draft level shall be marked on the materials barge hull. Water discharges (supernatant water from sediment and storm water) to San Diego Bay shall be prohibited. Additionally, the DMP shall require the contractor to remove dredge material and shall not stockpile material on the San Diego Bay floor, and shall not sweep or level the bottom surface with the digging bucket. The contractor shall also not overfill the digging bucket because overfill results in material overflowing back into the water.

When dredging sediments that have been deemed suitable for unconfined aquatic disposal by the US Army Corps of Engineers (USACE)/US Environmental Protection Agency (EPA), DMP shall require that the contractor deploy and maintain an outer-boundary floating silt curtain around the dredging area at all times. When dredging

sediments that have been deemed unsuitable for unconfined aquatic disposal by the USACE/EPA, the DMP shall require that the contractor deploy and maintain inner- and outer-boundary floating silt curtains fully around the dredging area at all times. Double silt curtains shall be utilized for containment of the dredge area; silt curtain configurations, technologies, and actual locations in relation to the dredge barge shall be finalized during the design phase of the project.

The DMP shall specify that the contractor shall not overfill the material barge to a point where overflow or spillage could occur. Each material barge shall be clearly marked to allow the operator to visually identify the maximum load point.

If the contractor proposes to use weirs as a means to dewater the scow during dredging approved for unconfined aquatic disposal, the use of silt curtains shall be deployed to minimize turbidity. Decanting of dredge scow return water during dredging of material determined to be unsuitable for unconfined aquatic habitat shall be prohibited. The DMP shall also require the contractor place material in the material barge to minimize splashing or sloshing that could send sediment back into the water. Splashing can be controlled by restricting the drop height from the bucket. If the use of a grate to collect debris is required, the contractor shall not allow material to pile up on the grate and flow or slip from the grate back into the water. The debris scalper shall be positioned to be totally contained on the shore side of the unloading operations.

Furthermore, the DMP shall require the dredge operator to visually monitor for debris build-up and alert the support personnel on the barge to assist in clearing the debris, as necessary. Debris that is derived from dredging activities shall be removed from the grate by the environmental clamshell bucket and placed in a contained area on the dredge barge or in a second material barge for subsequent removal and disposal. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area. (The substance of the above described measure is collectively herein referred to as the DMP Measure.)

The DMP Measure will provide a step-by-step procedure so that dredging activities are completed safely, in an efficient manner and avoid release of hazardous materials into the environment. The DMP also provides guidance for the proper operation of dredging construction equipment, deployment and maintenance of silt curtains and positioning of barges to minimize propeller wash.

In addition to the DMP, the contractor shall prepare and submit to the Director of Engineering, for review and approval, a Contingency Plan, prior to initiation of dredging, and implement it for the duration of the dredging activity. The Contingency Plan shall address equipment and operational failures that could occur during dredging operations. The Contingency Plan shall include the following measures to prevent a release of hazardous materials in the event of equipment failure, repair, or silt curtain breach (1) procedures for communication to project personnel; (2) installation of proper signage and/or barriers alerting others of potentially unsafe conditions; (3) specification for repair work to be conducted on land and not over

water; (4) identification of proper spill containment equipment (e.g., spill kit); (5) identification of other equipment or subcontracting options; (6) emergency procedures to follow in the event of equipment failure or release; (7) incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents; (8) response procedures in the event of barge overfill; and (9) procedures for prompt notification of the District and all other regulatory agencies. (The substance of this measure is collectively herein referred to as the Contingency Plan Measure.) The Contingency Plan Measure establishes a set of procedures that will be followed in the unlikely event that dredging equipment fails or an operational breakdown occurs. It will also facilitate the appropriate communication for unsafe conditions and allow the appropriate actions to take place to remedy the situation.

A HASP shall also be submitted to the Director of ELUM for review and approval, by the contractor prior to the initiation of dredging, and shall implement it for the duration of the dredging activity. The HASP shall be prepared in general accordance with Federal Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) and Title 8 California Code of Regulations (CCR) section 5192. The HASP shall be reviewed and approved by a Certified Industrial Hygienist retained at the Applicant's expense. The HASP shall include the following requirements at a minimum: (1) training for operators to prevent and respond to releases; (2) identification of appropriate personal protection equipment for all construction activities, including personal floatation devices, hard hats, and work shoes/clothing; (3) training in the safe operation of cranes, barges, tugs, and support craft; (4) site evacuation and emergency first aid response; and (5) documentation that certifies that required health and safety procedures have been implemented. (The substance of this measure is collectively, herein referred to as the HASP for Dredging Activities Measure.) Through the HASP for Dredging Activities Measure, the project, consistent with OSHA, will institute procedures for safe operation, personal protection and emergency response. Expert review of the plan will ensure its accuracy and adequacy for implementation.

Prior to the initiation of dredging activities, the contractor shall prepare and submit to the Director of ELUM for review and approval, a Communication Plan and operational guidelines for communications between the US Coast Guard and all vessel operators to ensure the safe movement of project vessels from the dredge site to the unloading area. Features of the Communication Plan shall include, at a minimum, identification of vessel speed limitations (e.g., wake/no wake) and notification to project personnel using air horns as necessary. (The substance of this measure is collectively herein referred to as the Communication Plan Measure.) Through the Communication Plan Measure, the project will implement adequate communication with the US Coast Guard and other vessels in the area. Vessels associated with construction will also be aware of vessel speed limitations in certain areas of the Bay.

The respective District department Director shall verify implementation of the DMP, Contingency Plan and HASP measures through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis; and (2) periodic site inspections.

In addition to the plans described above, during dredging activities, the contractor shall ensure that the supernatant and storm water containers are transported to landside containers. These containers shall be sealed when not in use to avoid overflow during a storm event. Storm water management in the project footprint during the dredging phase of the project shall be in compliance with the Statewide General Construction Permit and District requirements, including without limitation the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall identify construction best management practices to be implemented to control the discharge of pollutants in storm water runoff as a result of construction activities. Secondary containment features shall be in place around the scows (silt curtains) and holding tanks (berms). (The substance of this measure is collectively herein referred to as the Supernatant and Storm Water Containment Measure.) The Supernatant and Storm Water Containment Measure institutes methods that will avoid the potential for supernatant and stormwater to run off the barge and into the Bay. By containing these materials, the project avoids the potential for unintended spills and contamination.

Additionally, during dredging activities, the contractor shall reduce water column impacts by controlling the swing radius of the unloading equipment. A spillage plate shall be used to prevent the offloaded sediments from falling into the water beneath the swing radius of the unloading equipment at the offload location, which shall limit spillage from falling directly into the water. All equipment used to move sediments from the scow to the trucks, as well as the trucks used to transport sediments to the landfill, shall be properly cleaned, and any wastewater shall be properly cleaned and disposed. The contractor shall also use a power wash unit to reduce impacts related to spillage from the excavator arm onto transport vehicles. In the event that sediment is spilled onto the transport vehicle, it can be quickly washed and the water directed into the collection sump. (The substance of this measure is collectively herein referred to as the Sediment Unloading Measure.) Through the Sediment Unloading Measure, the project will follow specific procedures that would limit the motion of the excavator arm and ensure spillage plats would be located below the arm to capture any unintended spillage. Furthermore, by properly cleaning the equipment, unintended spills and contamination would also be prevented.

Truck volumes shall as be limited to 90 percent during dredging activities, based on visual observations, and the trucks shall be covered and secured per California Department of Transportation (Cal-DOT) regulations during transport to the disposal facility. (The substance of this measure is collectively herein referred to as the Filling Transport Vehicles Measure.) The contractor shall also ensure that trucks are loaded within a constructed loading zone to confine sediment spilled during the loading process. Prior to entering the roadway, the vehicles shall be power washed

to prevent cross-contamination onto the roadways. (The substance of this measure is collectively herein referred to as the Sediment Loading Measure.) By implementing the Filling Transport Vehicles Measure and the Sediment Loading Measure, sediment will not spill while loading the trucks or during transportation and loading will occur on an appropriate location thereby lessening the chances of spills occurring during loading and transportation to below a level of significance.

Prior to the commencement of dredging, demolition, or construction activity, the contractor shall also install a secondary containment structure for the storage of all fuel, oil, and other petroleum products, as required by the Urban Stormwater Mitigation Plan (District 2010), the BAE Systems Best Management Plan Manual (BAE Systems 2013), and current or updated BAE Systems Environmental Standard Operating Procedures. At all times during construction and operation of the project, the contractor shall house all oil and fuel in a secondary containment structure to ensure that spilled or leaked oil or fuel shall be prevented from entering the water column. (The substance of this measure is collectively herein referred to as the Secondary Containment Measure.) The Project will have the necessary containment measures in place to capture any spills or leaks of oil and fuel through the Secondary Containment Measure, and therefore, will prevent those substances from entering the water column.

The Director of Engineering shall verify implementation of these measures through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. This will ensure that the measures are incorporated properly into the project.

Furthermore, impacts associated with resuspension of sediments during in-water construction will be controlled through the project's implementation of Turbidity Curtain Measure, described in the Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) discussion above, as well as the "Dredging Operations and Containment Measure." The Dredging Operations and Containment Measure shall require the Director of Engineering shall ensure that the following measures are implemented by BAE System's contractor: (1) remove dredge material and not stockpile material on the floor of San Diego Bay, and no sweeping or leveling of the bottom surface with any dredging bucket; (2) no overfill any dredging bucket; (3) deployment of non-drifting silt curtains fully around areas of biological sensitivity; (4) for areas with sediment removal destined for upland disposal, deployment of inner- and outer-boundary floating silt curtains fully around the dredging area at all times; (5) no overfill the material barge to a point where overflow or spillage could occur; (6) if weirs as a means to dewater the scow during dredging for unconfined aquatic disposal are proposed, deployment of silt curtains; (7) no decanting of dredge scow return water during dredging of material determined to be unsuitable for unconfined aquatic habitat; (8) placement of material in the material barge such that splashing or sloshing does not occur; (9) if the use of a grate to collect debris is required, the contractor shall not allow material to pile up on the grate and flow or slip from the grate back into the water; and (10)

restriction of barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.

These measures are described further in **Mitigation Measures HAZ-2 through HAZ-9 and HAZ-11 and Mitigation Measures BIO-7 and HYD-3**, which are set forth in full in Volume 2 (Draft EIR), Sections 4.5 (Hazards and Hazardous Materials), 4.2 (Biological Resources) and 4.6 (Hydrology and Water Quality), respectively. Implementation of **Mitigation Measures HAZ-2 through HAZ-9 and HAZ-11 and Mitigation Measures BIO-7 and HYD-3** will reduce the potential impact to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) at the project site to a level less than significant.

Potentially Significant Impact (Create Hazard to Public or Environment through Listing of Hazardous Materials Site). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) concerning encountering hazardous materials during construction and operation of the drydock. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) will be mitigated to a level below significance by implementing the HASP for Landside Activities Measure, described above in the Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) discussion, as well as the DMP Measure, the Contingency Plan Measure, the HASP for Dredging Activities Measure, the Communication Plan Measure, the Supernatant and Storm Water Containment Measure, the Sediment Unloading Measure, the Filling Transport Vehicle Measure, the Sediment Loading Measure and the Secondary Containment Measure, also described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion. Furthermore, prior to completion of drydock construction, and as soon as practical, BAE Systems shall update and modify the permits and operational BMPs that regulate the use, handling, storage, and disposal of hazardous materials during the normal operations and maintenance of the new drydock, for review and approval by the Director of ELUM. (The substance of this measure is collectively herein referred to as the Update Drydock Operations Permits and Best Management Practices Manual Measure.) The Project will implement these measures, which will avoid public and worker exposure to hazardous materials, as well as limit the potential for release or exposure to hazardous materials during operation of the drydock.

These measures are also described in **Mitigation Measures HAZ-1 through HAZ-9 and HAZ-12**, which is set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR. Implementation of **Mitigation Measures HAZ-1 through HAZ-9 and HAZ-12** will reduce the potential impact to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) at the Project site to a level less than significant.

Potentially Significant Impact (Conflict with Emergency Response Plan). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Conflict with Emergency Response Plan) concerning that construction activities in the event hazardous contamination is discovered requiring evacuation. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Conflict with Emergency Response Plan), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Conflict with Emergency Response Plan) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Conflict with Emergency Response Plan) will be mitigated to a level below significance by implementing the Contingency Plan Measure, described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion. The Contingency Plan Measure will set forth the adequate procedures to ensure the safety of construction workers, including evacuation of the area, if unforeseen contaminants are encountered during construction. A Construction Management Plan is included as a Project Design Feature and will be incorporated as part of the project (see **Project Design Feature TR-1** in Section 4.9, Transportation and Traffic).

This measure is also described in **Mitigation Measure HAZ-3**, which is set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR. Implementation of **Mitigation Measure HAZ-3** will reduce the potential impact to Hazards and Hazardous Materials (Conflict with Emergency Response Plan) at the Project site to a level less than significant.

4.1.4 Hydrology and Water Quality

Potentially Significant Impact (Violation of Water Quality Standards). The EIR identifies potentially significant impacts to Hydrology and Water Quality (Violation of Water Quality Standards) in that during project construction, dredging and/or potential petroleum-product spills or leaks may create significant adverse effects on water quality. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Violation of Water Quality Standards) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Hydrology and Water Quality (Violation of Water Quality Standards) will be mitigated to a level below significance by implementing the following measures.

Prior to commencement of dredging operations, the contractor shall prepare a DMP for review and approval by the Director of ELUM. The DMP shall contain SOPs that are developed for the project prior to the initiation of dredging activities and that would be implemented for the duration of dredging activities. The DMP shall include measures to assist the dredge contractor in preventing accidental spills and providing the necessary guidelines to follow in case of an oil or fuel spill. Typical Best Management Practices for equipment failure or repair shall be identified in the DMP and could include, but not be limited to, communication to project personnel, proper signage and/or barriers alerting others of potentially unsafe conditions, all repair work to be conducted on land and not over water, repair work involving use of liquids to be performed with proper spill containment equipment (e.g., spill kit), and a contingency plan identifying availability of other equipment or subcontracting options. In addition, the DMP shall include, at a minimum, the following measures to prevent accidental oil/fuel spills during construction activities (1) all oil and fuel shall be housed in a secondary containment structure to ensure that any spill or leakage is prevented from entering the water column; (2) personnel involved with dredging and handling the dredged material shall be given training on the potential hazards resulting from accidental oil and/or fuel spills; (3) all equipment shall be inspected by dredge contractor personnel before starting the shift; (4) personnel shall be required to visually monitor for oil or fuel spills during construction activities and in the event that a sheen or spill is observed, the equipment shall be immediately shut down, the source of the spill identified and contained and the spill shall be reported to the applicable agencies identified in the DMP; (5) all personnel associated with dredging activities shall be trained on where to locate these spill kits, how to deploy the oil sorbent pads, and how to dispose of the materials properly; and (6) the dredging barge shall have a full complement of oil/fuel spill kits on board to allow for quick and timely implementation of spill containment. (The substance of this measure is collectively herein referred to as the Water Quality

DMP.) In addition to the DMP, BAE Systems Environmental Manager or designee shall ensure that the contractor shall hold a pre-construction meeting to review all construction mitigation requirements with the construction crew. Proof of the construction meeting shall be submitted to the Director of Engineering. (The substance of this measure is collectively herein referred to as the Pre-construction Meeting Measure.) The Water Quality DMP Measure and Pre-construction Meeting Measure will identify Best Management Practices and other procedures that will be implemented by BAE Systems during construction to prevent accidental oil and fuel spills that may contaminate the Project site and spread through the Bay.

To avoid the impacts associated with increased turbidity during dredging, the Dredging Operations and Containment Measure, discussed above, in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) section, will be implemented, resulting in less than significant water quality impacts associated with turbidity through the use of curtains.

BAE Systems and their project contractor shall also coordinate water quality monitoring efforts and shall share water quality monitoring data with the RWQCB and the District throughout the duration of the project. If in-bay beneficial reuse is chosen as the preferred disposal option for eelgrass mitigation and habitat development, water quality monitoring shall be implemented according to the waste discharge requirements to be outlined in the 401 Water Quality Certification. Measures shall be properly utilized during all phases of the proposed project. These measures include periodic inspection of the slurried sediment pipeline (if used and monitoring for excessive turbidity near the transport pipeline or containment barge and associated sediment distribution apparatus. If a substantial leak is identified in the slurry pipeline, the affected pipeline segment shall be immediately repaired or replaced, or a silt curtain or similar measure shall be employed to capture and retain the source of the leak. Monitoring of sediment movement and turbidity levels shall occur during and after sediment application. Movement of sediment on the site shall be adaptively managed until adequately compacted to ensure that movement of sediment off the site is minimized. (The substance of this measure is collectively herein referred to as the Dredge Site Water Quality Monitoring Measure.) By implementing the Dredge Site Water Quality Monitoring Measure, the project will ensure that information shall be shared with the RWQCB and dredging associated with the project will not take place at the same time as other nearby dredging projects.

These measures are also described in more detail in **Mitigation Measures HYD-1 through HYD-4**, which is set forth in full in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR, and are incorporated herein by this reference.

In addition, **Project Design Features HYD-1 through HYD-7**, would be implemented. Specifically, BAE Systems shall comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction

and Land Disturbance Activities (CGP). BAE Systems shall comply with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality during construction activities. All dewatering activities shall comply with the requirement set forth in the General WDR for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary. BAE Systems shall comply with the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Municipal Permit). The project proponent shall be required to prepare a USMP to describe how the proposed project will meet Standard Urban Storm Water Mitigation Plan (SUSMP) requirements in order for the project application to be considered complete. The proposed project shall be required to comply with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District. During project operations, the contractor shall comply with the requirements set forth in WDRs for the proposed Project.

Implementation of **Mitigation Measures HYD-1 through HYD-4** will reduce the potential impact to Hydrology and Water Quality (Violation of Water Quality Standards) to a level less than significant.

4.1.5 Land Use and Planning

Potentially Significant Impact (Conflict with Applicable Land Use Plans, Policies, or Regulations). The EIR identifies potentially significant impact to Land Use and Planning (Conflict with Applicable Land Use Plans, Policies, or Regulations) in that, while the Project is consistent with the Port Master Plan, there are other applicable regulations, policies and other land use plans that the Project would be inconsistent with in the absence of mitigation measures (discussed in Table 4.7.B (Project Consistency with Applicable Land Use Plans) in Section 4.7 (Land Use and Planning)). However, these impacts will be mitigated to below a level of significance with the implementation of the mitigation measures discussed in Table 4.7.B and below. Detailed information and analysis regarding the plans, as well as objectives, goals and policies of the plans and this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that could avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Land Use and Planning (Conflict with Applicable Land Use Plans, Policies, or Regulations) can be mitigated to a level below significance by implementing the following measures.

Specifically, the project's implementation of the Biological Monitoring for Special-Status Species Measure, the Biological Monitoring of Impact Hammer and Pile Driving Measure, the Pile Driving Measure, the Bay Coverage and Eelgrass Measure, California Least Tern Measure, all of which are described above in the Biological Resources (Special-Status Species) discussion, as well as the Eelgrass Boundaries Measure, the Turbidity Curtain Measure, the Eelgrass Silt Curtain and the Invasive Species Survey Measure, discussed above in the Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) section will ensure that the Drydock component of the project will be consistent with section 30230 of the California Coastal Act. That section of the Coastal Act requires that marine resources be maintained, enhanced and where feasible, restored, and that uses be carried out in a manner that will sustain biological productivity and that the uses will maintain a healthy population of all species. These measures will prevent impacts to species and eelgrass habitat by requiring adequate biological monitoring, deployment of turbidity curtains and construction techniques, temporarily ceasing construction activities to protect animal species and staking eelgrass habitat to avoid or limit destruction of the same. Thus, with these measures, the Project is consistent with section 30230.

Furthermore the project's implementation of the DMP Measure, Contingency Plan Measure, HASP for Dredging Activities Measure, Supernatant and Storm Water Containment Measure, Sediment Unloading Measure (described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion), Pre-construction Meeting Measure (described above in the Hydrology and Water Quality (Violation of Water Quality Standards) discussion), as well as Turbidity Curtain Measure (described above in the Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) discussion) will ensure the project is consistent with section 30231 of California Coastal Act. That section of the Coastal Act states that biological productivity and water quality should be maintained and protected through minimizing adverse water quality impacts. These measures will avoid accidental spills and in the unlikely event they occur and dictate the procedures necessary to minimize water quality impacts. Through these measures, BAE Systems will also implement construction techniques that will minimize water quality impacts associated with dredging, protect against turbidity and reduce the possibility of materials and equipment affecting water quality.

Consistency with section 30232 of the California Coastal Act, which provides that development should protect against spillage of petroleum and other such products and containment and clean up procedures should be provided for accidental spills, will be achieved through adherence with several measures. Specifically, the Secondary Containment Measure will protect against the spillage of oil and hazardous substances through containment of the substances and the BAE Systems will follow the Contingency Plan Measure in the unlikely event unintended

spills occur. The Communication Plan Measure will allow for the safe movement and operation of vessels to avoid spills. Additionally, the Filling Transport Vehicle Measure will ensure sufficient freeboard, and loads will be covered to prevent spillage during transportation. All these measures are described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion. Accordingly, the project is consistent with Section 30232.

The project's adherence with the Bay Coverage and Eelgrass Measure (described above in the Biological Resources (Special-Status Species) discussion) will allow for constancy with the Southern California Eelgrass Mitigation Policy, as the BAE Systems will be required to conduct eelgrass surveys and any impacts to eel grass will be mitigated to below a level of significance off-site at a 1:1.2 ratio.

The project will also be consistent with the strategy to preserve and promote habitat restoration, indigenous wildlife and preservation of invasive species in the District's Compass Strategic Plan 2012-2017 through the implementation of the Bay Coverage and Eelgrass Measure, the Eelgrass Boundaries Measure, and the Eelgrass Silt Curtain Measure (described above, respectively, in the Biological Resources (Special-Status Species) and (Riparian Habitat or Other Sensitive Natural Communities) discussions). These measures address impacts to eelgrass, including identifying eelgrass beds, staking the beds to avoid those areas and mitigating eelgrass impacts off-site at the appropriate ratio. Furthermore, the project's implementation of the Biological Monitoring for Special-Status Species Measure, the Biological Monitoring of Impact Hammer and Pile Driving Measure, the Pile Driving Measure and the California Least Tern Measure (all described in the Biological Resources (Special-Status Species) section, above) will ensure appropriate biological monitoring occurs and construction will halted to avoid impacts to special-status species and if construction occurs during the California least tern breeding season, turbidity curtains be deployed and monitoring occur to lessen impacts to below a level of significance. The Invasive Species Survey Measure (described above in the Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) discussion) will prevent impacts associated with dangerous invasive species and the spread of the same through notification to the responsible agencies and ceasing construction if the species are found.

The project's implementation of the biological resource mitigation measures will allow for consistency with the San Diego Bay Integrated Natural Resource Management Plan (INRMP). The Bay Coverage and Eelgrass Measure, the Eelgrass Boundaries Measure, and the Eelgrass Silt Curtain Measure described above, respectively, in the Biological Resources (Special-Status Species) and (Riparian Habitat or Other Sensitive Natural Communities) discussions) ensure the adequate protection of eelgrass, an important habitat type in the Bay, and mitigation of eelgrass impacts resulting in consistency with Protected Sites-Objective 4.2.1 of the INRMP. The Bay Coverage and Eelgrass Measure will also result in the appropriate mitigation of any impacts to eelgrass at an off-site location through surveys and creation of habitat, resulting in consistency with Moderately Deep Subtidal-Objective 4.3.2 of the INRMP. The Vegetated Shallows-Objective

4.3.2 will be achieved through implementation of the Bay Coverage and Eelgrass Measure, the Eelgrass Boundaries Measure, the Turbidity Curtain Measure and the Eelgrass Silt Curtain, which will protect eelgrass (through turbidity curtains and avoidance), prevent substantial impacts (through avoidance) and mitigate impacts to eelgrass (through off-site creation at appropriate ratios) to a level below significance during dredging and shoreline work on the dry dock component. Implementation of the Invasive Species Survey Measure (discussed above under Biological Resources (Riparian Habitat or Other Sensitive Natural Communities)), which requires identification, notification and halting work to avoid spreading of invasive species, will accomplish consistency with the Invasive Species-Objective 4.4.1 of the INRMP. Consistency with the Plankton-Objective 4.4.2 and Benthic Algae-Objective 4.4.2.1 of the INRMP will be accomplished through implementation of Bay Coverage and Eelgrass Measure, which will reduce impacts to plankton and benthic algae through the beneficial reuse of dredged sediment and the creation of eelgrass within the Bay. The Pile Driving Measure (described above in the Biological Resources (Special-Status Species) section) will minimize airborne and underwater sound that could be harmful to fish populations, resulting in less than significant impacts and consistency with Fishes-Objective 4.4.3 of the INRMP.

The project's implementation of the California Least Term Measure (described in the Biological Resources (Special-Status Species) section, above), which requires avoidance during the breeding season if practicable and alternative measures if construction must occur during the breeding season (turbidity curtains, biological monitoring and the ability to stop construction) will bring the project into compliance with the Birds-Objective 4.4.4 of the INRMP. Potential impacts to marine mammals and sea turtles will be less than significant with the BAE System's implementation of the Biological Monitoring for Special-Status Species Measure, the Biological Monitoring of Impact Hammer and Pile Driving Measure and the Pile Driving Measure (all described in the Biological Resources (Special-Status Species) section, above), as these measures require biological monitoring during construction and the halting of construction if special-status species are present, as well as a soft start during pile driving to allow marine mammal and sea turtles to move out of the construction area prior to construction activities. As a result the project is consistent with the INRMP's Marine Mammals-Objective 4.4.5 and Green Sea Turtle-Objective 4.4.6.1. Furthermore, the Bay Coverage and Eelgrass Measure and California Least Tern Measure will reduce impacts to California least terns (avoidance during breeding season or if avoidance impracticable, the deployment of a turbidity curtain and monitoring) and forging habitat (reducing Bay coverage off-site at an appropriate ratio) to below a level of significance and would result in consistency with INRMP's California Least Tern-Objective 4.4.6.2.

For the dredging portion of the dry dock component, BAE Systems will implement the DMP Measure, the Contingency Plan Measure and the HASP for Dredging Activities (all described, above, in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) section), which will avoid accidental spills of dredge material and ensure dredging is conducted in a manner to lessen impacts to below a level of significance, resulting in consistency

with the Dredge and Fill Projects-Objective 5.2.1 of the INRMP. The INRMP's Ship and Boat Maintenance-Objective 5.2.2 and Remediation of Contaminated Sediments-Objective 5.4.1 will be satisfied through Dredge Site Water Quality Monitoring Measure, discussed above in the Hydrology and Water Quality (Violation of Water Quality Standards) section. Through this measure, BAE Systems will implement BMPs and monitor sediment movement and turbidity during and after sediment application to lessen impacts to water quality to below a level of significance. The Bay Coverage and Eelgrass Measure will establish off-site eelgrass habitat at a 1:1.2 ratio and accordingly, the project would be consistent with the INRMP's Shoreline Construction-Objective 5.2.3 and avoid cumulative effects of eelgrass impacts; thus, resulting in consistency with the Cumulative Effects-Objective 5.5. of the INRMP. Therefore, the Project is consistent with the INRMP.

These measures are further described in **Mitigation Measures BIO-1 through BIO-9, HAZ-2 through HAZ-5, HAZ-7 through HAZ-9, HAZ-11 through HAZ-12, and HYD-2** and are detailed in the applicable to their respective sections, which include, 4.2 (Biological Resources), 4.5 (Hazards and Hazardous Materials), and 4.6 (Hydrology and Water Quality), as well as the plans, policies and regulations identified Table 4.7.B (Project Consistency with Applicable Land Use Plans) in Section 4.7 (Land Use and Planning), which are incorporated herein by this reference. Implementation of **Mitigation Measures BIO-1 through BIO-9, HAZ-2 through HAZ-5, HAZ-7 through HAZ-9, HAZ-11 through HAZ-12, and HYD-2** will reduce the potential impact to Land Use and Planning (Conflict with Applicable Land Use Plans, Policies, or Regulations) to a level less than significant.

Potentially Significant Impact (Conflict with Applicable Habitat or Natural Community Conservation Plan). The EIR identifies a potential significant impact to Land Use and Planning (Conflict with Applicable Habitat or Natural Community Conservation Plan) in that there is the potential to impede implementation of the San Diego Bay Natural Resources Management Plan and to conflict with the Southern California Eelgrass Mitigation Policy. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning), of the Draft EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Land Use and Planning (Conflict with Applicable Habitat or Natural Community Conservation Plan) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Land Use and Planning (Conflict with Applicable Habitat or Natural Community Conservation Plan) will be mitigated to a level less than significant by BAE System's implementation of the Bay Coverage and Eelgrass Measure, described, above in the Biological Resources (Special-Status Species) discussion. Through this measure, BAE Systems shall implement a 1:1 mitigation ratio for approximately

168,425 sf of bay coverage impacts and 1.2:1 mitigation ratio for approximately 0.13 acre (5,663 sf) of eelgrass habitat through beneficial reuse of dredged sediment for restoration of subtidal eelgrass habitat within south San Diego Bay and thus, will be consistent with these plans.

This measure is further described in **Mitigation Measures BIO-4**, which is set forth in full in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR. Implementation of this mitigation measure will reduce the potential impact to Land Use and Planning (Conflict with Applicable Habitat or Natural Community Conservation Plan) to a level less than significant.

4.1.6 Transportation and Traffic

Potentially Significant Impact (Alternative Transportation). The EIR identifies a potential significant impact to Transportation and Traffic (Alternative Transportation) in that with project completion there is a need for additional parking spaces for the anticipated new employees. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the Draft EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Transportation and Traffic (Alternative Transportation) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Transportation and Traffic (Alternative Transportation) will be mitigated to a level less than significant by implementing the following measure. Prior to issuance of the Coastal Development Permit (CDP), BAE Systems shall provide evidence of an increase in employee alternative transportation ridership for review and approval by the Director of ELUM to be implemented to achieve a minimum 57 person ridership increase in alternative transportation. BAE Systems will achieve this through a combination of any of the following alternative transportation options: (1) increase the number of subsidized vanpools to increase vanpool ridership; or (2) provide subsidized trolley passes for existing vehicle commuters; or (3) increase the number of shuttles transporting personnel from the Barrio Logan trolley station (located at the intersection of Cesar E. Chavez Parkway and Harbor Drive) and/or Harbor side trolley station (located at the intersection of 28th Street and Bay Avenue) as an incentive to encourage increased trolley ridership. Evidence in the form of survey data and/or enrollment forms of a minimum of 57 new alternative transportation users shall be provided quarterly to the District. If the alternative transportation ridership does not meet the minimum 57 additional users, additional vanpools, trolley passes and/or shuttles shall be added until the minimum of 57 users is reached. Evidence shall continue to be provided on a quarterly basis to the District for review until such time that an executed agreement is in place for an additional parking lot and submitted to the District for verification. (The substance of this measure collectively herein referred to as the Alternative Transportation

Measure.) Through the Alternative Transportation Measure, BAE will reduce the number of parking spaces needed or acquire the required parking spaces off-site, providing for a parking solution to achieve the appropriate amount of parking for the increase in employees from the Project.

This measure is further described in **Mitigation Measure TR-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR. Implementation of **Mitigation Measure TR-1** will reduce the potential impact to Transportation and Traffic (Alternative Transportation) to a level less than significant.

Less than Significant Impact/No Impact

The Port hereby finds that the dry dock component of the Project would not have the potential to cause significant impacts associated with the impact categories outlined below. These findings are based on the discussion of impacts in Chapter 4 of the EIR.

4.1.7 Air Quality

Less than Significant Impact/No Impact (Conflict with or Obstruct Implementation of Applicable Air Quality Plan). The EIR does not identify a potential significant impact to Air Quality (Conflict with or Obstruct Implementation of Applicable Air Quality Plan) in that the drydock is not expected to result in any long-term regional air quality impacts. Therefore, the drydock will not conflict with the Regional Air Quality Strategy (RAQS) or the State Implementation Plan (SIP), and no significant impact will result with respect to implementation of the air quality plan. The drydock component would also not change the population, as it will most likely employ residence in San Diego, and thus, is considered to be within the San Diego Association of Governments (SANDAG) growth projections. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Long-Term Microscale [carbon monoxide (CO) Hot Spot] Impact/Localized CO Impacts at Nearby Intersections). The EIR does not identify a potential significant impact to Air Quality (Long-Term Microscale [carbon monoxide (CO) Hot Spot] Impact/Localized CO Impacts at Nearby Intersections) in that construction activities are not considered in the determination of long-term CO hot-spot impacts because construction emissions are short term, temporary in nature, and are not expected to substantially contribute to localized CO hot-spot emissions. Operation of the proposed drydock would only contribute an incremental amount of traffic to local intersections, roadway segments, and freeways during the peak morning and afternoon periods. Given the extremely low level of CO concentrations in the project area, project-related vehicles are not expected to result in the CO concentrations exceeding the State or Federal CO standards. Because no CO hot

spot would occur, there would be no project-related impacts on CO concentrations. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Exposure of Substantial Pollutant Concentrations to Sensitive Receptors). The EIR does not identify a potential significant impact to Air Quality (Exposure of Substantial Pollutant Concentrations to Sensitive Receptors) in that construction activities are sporadic, transitory, and short-term in nature; and once construction activities have ceased, so too would emissions from construction activities. Construction equipment/vehicle emissions would not exceed the San Diego Air Pollution Control District (SDAPCD) daily emissions thresholds, both construction and operation of the project for CO, ozone (O_3), particulate matter less than 2.5 microns in size ($PM_{2.5}$), and sulfur oxides (SO_X) are at levels are consistently below the relevant State and Federal standards in the project vicinity and the project does not exceed daily thresholds for these criteria pollutants. Furthermore, due to the distance away to nearby sensitive receptors, concentrations of construction emissions would disperse and are not expected to exceed State or Federal ambient air quality standards for particulate matter less than 10 microns in size (PM_{10}) and $PM_{2.5}$ at these sensitive receptor locations. The proposed drydock will not introduce new toxic substances, or substantially increase the quantities of existing substances used at the existing facility. Operation of the drydock would generate minimal new long-term regional emissions, as there will be minimal new vehicular trips and the processes within the drydock would be similar to processes within the existing drydock at the BAE Systems facility. Project emissions (both stationary sources and vehicular sources) would not exceed the daily emissions thresholds. The risks to residential receptors are below the significance thresholds, and the project would not expose sensitive receptors to substantial hazardous air pollutants concentrations. Therefore, impacts to nearby sensitive receptors are less than significant. No mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Objectionable Odors). The EIR does not identify a potential significant impact to Air Quality (Objectionable Odors) in that all equipment will comply with State regulations and newer exhaust control requirements that reduce pollutant emissions and generally also reduce the odor levels. Therefore, even if nearby residents do experience odors from the construction equipment that they consider unpleasant, the period of time this might occur is expected to be intermittent and brief. However, odor impacts would be temporary and limited to the area adjacent to the construction site, which is an existing marine-industrial use.

Solid waste generated by the proposed on-site uses will be collected by a contracted waste hauler, ensuring that any odors resulting from on-site uses would be adequately managed. In addition, drydock operations would be similar to existing ship repair operations in the project area. As such, impacts related to this

component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Cumulatively Considerable Net Increases of Criteria Pollutants). The EIR does not identify a potential significant impact to Air Quality (Cumulatively Considerable Net Increases of Criteria Pollutants) in that construction equipment/vehicle emissions would not exceed the SDAPCD daily emissions thresholds. The Project would contribute criteria pollutants to the area during project construction. However, these impacts would be less than significant under well-established thresholds for the area. In addition, while projects have been identified within one (1) mile of the project site that could occur concurrently with the proposed project and, as a result, contribute to cumulative project-related construction emissions, the estimated emissions are well below established thresholds and the combined emissions from other projects within one (1) mile are not expected to exceed the established thresholds. Therefore, the potential for cumulative particulate impacts is negligible. Cumulative construction impacts would be less than significant. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

4.1.8 Biological Resources

Less than Significant Impact/No Impact (Federally Protected Wetlands). The EIR does not identify a potential significant impact to Biological Resources (Federally Protected Wetlands) in that there are no federally protected wetlands on the project site. Therefore, construction of the proposed project would have no temporary or permanent impacts to federally protected wetlands, and no mitigation is required. However, the areas of the project site that occur below the mean higher high water (MHHW) would be subject to regulation under Section 404. Under Rivers and Harbors Act Section 10, the United States Army Corps of Engineers (USACE) is authorized to permit structures in navigable waters. Construction of the underwater wall, demolition of the existing Pier 1 mooring dolphin, dredging, and construction of the ramp wharves and mooring dolphins in or over the waters of the San Diego coastline requires USACE approval through the Section 10 permit process. The project construction activities would require issuance of a combined Rivers and Harbors Section 10 and a Section 404 Permit under the Clean Water Act (CWA) by the USACE, and issuance of a Section 401 Water Quality Certification by the Regional Water Quality Control Board (RWQCB). Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Local Policies and Ordinances). The EIR does not identify a potential significant impact to Biological Resources (Local Policies and Ordinances) in that the component involves installation of the floating drydock within an existing shipyard repair facility and is consistent with the Port Master Plan land use designation as discussed further in Section 4.7, Land Use, of this EIR. The proposed project does not require a Plan amendment and does not

involve change of land use. Therefore, the drydock component of the proposed project is consistent with the Port Master Plan. The proposed project does not include any amendment or change to the Port Master Plan; therefore, impacts associated with this issue are less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Provisions of a Habitat Conservation Plan). The EIR does not identify a potential significant impact to Biological Resources (Provisions of a Habitat Conservation Plan) in that this project component is within the footprint of the INRMP. The proposed Project includes compliance with the Southern California Eelgrass Mitigation Policy (SCEMP), the Port Master Plan, and the *Caulerpa* Control Protocol. The Project site comprises a relatively small area of the Bay (compared to San Diego Bay overall, which is addressed in the INRMP) and includes dredging that is periodically repeated on a wide scale (e.g., dredging activities occur throughout the bay periodically); therefore, it is not expected to substantially change the ecosystem composition or result in permanent habitat loss. The drydock component of the proposed project would not impede implementation of the INRMP and is consistent with the plan. In addition, operational activities of the drydock component would not conflict with applicable policies and goals pertaining to biological resources. Therefore, no impacts associated with a habitat plan would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

4.1.9 Geology and Soils

Less than Significant Impact/No Impact (Loss, Injury, or Death Due to Seismic Conditions - *Landslides*). The EIR does not identify a potential significant impacts to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Landslides*) in that according to the City of San Diego Seismic Safety Study Maps, the nearest area for possible or conjectured landslides is located north of the Project site; however, because of the flat, low-lying topography of the Project site, it is not anticipated that people or buildings would be exposed to landslides. As such, impacts related to landslides are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Less than Significant Impact/No Impact (Soil Erosion). The EIR does not identify a potential significant impact to Geology and Soils (Soil Erosion) from the dry dock component in that implementation of BMPs described in Section 4.6, Hydrology and Water Quality, would reduce the potential for substantial soil erosion or the loss of topsoil. BAE Systems has an USMP currently in place and will amend the USMP to include the proposed project activities. In addition, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented that would list the BMPs required to properly control erosion and siltation impacts during construction of the proposed project. In addition, no soil disturbance is proposed

during project operations. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Less than Significant Impact/No Impact (Wastewater Disposal). The EIR does not identify a potential significant impact to Geology and Soils (Wastewater Disposal) in that construction of the drydock component would not involve the use of septic tanks, or alternative wastewater disposal systems, so no septic tanks of alternative waste disposal systems would be required. Operation of the drydock component does not propose the use of septic tanks, or alternative wastewater disposal systems, so no septic tanks of alternative waste disposal systems would be required. Included in the operation of a drydock, the vessel is completely encapsulated and includes zero discharge of industrial wastewater. The wastes produced during drydock operation are contained, then transferred to shore facilities for disposal. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

4.1.10 Climate Change and Greenhouse Gases

Less than Significant Impact/No Impact (Generate Greenhouse Gas Emissions). The EIR does not identify a potential significant impact to Climate Change and Greenhouse Gases (Generate Greenhouse Gas Emissions) in that both the construction emissions and operational emissions associated with mobile sources, electricity, water delivery, and other non-stationary sources associated with the proposed Project would be below the City's Bright Line Threshold of 2,500 metric tons (MT) of carbon dioxide equivalent (CO_2e) per year and the Stationary Source Threshold, of 10,000 MT of CO_2e per year. Therefore, impacts are considered less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.4 (Climate Change and Greenhouse Gases), of the EIR.

Less than Significant Impact/No Impact (Conflict with Greenhouse Gas Plan, Policy, Regulation). The EIR does not identify a potential significant impact to Climate Change and Greenhouse Gases (Conflict with Greenhouse Gas Plan, Policy, Regulation) in that there are several existing plans, including (the Climate Action Strategy, the California Air Resources Board [ARB] Scoping Plan, and the City of San Diego General Plan Conservation Element), in addition to Port's Climate Action Plan, that identify strategies to reduce greenhouse gas (GHG) emissions at the state and regional level that are applicable to the proposed project. The proposed project would not conflict with, or impede implementation of, reduction goals identified in Assembly Bill (AB) 32, Executive Order (EO) S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor. In addition, the Project would also be subject to all applicable regulatory requirements in place at the time of Project construction and implementation, which would also reduce the GHG emissions of the Project. Further, recent studies shows that the State's existing and proposed regulatory framework will allow the State to reduce

its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the study could allow the State to meet the 2030 and 2050 targets. Some of these measures are likely to reduce the Project's GHG emissions. For example, the vehicles traveling to and from the Project will continue to be subject to more stringent fuel standards, or future requirements for electrified engines or fuel cell technology, as determined by the California Air Resources Board (CARB). In addition, construction trucks and equipment could be subject to more stringent emissions standards, including the possibility of Tier IV emissions standards. CARB is also responsible for developing regulations for off-road mobile sources, including commercial marine vessels, which includes both ocean-going ships and commercial harbor craft. Accordingly, CARB may also develop more stringent regulations for marine vessels over time.

Recent studies also show that relatively new trends, such as the increasing importance of web-based shopping, the emergence of different driving patterns by the "millennial" generation and the increasing effect of Web-based applications on transportation choices, are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years, and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions.

In addition, the Project will use electricity for ship repair operations. As described above, the State's electrical utilities are subject to increasing Renewable Portfolio Standard requirements, and compliance with such requirements is the responsibility of the electrical utilities. In addition, over time the internal combustion engines used for the drydock operations (back-up generators) could be transitioned to fuel cell technology pursuant to planned or proposed State regulations. Therefore, the project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

The Port acknowledges that the State's post-2020 emissions reduction goals will require measures that are outside the Port's jurisdiction, i.e., at the state or regional level. The Port believes that these agencies can and will, accordingly, implement these measures to reduce and control GHG emissions in furtherance of both the 2020 goals of AB 32 and the 2050 goals of Executive Order S-3-05. Specifically, the Port reasonably assumes that CARB will take further action to reduce vehicle emissions, and that the California Public Utilities Commission and the California Energy Commission will take action to further reduce the per-megawatt greenhouse gas burden of energy used in the project, as set forth in the CARB Scoping Plan and First Update.

Again, the proposed project would result in construction and operational GHG emissions that would be below the applicable City of San Diego thresholds and would result in a downward trajectory of GHG emissions. Therefore, the proposed project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.4 (Climate Change and Greenhouse Gases), of the EIR.

4.1.11 Hazards and Hazardous Materials

Less than Significant Impact/No Impact (Expose Existing or Proposed School to Hazardous Emissions/Materials). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Expose Existing or Proposed School to Hazardous Emissions/Materials) for the dry dock component in that no impacts would occur to schools within 0.25 mile of the project site during the construction or operational phases of the proposed project. In addition, the operation of the proposed project would be similar to existing operational conditions at the shipyard facility. It is anticipated that, since the project site is an existing shipyard repair facility, the continuation of existing practices (e.g., maintaining a Hazardous Materials Business Emergency Plan [HMBEP]) would still occur with implementation of the proposed project. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Exposure of People to Public Airport Hazard). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Exposure of People to Public Airport Hazard) in that the project site is within 3.0 miles west of the North Island Naval Complex, which includes an airport and is located outside the Community Noise Equivalent Level contours for the facility. Moreover, the San Diego Airport is 4.0 miles northwest of the Project site and is outside the Airport Influence Area. Therefore, no significant impacts related to this issue would occur and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Exposure of People to Private Airstrip or Helipad Hazard). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Exposure of People to Private Airstrip or Helipad Hazard) in that the project site is within 2 miles of a police heliport; however, the San Diego Police are familiar with Port operations. In addition, the project components do not involve equipment or procedures that would interfere with heliport operations. Therefore, no significant impacts related to this issue would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Wildland Fires). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Wildland Fires) in that the project site is located within an urbanized, industrial area removed from wildlands. Because of lack of abundant vegetation, the location of the drydock in the San Diego Bay, and the amount of development within the vicinity of the project site, on-site and adjacent areas do not have the capability to support a wildfire. Therefore, no fire hazards related to wildlands are anticipated with implementation of the proposed project during construction or operations. As such, no impacts are anticipated to occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

4.1.12 Hydrology and Water Quality

Less than Significant Impact/No Impact (Depletion of Groundwater Supplies/Interference with Groundwater Recharge). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Depletion of Groundwater Supplies/Interference with Groundwater Recharge) in that the drydock component would not use groundwater resources or otherwise affect any groundwater resources that are used for water supply during project construction. The operational phase of this component is a continuation of existing uses with a minor increase in employees and would not introduce any new uses that would 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. Therefore, the drydock component would not result in any impacts associated with substantially depleting groundwater supplies or interfering substantially with groundwater recharge, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Alter Drainage Patterns). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Alter Drainage Patterns) in that Compliance with the CGP would require the preparation of a SWPPP to identify project-specific Construction BMPs to be implemented as part of the proposed project to reduce impacts to water quality during construction, including those impacts associated with soil erosion (**Project Design Feature HYD-1**). The operational phase is a continuation of existing drydock activities and no changes or alterations on the existing drainage pattern of the site would occur. Therefore, temporary impacts associated with erosion, siltation, flooding on- or off-site would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Exceed Stormwater Drainage Capacity). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Exceed Stormwater Drainage Capacity) in that the operational phase of the proposed project is not anticipated to introduce any new uses that

would alter the existing hydrological patterns of the project site. In addition, the operational phase of the proposed project would be required to comply with existing storm water runoff policies and standards identified in the Jurisdictional Urban Runoff Management Plan (JURMP), the District SUSMP, and the USMP as required by **Project Design Feature HYD-7**. Therefore, impacts associated with this issue would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Impede or Redirect Flood Flows). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Impede or Redirect Flood Flows) in that adding the second drydock would not create any new conditions at the site that would impede or redirect flood flows. Impacts associated with the placement of structures within a 100-year flood area impeding or redirecting flood flows are anticipated to be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Expose People or Structures to a Significant Risk Involving Flooding). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Expose People or Structures to a Significant Risk Involving Flooding) in that the project site is not identified as being within a dam failure zone, or located near a levee. An extreme storm event could result in temporary ponding of water on the pier, shoreline, and adjacent land, but, given the essentially flat nature of the site, there would be no generation of rapid currents that could threaten people or property. The structures on the project site would be industrial, and, in the event of an extreme storm that caused on-site flooding, workers would be evacuated from the site. Given these conditions, the potential for damage to people or property as a result of on-site flooding is very low. Therefore, impacts associated with on-site flooding, including flooding as a result of the failure of a levee or dam, are anticipated to be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Inundation by Seiche, Tsunami, or Mudflow). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Inundation by Seiche, Tsunami, or Mudflow) in that the proposed project would not change or worsen these existing conditions and workers would be evacuated from the project site in the event of strong seismic activity. Furthermore, there is an established tsunami evacuation plan and designated evacuation routes throughout the coastal zone, and the project site is not identified as being within a high soil slip or landslide/mudflow susceptibility zone. Therefore, the risk from inundation by seiche, tsunami, or mudflow would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

4.1.13 Land Use and Planning

Less than Significant Impact/No Impact (Physically Divide an Established Community). The EIR does not identify a potential significant impact to Land Use and Planning (Physically Divide an Established Community) in that although the proposed project would extend beyond the limits of the current BAE Systems leasehold onto a 2-acre land parcel and a 4-acre water area owned by the District, the proposed project would not extend into any existing neighborhoods or communities. Because the proposed project would be consistent with the existing uses on the project site, and would not prohibit or impede access to any surrounding parcels or development, operational activities that would occur under the proposed project would not result in the physical division of an established community. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning), of the EIR.

4.1.14 Noise

Less than Significant Impact/No Impact (Exposure to or Generation of Excessive Noise Levels). The EIR does not identify a potential significant impact to Noise (Exposure to or Generation of Excessive Noise Levels) in that the proposed on-site construction and continuing shipyard activities would not permanently or temporarily increase noise levels at noise-sensitive uses in excess of established standards. Furthermore, a substantial permanent increase in ambient noise would not occur. Temporary noise levels would not exceed levels existing without the project either. A less than significant impact would occur; therefore, no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

Less than Significant Impact/No Impact (Expose Persons to or Generate Excessive Vibration). The EIR does not identify a potential significant impact to Noise (Expose Persons to or Generate Excessive Vibration) in that construction-related vibration and both land-side and water-side operations would not substantially interfere with human activities or cause damage to structures in the project area. No significant impact would occur; therefore, no mitigation is warranted. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

Less than Significant Impact/No Impact (Public or Private Airport Noise Levels). The EIR does not identify a potential significant impact to Noise (Public or Private Airport Noise Levels) in that the project is not located within the identified noise contours for the airport, and does not include any noise-sensitive use. The construction and operation of the proposed drydock would not expose persons working or residing in the project area to excessive noise. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

4.1.15 Transportation and Traffic

Less than Significant Impact/No Impact (Exceed Capacity of Existing Circulation System). The EIR does not identify a potential significant impact to Transportation and Traffic (Exceed Capacity of Existing Circulation System) in that the *Traffic Impact Analysis, BAE Systems Pier 4 Replacement Project* (LSA Associates, Inc., January 2012) determined that this component during both construction and operation will not increase the volume-to-capacity (V/C) ratio greater than the City's impact significance criteria (an increase greater than 0.01) along any of the study area roadway segments that are forecast to operate at less than an acceptable level of service (LOS) (LOS D or better). In addition, the Project would not generate any vehicle trips during the p.m. peak hour, and there would be no increase in intersection delay during the p.m. peak hour. Therefore, the Project would not create a significant intersection impact in the existing plus project condition. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Alter Air Traffic Patterns). The EIR does not identify a potential significant impact to Transportation and Traffic (Alter Air Traffic Patterns) in that since the proposed project is located within an industrial marine terminal, this type of equipment is already present in the area and would not result in a change in existing environment. The use of heavy equipment during the construction of the proposed project would not affect air traffic from either the San Diego International Airport or the US Naval Air Station (NAS). As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Increase Hazards Due to a Design Feature). The EIR does not identify a potential significant impact to Transportation and Traffic (Increase Hazards Due to a Design Feature) in that no temporary or permanent changes to the design of roadways within the project area are planned as part of the drydock implementation. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Inadequate Emergency Access). The EIR does not identify a potential significant impact to Transportation and Traffic (Inadequate Emergency Access) in that construction activities that may temporarily restrict vehicular traffic would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around the project area. A Construction Management Plan is included as a Project Design Feature and will be incorporated as part of the project (see **Project Design Feature TR-1**). Operation of the proposed drydock would result in the continuation of existing shipyard repair and is not anticipated to change existing emergency access routes. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

4.1.16 Utilities and Service System

Less than Significant Impact/No Impact (Exceed Wastewater Treatment Requirements). The EIR does not identify a potential significant impact to Utilities and Service System (Exceed Wastewater Treatment Requirements) in that the project site is currently served by wastewater facilities, and improvements proposed under the drydock component are not anticipated to exceed applicable San Diego RWQCB wastewater treatment requirements. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Construction of Expansion of Water Treatment Facilities). The EIR does not identify a potential significant impact to Utilities and Service System (Construction of Expansion of Water Treatment Facilities) in that sanitary services during construction would likely be provided by portable toilet facilities, which transport waste off-site for treatment and disposal. The Project primarily consists of activities that would not result in additional generation of wastewater, and exceedance at the existing capacity at the Point Loma Wastewater Treatment Plant (PLWTP) is not anticipated. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Adequate Water Supply). The EIR does not identify a potential significant impact to Utilities and Service System (Adequate Water Supply) in that activities associated with implementation of the drydock component would not generate a measurable increase in water demand beyond the current availability of water provided at the project site. Water needed to implement construction is anticipated to be provided by the construction contractor. In the event that additional potable water is needed, it is anticipated that the City would be able to accommodate the increased demand for potable water based on growth and development projections accounted for by the San Diego County Water Authority in its Final Regional Water Facilities Optimization and

Master Plan Update (March 2014). There will be no change to the use of the site as a ship repair facility; the site is already served by municipal water, and the project is consistent with the Port Master Plan. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Wastewater Treatment Capacity). The EIR does not identify a potential significant impact to Utilities and Service System (Wastewater Treatment Capacity) in that installation of the proposed drydock would result in the reduction of an existing vessel berth (Pier 1 North), such that there will be a relatively minor increase in net wastewater demand. Because sufficient capacity exists at the PLWTP for the proposed project, no expansion of the PLWTP facilities would be required. Adherence to standard requirements identified by the City associated with the proposed connections to existing sewer system (i.e., the existing lift station at Pier 1) would ensure that no significant impacts would result from the construction or operation of the proposed project. Furthermore, this component of the proposed project would not generate a substantial growth in population that has not been accounted for in local and regional plans; therefore, adequate capacity is expected to be available throughout the term of the proposed lease extension. Therefore, since the project primarily consists of activities that would not result in additional generation of wastewater exceeding existing capacity at the PLWTP, impacts associated with this issue would be less than significant. No mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Stormwater Drainage Requirements). The EIR does not identify a potential significant impact to Utilities and Service System (Stormwater Drainage Requirements) in that the proposed project would comply with the San Diego Municipal Storm Water Permit (Order No. R9-2013-0001, NPDES No. CAS0109266) (Municipal Permit) and all project-related shore-side drainage features and stormwater requirements would be required to meet the District's standards. The installation of project-related storm drain systems would occur within an existing urbanized area and the on-site storm drain system would be designed, installed, and maintained per the City of San Diego Public Utilities Department standards. Because the project would be required to design and install drainage systems according to standards and provisions, impacts related to this issue are anticipated to be less than significant. No mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Solid Waste Facilities). The EIR does not identify a potential significant impact to Utilities and Service System (Solid Waste Facilities) in that all of the removed materials would be disposed of at an upland location or if a suitable ocean disposal site can be identified, some of the materials may be used to create a fish enhancement structure. There is sufficient

capacity at Otay Landfill to accommodate the demolition debris if needed. During use, operation of the drydock and related improvements would be similar to current and recent operations. Therefore, the proposed project would not result in a substantive increase in solid waste. As such, impacts related to this component are less than significant, and no mitigation is required. No mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Solid Waste Regulations). The EIR does not identify a potential significant impact to Utilities and Service System (Solid Waste Regulations) in that all of the project, as well as other uses within the District that generate waste are required to coordinate with a waste hauler to develop collection of recyclable materials on a common schedule as set forth in applicable local, regional, and State programs. Additionally, all development within the District is required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and federal solid waste disposal standards, thereby ensuring that solid waste stream to the Otay Sanitary Landfill is reduced and no hazardous waste is received in accordance with existing regulations. Implementation of this component would not significantly affect current operations or the expected lifetime of the landfill serving the project area. Therefore, the proposed project would not result in a substantive increase in solid waste. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

4.2 REMOVAL OF COOLING TUNNELS COMPONENT

Potentially Significant Impacts

The Removal of Cooling Tunnels could result in significant environmental effects with respect to Geology and Soils, and Hazards and Hazardous Materials. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in Volume 1, Chapter 3 (Errata and Revisions), and Volume 2 (Draft EIR), Sections 4.3 (Geology and Soils), 4.5 (Hazards and Hazardous Materials) and 4.6 (Hydrology and Water Quality), of the EIR. A summary of significant impacts and mitigation measures for the Removal of Cooling Tunnels is set forth in, Volume 1 (Final EIR), Chapter 2 (Summary).

Set forth below are the findings regarding the potential direct significant effects of the Removal of Cooling Tunnels. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in Table 1.A, Volume 2 (Draft EIR), Chapter 1 (Executive Summary).

4.2.1 Geology and Soils

Potentially Significant Impact (Loss, Injury, or Death Due to Seismic Conditions-*Liquefaction*). The EIR identifies potentially significant impacts to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) in that the cooling tunnel component of the Project is located in an area with high potential for liquefaction, which could result in a potentially significant impact by exposing people or structures to potential substantial adverse effects, including loss, injury, or death due to seismic conditions. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) concerning the exposure of people or structures to potential substantial adverse effects from seismic conditions will be mitigated to a level less than significant through the Project's implementation the following measure (the substance of this measure is collectively herein referred to as Cooling Tunnel Conformance with the Project Geotechnical Study Measure.) As specified below, some of these measures apply depending on the type of removal method choose (dry or wet removal).

Prior to issuance of a Coastal Development Permit (CDP) for the cooling tunnel removal, the applicant for the CDP shall submit a Final Geotechnical Report, subject to review and approval by the Director of Engineering, indicating that design, dredging, and construction shall be performed in accordance with the requirements of the most current California Building Code (CBC) applicable at the time of construction, appropriate local construction regulations, and the requirements of the project geotechnical consultant. All dredging and construction activities shall be conducted in conformance with the recommendations included in the Final Geotechnical Report and with the constraints identified in the Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report). Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to the following.

In the event that the dry alternative is determined to be the method of removal for the cooling tunnels, the following shall be addressed in the Final Geotechnical Report.

Identify the shoring method required for excavation of cooling tunnels and the form of lateral restraint required to transfer the horizontal restraint across the shoring

wall. Confirm that the system shall be effective at preventing the infiltration of groundwater into the excavation. The temporary shoring must penetrate the Bay Point Formation to a sufficient distance to minimize groundwater flow from under the sheetpiles, and be a sufficient distance to preclude heaving of the bottom of the excavation resulting from excess uplift pressures. Identify a construction dewatering system that will maintain a dry excavation, and identify the limits of the area requiring dewatering. The dewatering plan shall identify potential groundwater-induced settlements in close proximity to the shoring that may result in damage to any settlement-sensitive structures or other surface improvements. The dewatering plan shall be designed to maintain the stability of the excavation subgrade and shall include dewatering pumps to further remove groundwater from the excavation. The plan shall identify methods to maintain groundwater level at a minimum of 2 to 3 feet below the bottom of the excavation, or near elevation 17 to 18 feet mean lower low water (MLLW). Any dewatering system proposed shall include a sufficient groundwater monitoring system, consisting of piezometers and wells, to verify both that dewatering is being achieved and that the dewatering system is performing as designed. The Final Report shall also require that a clean structural backfill be used to prevent differential settlement at the ground surface. Fill soils should be placed as a structural fill with the prerequisite compaction, observation, and testing.

In the event that the wet alternative is determined to be the method of removal for the cooling tunnels, the following will be addressed by the Final Geotechnical Report.

Identify the shoring method required for excavation of cooling tunnels and the form of lateral restraint required to transfer the horizontal restraint across the shoring wall. Identify special excavation and demolition equipment to be used for removal of the cooling tunnel structures since operations shall be conducted below water. Identify methods to allow the dewatering of the debris as it is removed from the excavation, including identification of temporary decanting areas or barges that may be required to allow the debris to drain before loading and hauling from the site. Identify coarse-grained soils materials to be used for backfilling of the excavation, such as gravel, quarry run, or other suitable materials sufficiently graded and permeable to allow placement underwater with self-consolidation properties. For the upper one-third of the excavation backfill, it is recommended that a clean structural backfill be used to prevent differential settlement at the ground surface. Given that the backfilling operations of the upper one-third of the excavation would be performed in the dry environment, fill soils should be placed as a structural fill with the prerequisite compaction, observation, and testing.

Under either the wet or dry construction scenarios, additional site testing and final design evaluation shall be conducted by the Project geotechnical consultant to refine and enhance these requirements. If the Project geotechnical consultant identifies modifications or refinements to the requirements, the Project Applicant shall require appropriate changes to the final project design and specifications, subject to review and approval by the District.

The Cooling Tunnel Conformance with the Project Geotechnical Study Measure identifies forms of lateral restraints for shoring activities, required for the construction and requires adequate backfill be placed after tunnel removal to prevent future liquefaction, resulting in a lessen than significant impact.

The measure is also described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) to a level less than significant.

Potentially Significant Impact (Soil Erosion). The EIR identifies potentially significant impacts to Geology and Soils (Soil Erosion) in regards to soil erosion related to shoring failure during the removal of the cooling tunnels. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Soil Erosion) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Soil Erosion) will be mitigated to a level less than significant through implementation of the Cooling Tunnel Conformance with the Project Geotechnical Study Measure, described above in Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) discussion. The project's implementation of the measure, under either the dry or wet construction scenario, will ensure that soil erosion related to shoring failure during removal of the tunnels would not occur though the identification of the appropriate shoring method and restraints. Additionally, the measure requires appropriate backfill be used to avoid significant soil erosion.

The measure also is described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Soil Erosion) to a level less than significant.

Potentially Significant Impact (Soil Stability). The EIR identifies potentially significant impacts to Geology and Soils (Soil Stability) in that there is the potential for the project construction activities to be located on a geologic unit that is unstable or that would become unstable as a result of the project. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially

lessen the significant environmental effect to Geology and Soils (Soil Stability) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Soil Stability) will be mitigated to a level less than significant through implementation of the Cooling Tunnel Conformance with the Project Geotechnical Study Measure, described above in Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) discussion. By adhering to the most current CBC, identifying and using the appropriate shoring methods for evacuation, specifying appropriate backfill and compaction requirements, and using clean structural backfill soil stability will be provided on the site under either the dry or wet constriction alternatives.

This measure is also described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR. Implementation of this mitigation measures will reduce the potential impact to Geology and Soils (Soil Stability) to a level less than significant.

Potentially Significant Impact (Expansive Soils). The EIR identifies potentially significant impacts to Geology and Soils (Expansive Soils) concerning substantial risks to life or property. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Geology and Soils (Soil Stability) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Geology and Soils (Expansive Soils) will be mitigated to a level less than significant through implementation of the Cooling Tunnel Conformance with the Project Geotechnical Study Measure, described above in Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions - *Liquefaction*) discussion. Adherence with the Cooling Tunnel Conformance with the Project Geotechnical Study Measure would ensure that soils used for backfill would not be expansive through the use of clean and structural soils for the dry scenario and gravel and crushed rock for lower two-thirds and clean structural soil for the top one-third for the west scenario.

This measure is further described in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils) of the EIR. Implementation of **Mitigation Measure GEO-1** will reduce the potential impact to Geology and Soils (Expansive Soils) to a level less than significant.

4.2.2 Hazards and Hazardous Materials

Potentially Significant Impact (Routine Transport, Use, or Disposal of Hazardous Materials). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) in that workers and the environment have the potential to encounter contaminated soils. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) will be mitigated to a level below significance by implementing HASP for Landside Activities Measure, further described above in the Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) drydock discussion, which requires preparation and implementation of a HASP of construction. The HASP, which will be implemented, will set forth the procedures to follow if contaminated groundwater or soils are encountered on the site, including terminating construction activities, characterization of the substance and appropriate disposal of the same.

This measure is further described in **Mitigation Measure HAZ-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials) of the EIR. Implementation of **Mitigation Measure HAZ-1** will reduce the potential impact to Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) at the project site to a level less than significant.

Potentially Significant Impact (Reasonable Foreseeable Upset and Accident Conditions). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) in that due to the historical industrial use on the TUOP parcel and the soil sampling and vapor assessments conducted to date, there is the potential for upset and accident conditions to occur during implementation of this project component. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) will be mitigated to a level below significance by the HASP for Landside Activities Measure, further described above in the Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) drydock discussion, and the following measures (the substance of which is collectively referred, herein as the Soil and Ground Water Management Plan Measure). Prior to commencement of cooling tunnels removal, the contractor shall submit a soil and groundwater management plan to the District for review and approval to address the possibility of encountering areas of potential prepared by a qualified environmental consultant and shall be implemented during subsurface disturbance activities by the contractor under the oversight of an environmental professional on behalf of the District. The plan shall address soil and groundwater monitoring, handling, stockpiling, characterization, reuse, export, and disposal protocols. The Director of Engineering shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

The HASP will address procedures if contaminated substances are found during construction to eliminate impacts associated with such discovery. Additionally, the Soil and Ground Water Management Plan Measure further address the possibility of encountering contaminated soils and ground water and will address monitoring, characterization, possible reuse and disposal procedures based on the possibility of contaminated substances being located on the site.

These measures are also described in **Mitigation Measures HAZ-1 and HAZ-10**, which are set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials) of the EIR. Implementation of **Mitigation Measures HAZ-1 and HAZ-10** will reduce the potential impact to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) at the project site to a level less than significant.

Potentially Significant Impact (Expose Existing or Proposed School to Hazardous Emissions/Materials). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials (Expose Existing or Proposed School to Hazardous Emissions/Materials) due to the possibility that new schools could be constructed within 0.25 mile of the project site prior to removal of the cooling tunnels. However, this is unlikely based on the current zoning, the size of the BAE Systems facility and the presence of marine institutional land uses adjacent to the site. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Expose

Existing or Proposed School to Hazardous Emissions/Materials) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Expose Existing or Proposed School to Hazardous Emissions/Materials) will be mitigated to a level below significance by implementation of the HASP for Landside Activities Measure (described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) drydock discussion) and Soil and Groundwater Management Plan Measure (described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion), which provide the appropriate procedures for monitoring, characterization, disposal/reuse of potential contaminated substances, as well as include safety protocols if encounters with such substances occur.

These measures are also described in **Mitigation Measures HAZ-1 and HAZ-10**, which are set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials) of the EIR. Implementation **Mitigation Measures HAZ-1 and HAZ-10** will reduce the potential impact to Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) at the project site to a level less than significant.

Potentially Significant Impact (Create Hazard to Public or Environment through Listing of Hazardous Materials Site). The EIR identifies a potentially significant impact to Hazards and Hazardous Materials similar to the drydock component Findings (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) concerning encountering hazardous materials during construction. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) as identified in the EIR.

Facts in Support of Finding. The potential significant impacts to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) will be mitigated to a level below significance by implementing the HASP for Landside Activities Measure (described in the Hazards and Hazardous Materials (Routine Transport, Use, or Disposal of Hazardous Materials) drydock discussion), the DMP Measure, the Contingency Plan Measure, the HASP for Dredging Activities, the Communication Plan Measure, the Supernatant and Storm Water Containment Measure, the Sediment Unloading Measure, the Filling Transport Vehicle Measure, the Sediment Loading Measure, the Secondary Containment Measure (all of which are described in the Hazards

and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) drydock discussion), the Soil and Groundwater Management Plan Measure (described above in the Hazards and Hazardous Materials (Reasonable Foreseeable Upset and Accident Conditions) discussion), and the Update Drydock Operations Permits and Best Management Practices Manual (further described in the Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) drydock discussion). These measures prevent the releases of hazardous substances through specified construction methods and address what should occur if hazardous substances are encountered during construction, including the appropriate procedures for monitoring, characterization, disposal/reuse of potential contaminated substances, as well as include safety protocols if encounters with such substances occur.

These measures are further described in **Mitigation Measures HAZ-1 through HAZ-12**, which are set forth in full in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials) of the EIR. Implementation of **Mitigation Measures HAZ-1 through HAZ-12** will reduce the potential impact to Hazards and Hazardous Materials (Create Hazard to Public or Environment through Listing of Hazardous Materials Site) at the project site to a level less than significant.

4.2.3 Hydrology and Water Quality

Potentially Significant Impact (Violation of Water Quality Standards). The EIR identifies potentially significant impacts to Hydrology and Water Quality (Violation of Water Quality Standards) in that during removal of the cooling tunnels there is a moderate to high potential to encounter hazardous materials or waste, potentially creating a hazard to the public or environment. Detailed information and analysis regarding this potential significant impact is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Violation of Water Quality Standards) as identified in the EIR.

Facts in Support of Finding. The potential significant impact to Hydrology and Water Quality (Violation of Water Quality Standards) will be mitigated to a level below significance by implementing the following measure. Subsurface disturbance activities shall include implementation of a soil and groundwater management plan to address the possibility of encountering areas of potential environmental concern. This plan shall be prepared by a qualified environmental consultant and shall be reviewed and approved by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator. This plan shall be implemented during subsurface disturbance activities by the contractor under the oversight of an environmental professional on behalf of the project proponent. The plan shall address soil and groundwater monitoring, handling, stockpiling, characterization, reuse, export, and

disposal protocols. The objective of the plan shall be to assist the contractor in the excavation, notification, monitoring, segregation, characterization, handling, and reuse and/or disposal (as appropriate) of waste that may be encountered during earthwork activities. In addition, measures shall be taken to prevent any potentially contaminated soil or water from entering the San Diego Bay during the tunnel removal and associated construction. To ensure that no contaminants from the tunnels or the construction area enter San Diego Bay, appropriate measures shall be put in place, including but not limited to placement of a silt curtain or other containment device during tunnel removal or construction to prevent any activities from impacting bay waters outside the immediate area. Any water generated during construction shall be captured. (The substance of this measure is collectively herein referred to as Environmental Controls During Intake/Discharge Tunnel Removal Measure.) The Environmental Controls During Intake/Discharge Tunnel Removal Measure will be implemented during subsurface work and will require monitoring and implementation of procedures to for notification, segregation, characterization and handling of potentially contaminated substances. In addition, silt curtains and other devices will be put in place during removal to ensure no contamination enter the Bay from the tunnels.

This measures are also described in more detail in Mitigation Measure HYD-5, which is set forth in full in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR, and are incorporated herein by this reference.

In addition, Project Design Features HYD-1 through HYD-7, would be implemented. Specifically, BAE Systems shall obtain comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP). BAE Systems shall comply with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality during construction activities. All dewatering activities shall comply with the requirement set forth in the General WDR for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary. BAE Systems shall comply with the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Municipal Permit). The project proponent shall be required to prepare a USMP to describe how the proposed project will meet Standard Urban Storm Water Mitigation Plan (SUSMP) requirements in order for the project application to be considered complete. The proposed project shall be required to comply with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District. During project operations, the contractor shall comply with the requirements set forth in WDRs for the proposed Project.

Implementation of Mitigation Measures HYD-5 will reduce the potential impact to Hydrology and Water Quality (Violation of Water Quality Standards) to a level less than significant.

Less than Significant Impact/No Impact

The Port hereby finds that the Project would not have the potential to cause significant impacts associated with the impact categories outlined below. These findings are based on the discussion of impacts in Chapter 4 of the EIR.

4.2.4 Air Quality

Less than Significant Impact/No Impact (Conflict with or Obstruct Implementation of Applicable Air Quality Plan). The EIR does not identify a potential significant impact to Air Quality (Conflict with or Obstruct Implementation of Applicable Air Quality Plan) in that the removal of the cooling tunnels are not expected to result in any long-term regional air quality impacts. Therefore, the Project component will not conflict with the RAQS or SIP, and no significant impact will result with respect to implementation of the air quality plan. The removal of the cooling tunnel component would not change the population, and thus is considered to be within the SANDAG growth projections. This component would be consistent with the SIP and RAQS. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (CO Hot Spot). The EIR does not identify a potential significant impact to Air Quality (Long-Term Microscale (CO Hot Spot) Impact/Localized CO Impacts at Nearby Intersections) in that construction activities are not considered in the determination of long-term CO hot-spot impacts because construction emissions are short-term and temporary in nature and are not expected to substantially contribute to localized CO hot-spot emissions. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Exposure of Substantial Pollutant Concentrations to Sensitive Receptors). The EIR does not identify a potential significant impact to Air Quality (Exposure of Substantial Pollutant Concentrations to Sensitive Receptors) in that there will be no new operational emissions and temporary construction would have CO, O_3, $PM_{2.5}$, and SO_X levels consistently below the relevant State and Federal standards in the project vicinity, and the project does not exceed daily thresholds for these criteria pollutants. Construction equipment/vehicle emissions would not exceed the SDAPCD daily emissions thresholds. Furthermore, due to the distance away to nearby sensitive receptors, concentrations of construction emissions would disperse and are not expected to exceed State or Federal ambient air quality standards for PM_{10} and $PM_{2.5}$ at these sensitive receptor locations. The risks are below the significance thresholds, and

the project would not expose sensitive receptors to substantial hazardous air pollutant concentrations. Therefore, impacts to nearby sensitive receptors are less than significant. No mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Objectionable Odors). The EIR does not identify a potential significant impact to Air Quality (Objectionable Odors) in that removal of cooling tunnels may result in temporary, intermittent odors from the use of diesel equipment. Excavation of saturated soil containing organic matter may also produce temporary odors. However, past dredging activities in the project area have not generated substantial odors affecting a substantial number of people. The closest sensitive receptors are located approximately 1,600 ft from the project site. In addition, any odors from cooling tunnel excavation would be thoroughly dispersed prior to their reaching these sensitive receptors. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

Less than Significant Impact/No Impact (Cumulatively Considerable Net Increases of Criteria Pollutants). The EIR does not identify a potential significant impact to Air Quality (Cumulatively Considerable Net Increases of Criteria Pollutants) in that construction activities would be similar to the discussion for the proposed drydock installation. The project would comply with SDAPCD-recommended practices for construction activity and would not exceed the SDAPCD daily emissions thresholds. Upon completion of the removal of the cooling tunnels, existing uses as they currently occur will continue, and no new operational emissions are associated with this project component. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.1 (Air Quality), of the EIR.

4.2.5 Biological Resources

Less than Significant Impact/No Impact (Special-Status Species). The EIR does not identify a potential significant impact to Biological Resources (Special-Status Species) in that tunnels associated with the decommissioned SDG&E power plant are present beneath the BAE Systems Shipyard. As such, the majority of the tunnels are located beneath developed lands that contain no natural habitat areas. No sensitive species are present within the vicinity of the tunnels. The project would be required to comply with the Construction General Permit from the State Water Resources Control Board (SWRCB) to prepare a SWPPP, and implement project-specific construction BMPs to minimize erosion, prevent spills, and reduce pollutant in storm runoff (**Project Design Feature HYD-1**). With implementation of these BMPs and preparation of a SWPPP, the project would result in less than significant impacts related to adjacent marine habitats or sensitive species. Further, given the expected timing of the cooling tunnel project component, it is not anticipated that cooling tunnel removal would result in significant impacts to marine habitats or

sensitive species. Therefore, impacts to candidate, or special-status species would be less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Riparian Habitat or Other Sensitive Natural Communities). The EIR does not identify a potential significant impact to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) in that tunnels associated with the decommissioned SDG&E power plant are present beneath the BAE Systems Shipyard. As such, the majority of the tunnels are located beneath developed lands that contain no natural habitat areas. No sensitive species are present within the vicinity of the tunnels. The project would be required to comply with the Construction General Permit from the SWRCB to prepare a SWPPP, and implement project-specific construction BMPs to minimize erosion, prevent spills, and reduce pollutant in storm runoff (**Project Design Feature HYD-1**). With implementation of these BMPs and preparation of a SWPPP, the project would result in less than significant impacts related to adjacent marine habitats or sensitive species. Further, given the expected timing of the cooling tunnel project component, it is not anticipated that cooling tunnel removal would result in significant impacts to marine habitats or sensitive species. Therefore, impacts to candidate, or special-status species would be less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Federally Protected Wetlands). The EIR does not identify potential significant impacts to Biological Resources (Federally Protected Wetlands) in that removal of the cooling tunnels would occur over a limited amount of time, and would not generate a new long-term source of air pollutants. There are no federally protected wetlands on the project site. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Movement of Fish or Wildlife Species). The EIR does not identify potential significant impacts to Biological Resources (Movement of Fish or Wildlife Species) in that native wildlife nursery sites and movement corridors do not occur within the footprint of the cooling tunnel component of the proposed project, and no impediment to nursery sites or wildlife movement would occur with removal of the cooling tunnels. Therefore, this component of the proposed project would not interfere with wildlife movement or impede the use of wildlife nursery sites, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Local Policies and Ordinances). The EIR does not identify potential significant impacts to Biological Resources (Local Policies and Ordinances) in that this project component itself would not result in

impacts to biological resources within the tide or submerged lands covered by the Project Management Plan. Therefore, implementation of this component would not conflict with the provisions of the Plan. Therefore, removal of the cooling tunnels would not conflict with any local policies or ordinances protecting biological resources, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

Less than Significant Impact/No Impact (Provisions of a Habitat Conservation Plan). The EIR does not identify potential significant impacts to Biological Resources (Provisions of a Habitat Conservation Plan) in that according to the September 2013 INRMP, this project component is not located within the footprint of the INRMP. Therefore, implementation of this component would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources), of the EIR.

4.2.6 Geology and Soils

Less than Significant Impact/No Impact (Loss, Injury, or Death Due to Seismic Conditions – *Fault Rapture, Ground Shaking, Landslides and Tsunamis and Seiches*). The EIR does not identify potential significant impacts to Geology and Soils (Loss, Injury, or Death Due to Seismic Conditions – *Fault Rapture, Ground Shaking, Landslides and Tsunamis and Seiches*) in that the removal of the cooling tunnels would not increase exposure of people or property to fault ruptures or ground shaking more than the exposure to seismic events that currently exists in the area. According to the City of San Diego Seismic Safety Study Maps, the nearest area for possible or conjectured landslides is located north of the project site; however, because of the flat, low-lying topography of the project site, it is not anticipated that people or buildings would be exposed to landslides. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

Less than Significant Impact/No Impact (Wastewater Disposal). The EIR does not identify a potential significant impact to Geology and Soils (Wastewater Disposal) in that removal and post-removal conditions of the cooling tunnel component would not involve the use of septic tanks, or alternative wastewater disposal systems, so no septic tanks of alternative waste disposal systems would be required. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils), of the EIR.

4.2.7 Climate Change and Greenhouse Gases

Less than Significant Impact/No Impact (Generate Greenhouse Gas Emissions). The EIR does not identify a potential significant impact to Climate

Change and Greenhouse Gases (Generate Greenhouse Gas Emissions) in that as part of the removal of the cooling tunnels, the portion of the site on which they are located would be backfilled and restored to existing grade. No new structures are proposed in their place. Removal of the cooling tunnels would occur over a limited amount of time and would not generate a new long-term source of GHG emissions. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.4 (Climate Change and Greenhouse Gases), of the EIR.

Less than Significant Impact/No Impact. The EIR does not identify a potential significant impact to Climate Change and Greenhouse Gases (Conflict with Greenhouse Gas Plan, Policy, Regulation) in that removal of the cooling tunnels would occur over a limited amount of time and would not generate a new long-term source of GHG emissions, and would not result in a conflict with an applicable program, policy, or regulation related to the reduction of GHG emissions. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.4 (Climate Change and Greenhouse Gases), of the EIR.

4.2.8 Hazards and Hazardous Materials

Less than Significant Impact/No Impact (Exposure of People to Public Airport Hazard). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Exposure of People to Public Airport Hazard) in that the project site is within 3.0 miles west of the North Island Naval Complex, which includes an airport and is located outside the Community Noise Equivalent Level contours for the facility. Moreover, the San Diego Airport is 4.0 miles northwest of the Project site and is outside the Airport Influence Area. Therefore, no significant impacts related to this issue would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Exposure of People to Private Airstrip or Helipad Hazard). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Exposure of People to Private Airstrip or Helipad Hazard) in that the project site is within 2 miles of a police heliport; however, the San Diego Police are familiar with Port operations. In addition, the project components do not involve equipment or procedures that would interfere with heliport operations. Therefore, no significant impacts related to this issue would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Conflict with Emergency Response Plan). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Conflict with Emergency Response Plan) in that the proposed project would comply with all applicable fire codes and emergency

response plans set forth by the City of San Diego Fire Department, the County of San Diego emergency services, and the Port emergency services. Construction activities may temporarily restrict vehicular traffic and would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around the project area. A Construction Management Plan is included as a Project Design Feature and will be incorporated as part of the project (see **Project Design Feature TR-1** in Section 4.9, Transportation and Traffic). After removal of the cooling tunnels, conditions would be restored, and existing shipyard repair activities would continue. Therefore, impacts associated with construction and operational activities of this component are anticipated to be less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

Less than Significant Impact/No Impact (Wildland Fires). The EIR does not identify a potential significant impact to Hazards and Hazardous Materials (Wildland Fires) in that the project site is located within an urbanized, industrial area removed from wildlands. Because of lack of abundant vegetation, and the amount of development within the vicinity of the project site, on-site and adjacent areas do not have the capability to support a wildfire. Therefore, no fire hazards related to wildlands are anticipated with implementation of the proposed project during construction or operations. As such, no impacts are anticipated to occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials), of the EIR.

4.2.9 Hydrology and Water Quality

Less than Significant Impact/No Impact (Depletion of Groundwater Supplies/Interference with Groundwater Recharge). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Depletion of Groundwater Supplies/Interference with Groundwater Recharge) in that dewatering under the cooling tunnel component of the proposed project would be required to comply with the General WDR for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto Order No. R9-2007-0034 (NPDES No. CAG919001) as identified above in **Project Design Feature HYD-3**. Dewatering would be temporary and compliance with the above WDR Permit would ensure that groundwater dewatering during construction would not result in significant impacts to groundwater supplies and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Alter Drainage Patterns). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Alter Drainage Patterns) in that the removal of the tunnels would not result in increased runoff or change the existing drainage pattern. Compliance with the CGP would require the preparation of a SWPPP to identify project-specific Construction BMPs

to be implemented as part of the proposed project to reduce impacts to water quality during construction, including those impacts associated with soil erosion (**Project Design Feature HYD-1**). Therefore, temporary impacts associated with erosion, siltation, flooding on- or off-site would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Exceed Stormwater Drainage Capacity). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Exceed Stormwater Drainage Capacity) in that as specified in **Project Design Feature HYD-1**, the CGP requires the preparation of a SWPPP to identify construction BMPs to be implemented during project construction in order to reduce impacts to water quality, including those impacts associated with erosion, siltation, and spills. Furthermore, compliance with requirements specified in the Port's Storm Water Programs and RWQCB WDRs including implementation of BMPs during construction (i.e., **Project Design Features HYD-1 through HYD-6**) would reduce the potential discharge of pollutants to the maximum extent practicable. Therefore, construction impacts related to exceeding the capacity of and providing additional sources of polluted runoff to storm water drainage systems during construction would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Impede or Redirect Flood Flows). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Impede or Redirect Flood Flows) in that the intake/discharge tunnel structures would be removed and would be replaced with fill, resulting in little change to the surface area. Impacts associated with the placement of structures within a 100-year flood area impeding or redirecting flood flows are anticipated to be less than significant and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Expose People or Structures to a Significant Risk Involving Flooding). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Expose People or Structures to a Significant Risk Involving Flooding) in that the project site is not identified as being within a dam failure zone, or located near a levee. An extreme storm event could result in temporary ponding of water on the pier, shoreline, and adjacent land, but, given the essentially flat nature of the site, there would be no generation of rapid currents that could threaten people or property. The structures on the project site would be industrial, and, in the event of an extreme storm that caused on-site flooding, workers would be evacuated from the site. Given these conditions, the potential for damage to people or property as a result of on-site flooding is very low. Therefore, impacts associated with on-site flooding, including flooding as a result of the failure of a levee or dam, are anticipated to be less than significant, and no

mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

Less than Significant Impact/No Impact (Inundation by Seiche, Tsunami, or Mudflow). The EIR does not identify a potential significant impact to Hydrology and Water Quality (Inundation by Seiche, Tsunami, or Mudflow) in that the proposed project would not change or worsen these existing conditions and workers would be evacuated from the project site in the event of strong seismic activity. Furthermore, there is an established tsunami evacuation plan and designated evacuation routes throughout the coastal zone and the project site is not identified as being within a high soil slip or landslide/mudflow susceptibility zone. Therefore, the risk from inundation by seiche, tsunami, or mudflow would be less than significant, and no mitigation measures are required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.6 (Hydrology and Water Quality), of the EIR.

4.2.10 Land Use and Planning

Less than Significant Impact/No Impact (Physically Divide an Established Community). The EIR does not identify a potential significant impact to Land Use and Planning (Physically Divide an Established Community) in that the proposed project would remove of two cooling tunnels on the project site and return the area to its existing condition. No new structures are proposed in their place. Therefore, implementation of this project component would not introduce a new barrier or structure that would result in the physical division of an established community. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning), of the EIR.

Less than Significant Impact/No Impact (Conflict with Applicable Land Use Plans, Policies, or Regulations). The EIR does not identify a potential significant impact to Land Use and Planning (Conflict with Applicable Land Use Plans, Policies, or Regulations) in that the proposed project would remove of two cooling tunnels on the project site and return the area to its existing condition. No new structures are proposed in their place and no land use changes would occur. Therefore, implementation of this project component would result in less than significant impacts related to potential conflicts with applicable land use plans, policies, or regulations. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning), of the EIR.

Less than Significant Impact/No Impact (Conflict with Any Applicable Habitat or Natural Community Conservation Plan). The EIR does not identify a potential significant impact to Land Use and Planning (Conflict with Any Applicable Habitat or Natural Community Conservation Plan) in that the proposed project would remove of two cooling tunnels on the project site and return the area to its existing condition. No new structures are proposed in their place, and no land use changes would occur. Therefore, implementation of this project component would result in

less than significant impacts related to potential conflicts with any habitat or natural community conservation plans, or the San Diego Bay INRMP, since no biological resources would be disturbed. As such, no impacts would occur, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.7 (Land Use and Planning), of the EIR.

4.2.11 Noise

Less than Significant Impact/No Impact (Exposure to or Generation of Excessive Noise Levels). The EIR does not identify a potential significant impact to Noise (Exposure to or Generation of Excessive Noise Levels) in that the proposed on-site construction would not permanently or temporarily increase noise levels at noise-sensitive uses in excess of established standards. A less than significant impact would occur; therefore, no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

Less than Significant Impact/No Impact (Expose Persons to or Generate Excessive Vibration). The EIR does not identify a potential significant impact to Noise (Expose Persons to or Generate Excessive Vibration) in that construction-related vibration would not substantially interfere with human activities or cause damage to structures in the project area. No significant impact would occur; therefore, no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

Less than Significant Impact/No Impact (Public or Private Airport Noise Levels). The EIR does not identify a potential significant impact to Noise (Public or Private Airport Noise Levels) in that the project is not located within the identified noise contours for the airport, and does not include any noise sensitive use. Construction activities would not expose persons working or residing in the project area to excessive noise. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.8 (Noise), of the EIR.

4.2.12 Transportation and Traffic

Less than Significant Impact/No Impact (Exceed Capacity of Existing Circulation System). The EIR does not identify a potential significant impact to Transportation and Traffic (Exceed Capacity of Existing Circulation System) in that the results of this analysis determined that the construction of the proposed drydock in combination with the removal of the cooling tunnels would be less than significant. Therefore, when considered independently from construction of the proposed drydock, construction trips associated only with the removal of the existing cooling tunnels would also be less than significant. No mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Alter Air Traffic Patterns). The EIR does not identify a potential significant impact to Transportation and Traffic (Alter Air Traffic Patterns) in that since the proposed project is located within an industrial marine terminal, this type of equipment is already present in the area and would not result in a change in existing environment. The use of heavy equipment during the construction of the proposed project would not affect air traffic from either the San Diego International Airport or the US NAS. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Increase Hazards Due to a Design Feature). The EIR does not identify a potential significant impact to Transportation and Traffic (Increase Hazards Due to a Design Feature) in that no temporary or permanent changes to the design of roadways within the project area are planned as part of the drydock implementation. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Inadequate Emergency Access). The EIR does not identify a potential significant impact to Transportation and Traffic (Inadequate Emergency Access) in that construction activities that may temporarily restrict vehicular traffic would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around the project area. A Construction Management Plan is included as a Project Design Feature and will be incorporated as part of the project (see **Project Design Feature TR-1**). As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

Less than Significant Impact/No Impact (Conflict with Alternative Transportation). The EIR does not identify a potential significant impact to Transportation and Traffic (Conflict with Alternative Transportation) in that construction traffic would utilize Harbor Drive, which is forecast to operate at an acceptable LOS (LOS A or B) during the construction period. In addition, construction traffic would not interfere or require closure of the designated Bayshore Bikeway bicycle lane along Harbor Drive. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.9 (Transportation and Traffic), of the EIR.

4.2.13 Utilities and Service System

Less than Significant Impact/No Impact (Exceed Wastewater Treatment Requirements). The EIR does not identify a potential significant impact to Utilities

and Service System (Exceed Wastewater Treatment Requirements) in that all wastewater generated through cooling tunnel removal activities would be managed in accordance with the site's existing industrial permit. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Construction of Expansion of Water Treatment Facilities). The EIR does not identify a potential significant impact to Utilities and Service System (Construction of Expansion of Water Treatment Facilities) in that this component of the proposed project would not be growth inducing, would not include any physical improvements, and therefore, would not increase demand for water or wastewater treatment facilities. Therefore, implementation of this component would not require the construction of new water or wastewater treatment facilities or expansion of existing facilities. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Adequate Water Supply). The EIR does not identify a potential significant impact to Utilities and Service System (Adequate Water Supply) in that the cooling tunnel component has no operational characteristics, and therefore would not increase demand for water. Activities associated with removal of the tunnels would not require additional water supply beyond that currently existing at the project site. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Wastewater Treatment Capacity). The EIR does not identify a potential significant impact to Utilities and Service System (Wastewater Treatment Capacity) in that this component of the proposed project involves removal and backfill only and would only increase utility demand for a limited period of time as there are no operational characteristics for this component. Therefore, this component would not result in the exceedance of wastewater treatment capacity. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Stormwater Drainage Requirements). The EIR does not identify a potential significant impact to Utilities and Service System (Stormwater Drainage Requirements) in that this component involves removal and backfill only, would not include any physical improvements, and would occur over a limited period of time. Therefore, implementation of this component would not result in the construction of new stormwater drainage facilities or expansion of existing facilities. As such, impacts related to this component are less

than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Solid Waste Facilities). The EIR does not identify a potential significant impact to Utilities and Service System (Solid Waste Facilities) in that disposal of the soils, if required, would be at the appropriate landfill facilities depending on the sediment characterization. In addition, the concrete tunnel material will need to be disposed of, similar to the disposal for the drydock waste. There is sufficient capacity at Otay Landfill to accommodate the demolition debris if needed. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

Less than Significant Impact/No Impact (Solid Waste Regulations). The EIR does not identify a potential significant impact to Utilities and Service System (Solid Waste Regulations) in that soil and groundwater characterization would be performed and potential remediation may also be conducted after more specific project plans are developed. Disposal of the soils, if required, would comply with applicable Federal, State, and local statutes and regulations related to solid waste. As such, impacts related to this component are less than significant, and no mitigation is required. Detailed information and analysis is provided in Volume 2 (Draft EIR), Section 4.10 (Utilities and Service System), of the EIR.

4.3 Associated Real Estate Agreements

This component of the proposed project would result in the extension of the existing term of the lease between BAE Systems and the District for BAE Systems' existing leasehold and incorporate the neighboring TUOP parcels into the lease. Currently permitted uses, as specified in the existing lease and TUOP, will continue to occur as they currently do and no additional permitted uses are proposed. Furthermore, the proposed real estate agreement (i.e., new lease or lease amendment) will restrict the uses on the TUOP parcel to those existing, which include parking, movement of vehicles and equipment in support of ship repair activities pierside, temporary storage of materials and movement of materials in support of ship repair activities pierside, staging areas in support of pierside activities, and implementation of the Remedial Action Plan (RAP) that was approved by the San Diego Regional Water Quality Control Board (San Diego RWQCB) in December 2012 in compliance with Cleanup and Abatement Order (CAO) No. R9-2012-0024. Thus, no expansion of existing uses would occur. Accordingly, this project component itself would result in the continued operation of existing uses at the project sites.

While the real estate agreement component, in and of itself, will not result in any physical changes to the land and water areas, physical activities associated with the drydock and cooling tunnel components would be permitted by the new lease or

lease amendment and impacts associated with these components are discussed above and in the EIR. Therefore, the Real Estate Agreement Component would not result in any environmental impacts, and no mitigation is required.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (*CEQA Guidelines* §15130(a)). Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present and reasonably foreseeable future projects (*CEQA Guidelines* §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction (*CEQA Guidelines* §15130(b)(1)(A)). The list of "past, present and reasonably anticipated future projects" should include related projects which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared (*CEQA Guidelines* §15130). The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The EIR considered eight past, present and reasonably foreseeable projects within the vicinity of the Project in evaluating potential cumulative impacts. A detailed description of these projects is provided in Table 4.0.A. and a map depicting the location of these projects in relation to the project site is provided on Figure 4.0.1 in Chapter 4 (Existing Environmental Setting) of Volume 2 (Draft EIR) of the EIR.

The findings below identify each of the cumulative significant environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social, or other considerations. The findings incorporate by reference the analysis of cumulative significant impacts contained in the EIR.

5.1 AIR QUALITY

The proposed project would not result in significant construction or operational impacts from criteria pollutant emissions, contribute to an O_3 exceedance, cause the area to be in noncompliance with the Air Quality Management Plan (AQMP), or result in a significant health risk to any sensitive receptor. Therefore, the proposed project's impacts related to air quality emissions, when considered in combination with the cumulative projects in the project vicinity (refer to Chapter 4.1, Air Quality) would not be cumulatively significant. Air quality emissions associated with the proposed project would be incremental and would not result in cumulatively considerable impacts.

5.2 BIOLOGICAL RESOURCES

The Shipyard Sediment Remediation Project involves dredging of sediment adjacent to shipyards in the San Diego Bay and is anticipated to be completed prior to any dredging activity associated with the proposed project. Because construction of the proposed project and the Shipyard Sediment Remediation Project would not be concurrent, construction of the proposed project would not contribute incrementally to cumulative noise or turbidity impacts to sea turtles, marine mammals, birds, or other wildlife, and no mitigation is required.

Dredging and placement of clean sand cover associated with the Shipyard Sediment Remediation Project will result in the loss of the majority of benthic infauna within the dredge/capping footprints. Dredging for the drydock component of the proposed project would result in the removal of existing flora and relatively sessile and sessile epifauna and infauna from the dredged area. As discussed in Chapter 4.2 (Biological Resources), the density and biomass of benthic infaunal invertebrates within a dredged area of San Diego Bay recovers within 5 months of dredging disturbance, with a full recovery of demersal fish and epibenthic species diversity being reached between 17 and 24 months post-disturbance. Because the soft bottom benthic communities are anticipated to recover within 2 years after the dredging activities cease, the proposed project's contribution to cumulative impacts to benthic communities would be less than significant, and no mitigation is required.

Potentially Significant Impact (Riparian Habitat or Other Sensitive Natural Communities). The EIR identifies a potentially significant cumulative impact to Biological Resources (Riparian Habitat or Other Sensitive Natural Communities) in that the proposed project would result in the permanent loss of open water foraging area resulting from the increase in bay cover of, which could contribute to the past loss of open water foraging habitat from past development in San Diego Bay. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 2 (Draft EIR), Chapter 4.2 (Biological Resources) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding. The potential significant cumulative impact to Biological Resources (Sensitive Species, Riparian Habitat or Other Sensitive Natural Communities, Wildlife Movement Corridors) can be mitigated to a level below significance with implementation of the Bay Coverage and Eelgrass Measure, described in Biological Resources (Special-Status Species) drydock discussion, above, where impacts to open water habitat would be offset through beneficial reuse of dredged sediment for creation of subtidal eelgrass habitat in San Diego Bay at an appropriate ratio. This measure is discussed more in **Mitigation Measure BIO-4**, and with implementation of **Mitigation Measure BIO-4**, cumulative impacts to open water foraging habitat would be reduced to a less than significant level.

Potentially Significant Impact (Sensitive Species, Riparian Habitat or Other Sensitive Natural Communities, Wildlife Movement Corridors). The EIR identifies a potentially significant cumulative impact to Biological Resources (Sensitive Species, Riparian Habitat or Other Sensitive Natural Communities, Wildlife Movement Corridors) in that the majority of eelgrass within the project area is anticipated to be impacted during dredging associated with the Shipyard Sediment Remediation Project. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 2 (Draft EIR), Chapter 4.2 (Biological Resources) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding. The potential significant cumulative impact to Biological Resources (Wildlife Movement Corridors) can be mitigated to a level below significance with implementation of Bay Coverage and Eelgrass Measure, described in Biological Resources (Special-Status Species) drydock discussion, above, which requires impacts to eelgrass to be mitigated at a 1.2:1 ratio with the review and approval of the District. With the establishment of off-site eelgrass habitat, cumulative impacts to eelgrass habitat from the drydock component of the proposed project would be reduced to less than significant. This measure is discussed more in **Mitigation Measure BIO-4**, and with implementation of **Mitigation Measure BIO-4**, cumulative impacts associated with the proposed Project are considered to be less than cumulatively significant.

5.3 GEOLOGY AND SOILS

Potentially Significant Impact (Soil Stability, and Seismic Hazards, Soil Erosion and Topsoil Loss, Expansive Soils). The EIR identifies a potentially significant cumulative impact to Geology and Soils (Soil Stability, and Seismic Hazards, Soil Erosion and Topsoil Loss, Expansive Soils) in that the Project is susceptible to seismic and other geologic hazards. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 2 (Draft EIR), Chapter 4.3 (Geology and Soils) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding. The potential significant cumulative impact to Geology and Soils (Soil Stability, and Seismic Hazards, Soil Erosion and Topsoil Loss, Expansive Soils) will be mitigated to a level below significance by the Dry Dock Conformance with the Project Geotechnical Study Measure and the Cooling Tunnel Conformance with the Project Geotechnical Study Measure, discussed above under the Geology and Soils (Loss, Injury, or Death Due to Seismic

Conditions) discussions, above. These measures ensure that recommendations contained in the Final Geotechnical Report prepared for the proposed project are incorporated into final project design. When considered in combination with the efforts of local agencies in their review and approval of future land use proposals, potential geologic and soil impacts would be identified and mitigated, as appropriate, for individual development projects adjacent to the project site. While the entire San Diego Bay region is susceptible to seismic and other geologic hazards, many of the hazards are highly localized. Appropriate use of engineering technologies, coupled with siting considerations, would substantially lessen the potential cumulative geology and soil impacts of future development. These measures are described in more detail in **Mitigation Measure GEO-1**, which is set forth in full in Volume 2 (Draft EIR), Section 4.3 (Geology and Soils). Therefore, with implementation of **Mitigation Measure GEO-1**, the proposed project's contribution to geology and soils cumulative impacts would be less than cumulatively significant with the implementation of the above mitigation measure.

5.4 GLOBAL CLIMATE CHANGE

The proposed project would not result in significant impacts to Global Climate Change (Green House Gases) because, as described in Section 4.1.10 above, the proposed project is consistent with the City's thresholds regulating GHG emissions and because the project's impacts alone would not cause or significantly contribute to global climate change, project-related CO2e emissions, and their contribution to global climate change impacts in the State of California would not make a significant contribution to cumulatively considerable GHG emission impacts. Therefore, the proposed project would not result in a significant long-term cumulative impact on global climate change (refer to Chapter 4.4, Air Quality).

Further, recent studies shows that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the study could allow the State to meet the 2030 and 2050 targets. Some of these measures are likely to reduce the Project's GHG emissions. For example, the vehicles traveling to and from the Project will continue to be subject to more stringent fuel standards, or future requirements for electrified engines or fuel cell technology, as determined by CARB. In addition, construction trucks and equipment could be subject to more stringent emissions standards, including the possibility of Tier IV emissions standards. CARB is also responsible for developing regulations for off-road mobile sources, including commercial marine vessels, which includes both ocean-going ships and commercial harbor craft. Accordingly, CARB may also develop more stringent regulations for marine vessels over time.

Recent studies also show that relatively new trends, such as the increasing importance of web-based shopping, the emergence of different driving patterns by transportation choices, are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years, and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions.

In addition, the Project will use electricity for ship repair operations. As described above, the State's electrical utilities are subject to increasing Renewable Portfolio Standard requirements, and compliance with such requirements is the responsibility of the electrical utilities. In addition, over time the internal combustion engines used for the drydock operations (back-up generators) could be transitioned to fuel cell technology pursuant to planned or proposed State regulations. Therefore, the project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

The Port acknowledges that the State's post-2020 emissions reduction goals will require measures that are outside the Port's jurisdiction, i.e., at the state or regional level. The Port believes that these agencies can and will, accordingly, implement these measures to reduce and control GHG emissions in furtherance of both the 2020 goals of AB 32 and the 2050 goals of Executive Order S-3-05. Specifically, the Port reasonably assumes that CARB will take further action to reduce vehicle emissions, and that the California Public Utilities Commission and the California Energy Commission will take action to further reduce the per-megawatt greenhouse gas burden of energy used in the project, as set forth in the CARB Scoping Plan and First Update.

5.5 HAZARDS

Potentially Significant Impact (Transport, Use, Disposal and Accidental Relapse of Hazardous Materials, Existing Hazardous Materials and Contamination). The EIR identifies a potentially significant cumulative impact to Hazards and Hazardous Materials (Transport, Use, Disposal and Accidental Relapse of Hazardous Materials, Existing Hazardous Materials and Contamination) in that people or the environment may be impacted due to exposure to hazardous materials. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 2 (Draft EIR), Section 4.5 (Hazards and Hazardous Materials) of the EIR.

Finding. Pursuant to *CEQA Guidelines* §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect as identified in the EIR.

Facts in Support of Finding. The potential significant cumulative impact to Hazards and Hazardous Materials (Transport, Use, Disposal and Accidental Relapse of Hazardous Materials, Existing Hazardous Materials and Contamination)

can be mitigated to a level below significance with implementation of the HASP for Landside Activities Measure, the DMP Measure, the Contingency Plan Measure, the HASP for Dredging Activities, the Communication Plan Measure, the Supernatant and Storm Water Containment, the Sediment Unloading Measure, the Filling Transport Vehicle Measure, the Sediment Loading Measure, the Secondary Containment Measure, the Soil and Groundwater Management Plan Measure and the Update Drydock Operations Permits and Best Management Practices Manual Measure, described above under Sections 4.1.3 and 4.2.2. A series of BMPs and standard operating procedures and through compliance with standard regulatory measures cited in other sections of this Draft EIR will also be implemented. In addition, sediment and hazardous materials management is subject to specific requirements through the dredging and unloading, excavation and removal, transport, and disposal process, and is highly regulated. With implementation of HASP for Landside Activities Measure, DMP Measure, the Contingency Plan Measure, the HASP for Dredging Activities Measure, the Communication Plan Measure, the Supernatant and Storm Water Containment Measure, Sediment Unloading Measure, the Filling Transport Vehicle Measure, the Sediment Loading Measure, the Soil and Groundwater Management Plan Measure, the Secondary Containment Measure and the Update Drydock Operations Permits and Best Management Practices Manual (see **Mitigation Measures HAZ-1 through HAZ-12** for additional details), impacts of the proposed project in combination with reasonably foreseeable projects in the surrounding areas would not contribute to significant cumulative impacts to people or the environment due to exposure to hazardous materials. With **Mitigation Measures HAZ-1 through HAZ-12**, the Project will have procedures in place to contain, identify/characterize, monitor and dispose of potentially hazardous substances. Therefore, the proposed project's contribution to hazards and hazardous materials cumulative impacts would be less than cumulatively significant with the implementation of the above mitigation measures.

5.6 HYDROLOGY AND WATER QUALITY

The proposed project would not result in an increase to the volume of storm water runoff or contribute to pollutant loading in storm water runoff reaching the City's storm drain system or other facilities and the San Diego Bay, resulting in cumulative impacts to hydrology and water quality. However, as with the proposed project, each of the cumulative projects would also be subject to NPDES and MS4 Permit requirements for both construction and operation. Each project would be required to develop a SWPPP, a USMP, and a project-specific hydrology study and would be evaluated individually to determine appropriate BMPs and hydromodification controls to minimize water quality and hydrologic impacts. Therefore, the project's contribution to cumulative impacts to hydrology and water quality would be less than cumulatively significant.

5.7 LAND USES

The proposed project would not alter the existing land uses on the project site and the project would be consistent with established land uses in the surrounding area. Therefore, the project would not contribute to a pattern of development that would adversely impact land uses or conflict with existing or planned development. There are no incompatibilities between the proposed project and past, present, and planned future projects in the surrounding area. The proposed project would not conflict with adopted plans, policies, land uses, and it would not conflict with any Habitat Conservation Plans. All identified cumulative projects would be reviewed for consistency with adopted land use plans and policies by the Port and the City. For this reason, the related projects are anticipated to be consistent with applicable Port Master Plan and zoning requirements, or they would be subject to allowable exceptions; further, they would be subject to CEQA, mitigation requirements, and design review. Therefore, the proposed project would not contribute a significant cumulative land use compatibility impact in the study area, and no mitigation is required.

5.8 NOISE

The projects construction and vibration would be localized and rapidly attenuate within an urban environment, and the related projects are located too far from the project site to contribute to cumulative impacts related to noise levels due to construction activities. Construction activity at any related project site would not result in a noticeable increase in noise to sensitive receptors adjacent to the project site. Furthermore, construction activities at all related projects would be required to comply with the City's Noise Ordinance. The project traffic would have mostly small (0.2 A-weighted decibels [dBA] or less) noise level increases along roadway segments in the project vicinity. Because none of the roadway segments within the vicinity of the project site is expected to experience a noise level increase greater than 3 dBA Community Noise Equivalent Level (CNEL), the proposed project would not contribute substantially to cumulative roadway noise impacts. Therefore, construction and operational noise impacts are considered less than cumulatively significant.

5.9 TRANSPORTATION AND TRAFFIC

The three intersections identified that operate at LOS F during the p.m. peak hour under the cumulative plus project scenario also operate at LOS F during the p.m. peak hour in the cumulative no project scenario. In addition, the project will not generate vehicle trips or increase intersection delay during the a.m. or p.m. peak hour. The addition of project traffic will also not increase the V/C ratio greater than 0.01 along these roadway segments. As such, the project traffic will not create a significant intersection impact in the cumulative plus project scenario, based on the City's and the San Diego Traffic Engineers' Council and the Institute of Transportation Engineers significance criteria. All traffic impacts for the cumulative

plus project scenario are less than significant, and no mitigation measures are required.

5.10 UTILITIES AND SERVICE SYSTEMS

As previously identified, the Metropolitan Water District of Southern California will continue to rely on the plans and policies outlined in its Regional Urban Water Management Plan and Integrated Resources Plan to address water supply shortages and interruptions (including potential shut downs of State Water Project pumps) to meet water demands. The San Diego County Water Authority would have water supplies for projected growth through 2035 in wet, dry, and multiple-dry years. There would only be a minor increase in utility demand as a result of the proposed project. The proposed project would connect to existing conveyance infrastructure and adequate treatment capacity is available, so the proposed project would not make a significant contribution to any cumulatively considerable impacts on water supply or infrastructure.

Cumulative population increases and development within the area serviced by the Metropolitan Wastewater Department (MWWD) would increase the overall regional demand for wastewater treatment service. Any proposed changes to capacity of the MWWD or the PLWTP are reviewed throughout the year. For all new development within the MWWD service area, impact fees are allocated to assist in the financing of any future collection and disposal facilities and any future sewer treatment plant facilities. Cumulative development would not exceed the capacity of the wastewater treatment system because the MWWD would expand as growth occurred.

The proposed project would not have a cumulatively significant impact on wastewater infrastructure because the project would not require the expansion of existing infrastructure, only connections to existing infrastructure would be required by the project. By adhering to the wastewater treatment requirements established by the San Diego RWQCB through the NPDES permit, wastewater from the project site that is processed through the MWWD would meet established standards. As the wastewater from all development within the service area of MWWD would be similarly treated under the NPDES, no cumulatively significant exceedance of San Diego RWQCB wastewater treatment requirements would occur.

While the project dredging will generate an estimated 10,000 cubic yards (14,000 tons) of material for upland disposal, this is a temporary construction solid waste source. Operation of the proposed project would result in a relatively minor increase in solid waste disposal needs. Therefore, in light of future capacity within San Diego facilities, and with compliance with Federal, State, and local statues and regulations related to solid waste (which require reductions in solid waste generation), the proposed project's contribution to solid waste impacts would be less than significant and would not be cumulatively considerable.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the Port considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project, which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (*CEQA Guidelines* §15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to *CEQA Guidelines* §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (*CEQA Guidelines* §15126.6(f)).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the Project has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the Port has examined the Project's objectives and weighed the ability of the various alternatives to meet the objectives. The Port believes the Project best meets these objectives with the least environmental impacts. The overall objectives of the Project are to (1) construct and operate shipyard repair facilities that maximize the use of existing waterways, available shoreline, and existing land; (2) retain and expand current ship repair business operations by BAE Systems, in order to provide economic and employment benefits to the Port and the San Diego region; (3) modernize the BAE Systems shipyard by providing a new drydock facility, including associated improvements, and ship repair services, to meet the needs of the current and anticipated ship fleet of military and commercial customers; (4) invest in new shipyard infrastructure that will enhance the short- and long-term attractiveness and viability of San Diego Bay and the region to military and commercial ship operators

for construction and repair; (5) impose current terms of the SDG&E TUOP that require removal of the cooling tunnels; (6) ensure the long-term health, safety, and sustainability of the project site and surrounding tidelands area by removing the SDG&E cooling tunnels in a manner that minimizes environmental impacts, including the potential to release hazardous materials into the environment; and, (7) obtain real estate agreement(s) necessary to achieve the aforementioned project objectives. The objectives considered by the Port are set forth in Volume 1 (Final EIR), Chapter 1 (Introduction) of the EIR.

The EIR examined a reasonable range of alternatives to determine whether they could meet the Project's objectives while avoiding or substantially lessening one or more of the Project's significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the Port considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social and technological factors, and whether the Port can reasonably acquire, control, or otherwise have access to the alternative sites (*CEQA Guidelines* §§ 15126(d)(5)(A), 15364).

The EIR concluded that the proposed project would not result in significant unavoidable adverse impacts related to air quality, biological resources, geology and soils, global climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation/traffic, or utilities and service systems. Accordingly, the EIR analyzed three alternatives to the Project: the No Project Alternative, the Reduced Project Alternative, and the Replacement of Existing Drydock Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume 2 (Draft EIR), Chapter 6 (Alternatives) of the EIR. The following Section of these findings summarizes these alternatives and the feasibility of the alternatives as a means to reduce or avoid the unavoidable significant impacts associated with the Project.

6.1 NO PROJECT ALTERATIVE

The No Project Alternative is an alternative that is required to be evaluated by CEQA (*CEQA Guidelines* § 15126(d)(2)). The No Project Alternative assumes that the Project will not be implemented and that existing land uses on the project site will remain unchanged and in their existing condition. The No Project Alternative serves as the alternative against which to evaluate the effects of the Project and other project alternatives.

The No Project/No Development Alternative would allow for existing BAE Systems marine-related facilities to continue to operate as they currently do into the foreseeable future. There would be no improvements (including the drydock) implemented on the project site and no extension of the lease term or incorporation of the TUOP parcels into the lease. However, the removal of the existing cooling tunnels would still occur at some future date and would be subject to environmental

review at that time. Overall, the No Project/No Development Alternative would allow existing conditions on the project site to remain unchanged.

With the exception of the future removal of the cooling tunnels, the No Project/No Development Alternative would not result in physical changes on the project site. The construction and operation of the drydock and the extension of the lease agreement for the site would not occur. The potential for new environmental impacts to occur would be reduced because no new construction or development would be take place for the drydock under this alternative. Only the removal of the cooling tunnels would occur, as required by the previous lease agreement between SDG&E and the Port. Therefore, physical impacts for this alternative are considered to be less than those associated with the proposed project.

The No Project/No Development Alternative would not achieve five of the seven project objectives. Without the proposed project, the project site would not be developed with the proposed drydock uses and would not result in an extended long-term lease (Objective 7). The No Project/No Development Alternative would not help the Port achieve its goal of constructing a modern new drydock facility that would maximize the use of existing waterways, available shoreline, and existing land or further the Port's goal of providing economic and employment benefits to the Port and the San Diego Region (Objectives 1 through 3). Furthermore, this alternative would not invest in new shipyard facilities that would expand the current ship repair business operated by BAE Systems, increasing the attractiveness and vitality of the San Diego Bay (Objective 4). The No Project Alternative would not result in amendments to the existing long-term real estate agreement for the 9.8-acre landside and 16.6-acre waterside parcels, nor would this alternative result in an amendment to the existing lease term for the neighboring 2-acre landside and 4-acre TUOP parcels (Objective 7). However, this alternative would meet the Port's goals of removing the existing intake/outtake cooling tunnels in a manner that would minimize environmental impacts, as required by the existing lease agreement between SDG&E and the Port (Objectives 5 and 6). In summary, the No Project Alternative would not achieve the majority of the basic project objectives.

6.2 REDUCED PROJECT ALTERNATIVE

This alternative assumes that the project site would be developed with the same uses as those included under the proposed project; however, this alternative would reduce the proposed drydock by 87,847 sf. Consequently, the reduced drydock would not be of a sufficient length to service landing platform dock (LPD-17) vessels, and instead would service a smaller population of vessel classes, such as cruisers (CGs) and destroyers (DDGs). The reduction in square footage from the drydock would result in less construction activities and would result in a smaller disturbed footprint within the waterside portion of the project site. Alternative 2 would also include the removal of the existing cooling tunnels and a long-term lease agreement for the approximately 2-acre landside and 4-acre waterside parcels currently leased by the Port to BAE Systems. The Reduced Project

Alternative would remain consistent with the Port Master Plan designations for the project site.

The potential impacts of the Reduced Project Alternative are discussed in detail in Chapter 6, Section 6.7 of Volume 2 (Draft EIR) of the EIR. Similar to the proposed project, Alternative 2 would not result in any significant unavoidable impacts. However, due to the reduction of the proposed drydock area and less dredging required under Alternative 2, overall physical impacts would be less than with the proposed project. The Reduced Project Alternative would not substantially avoid any of the other significant impacts identified for the Project, and would require all of the same mitigation measures recommended for the Project to reduce the impacts to a level below significance.

The Reduced Project Alternative would achieve some of the Project objectives stated in Chapter 1 of this EIR, but not to the same extent as the Project. Similar to the proposed project, Alternative 2 would remove the SDG&E cooling tunnels (Objective 5) in a manner that minimizes environmental impacts to ensure the long-term health, safety, and sustainability of the project site (Objective 6). In addition, the Reduced Project Alternative would obtain all necessary real estate agreements required for the construction of the reduced drydock and the removal of the cooling tunnels (Objective 7). The Reduced Project Alternative would also meet the project objective of retaining the current ship repair business operations by BAE Systems in order to provide additional economic and employment benefits to the Port (Objective 2), but would not expand the shipyard operations to meet future ship repair needs, thereby limiting the flexibility and economic opportunities as compared to the proposed project. Alternative 2 would also establish, construct, and operate shipyard repair facilities that would maximize the use of existing waterways, available shoreline, and existing land (Objective 1). However, the proposed drydock would not enhance the short- and long-term attractiveness and viability of San Diego Bay to military and commercial ship operators (Objective 4) due to the fact that the Reduced Project Alternative would not be able to meet the needs of the current and anticipated ship fleet of military and commercial customers, including servicing LPD-17 vessels (Objective 3).

6.3 REPLACEMENT OF EXISTING DRYDOCK ALTERNATIVE

Alternative 3 proposes installation of a new floating drydock similar to the proposed project; however, this alternative would replace the existing floating drydock (Pride of San Diego) located on the north side of Pier 3 and south of Pier 1. The drydock in Alternative 3 would, like the proposed project, be approximately 205 ft in width and 851 ft in length (174,455 sf in total) plus aprons (approximately 16,165 sf in total) attached to the drydock on each end. Similar to the proposed project, in a typical year, it is anticipated that two DDG-class vessels, one LPD-class vessel, one CG-class vessel and one LCS-class vessel would utilize the drydock. Alternative 3 would result in fewer opportunities for ships to be serviced in drydock because this alternative would result in the operation of only one drydock on the project site. Currently, because the existing drydock does not abut Pier 3, vessels

can be serviced while berthed in the water on the north side of Pier 3. However, under this alternative, the replacement of the smaller existing drydock with a new larger and wider drydock would potentially interfere with the ability to berth and repair vessels along the north side of Pier 3, as currently occurs.

This alternative would result in a reduction in the amount of dredging because there is an existing sump associated with the current floating drydock as compared to creation of a new sump north of Pier 1 as required for the proposed project drydock. This alternative would construct the drydock on the site where the existing drydock is located and would still require an amendment to the existing lease between BAE Systems and the Port to allow for the installation and operation of the new drydock. Additionally, the TUOP between BAE Systems and the Port could be amended but the length of the lease could be shortened from an extension through 2058, depending upon BAE Systems' capital investments. Alternative 3 would remain consistent with the Port Master Plan designations for the project site and would still include the removal of the existing cooling tunnels.

The potential impacts of the Replacement of Existing Drydock Alternative are discussed in detail in Chapter 6, Section 6.8 of Volume 2 (Draft EIR) of the EIR. Similar to the proposed project, Alternative 3 would not result in any significant unavoidable impacts. However, due to the reduction in bay surface area coverage, affected eelgrass habitat, and dredging activities occurring under Alternative 3, overall physical impacts would be less than with the proposed project. The Replacement of Existing Drydock Alternative would not substantially avoid any of the other significant impacts identified for the Project, and would require all of the same mitigation measures recommended for the Project to reduce the impacts to a level below significance.

The Replacement of Existing Drydock Project Alternative would achieve some of the Project objectives stated in Chapter 1 of this EIR, but not to the same extent as the Project. Similar to the proposed project, Alternative 3 would remove the SDG&E cooling tunnels (Objective 5) in a manner than minimizes environmental impacts to ensure the long-term health, safety, and sustainability of the project site (Objective 6). In addition, this alternative would obtain all necessary real estate agreements required for the construction of the reduced drydock and the removal of the cooling tunnels (Objective 7); however, unlike the proposed project, Alternative 3 could result in a shorter lease term extension on the TUOP parcels. Although Alternative 3 would also establish, construct, and operate shipyard repair facilities that would maximize the use of available shoreline and existing land (Objective 1), the provision of only one drydock would not allow BAE Systems the same flexibility and economic opportunities as the two drydocks that would be provided under the proposed project. Alternative 3 would, therefore, not meet the objective of maximizing the use of existing waterways (Objective 1). This alternative would meet the project objective of retaining the current ship repair business operations by BAE Systems in order to provide additional economic and employment benefits to the Port (Objective 2), but would not expand the shipyard operations to meet future ship repair needs as compared to the proposed project. Further, unlike the

proposed project, which would develop a second floating drydock for the shipyard, Alternative 3 would replace the existing drydock and would not allow the flexibility to provide drydock services to more than one vessel at a time. Alternative 3 would not enhance the short- and long-term attractiveness and viability of San Diego Bay to military and commercial ship operators (Objective 4) to the same extent as the proposed project because this alternative would not be able to meet the needs of the current and anticipated ship fleet of military and commercial customers (Objective 3). This alternative could prevent BAE Systems from meeting future anticipated contracts with the US Navy and the capital investment would, therefore, not be as fiscally sound as the proposed project.

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EXHIBIT "B"

MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the proposed project implements environmental mitigation, as required by the Final EIR for the proposed project. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the Final EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the *State CEQA Guidelines*. Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The District is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required. All mitigation measures identified in this MMRP will be made a specific condition of the Applicant's coastal development permit for the proposed project. The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieve the same or greater attenuation of the impact.

Copies of the measures shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

FORMAT

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, approval mitigation measures are organized and referenced by subject category. The subject categories include: (1) biological resources; (2) geology and soils; (3) hazards and hazardous materials; (4) hydrology and water quality; (5) land use and planning; and, (6) transportation/traffic. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure:

- Responsible party
- Mitigation Timing
- Monitoring and Reporting Procedure

RESPONSIBLE PARTY

For each mitigation measure, the party responsible for monitoring implementation and verifying completion of the mitigation measure is identified. The responsible party shall implement the mitigation measures.

MITIGATION TIMING

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

MONITORING AND REPORTING PROCEDURE

The Monitoring and Reporting Procedure includes the procedures for documenting and reporting mitigation implementation efforts. The Project Applicant is responsible for implementation of all mitigation measures.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
4.1: Air Quality			
No mitigation measures were identified for air quality.			
4.2: Biological Resources			
BIO-1: Biological Monitoring For Special-Status Species. During active dredging and pile-driving project activities, BAE Systems shall retain a qualified biologist, approved by the Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District), to monitor project construction activities. The Biological Monitor shall be placed in the best vantage point practicable to monitor, using binoculars and the naked eye, and when applicable, shall communicate directly with the *construction superintendent and/or hammer operator if a* special-status species is sighted. The Biological Monitor shall be authorized to temporarily halt or redirect work in the event that special-status species are sighted. Once the special-status species is out of the construction area, the Biological Monitor shall direct work to recommence. The Biological Monitor shall keep daily logs for each construction work day. These logs shall be maintained by BAE Systems and shall include at minimum: dates, names of monitors, descriptions of construction activity, times of observations, actions taken upon observations, and detailed descriptions of any special-status species, including observations and behaviors of observed animal(s) with notations on its (their) arrival and departure in the construction area. In the event that the Biological Monitor suspects that work being conducted would have significant adverse effects to special-status species, he/she shall immediately notify the contractor and BAE Systems and impose corrective measures, such as temporarily halting construction activity and/or redirecting construction activity from within specific locations. If the situation is not remedied immediately, the monitor shall notify the permitting agencies. The monitoring log, along with a summary of observations, shall be submitted to the United	Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	During active dredging and pile-driving project activities	The project Applicant shall retain a qualified biologist to monitor project construction activities. The Biological Monitor shall keep daily logs for each construction work day. The monitoring log, along with a summary of observations, shall be submitted to the United States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.			
BIO-2: Biological Monitoring of Impact Hammer and Pile Driving. For a period of 15 minutes daily prior to the start of in-water construction activities, a qualified biologist, approved by the Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District), shall monitor a 380-foot (116 meters) surface radius around the active pile driving areas (which includes the acoustical Zone of Influence *as defined in the BAE Systems Pier 1 North Drydock Hydroacoustic Technical Study*, Tierra Data, January 2015) to ensure that special-status species are not present. The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of pile-driving activities, the construction contractor shall halt the piling-driving activity until the qualified biologist confirms that the animal has voluntarily left the area or 15 minutes have passed without redetection of the animal. If weather conditions prevent the visual detection of special-status species (e.g., heavy fog), any pile-driving activities with the potential to reach the Level A Harassment Injury threshold shall not be conducted until conditions change to allow for visual detection.	Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	For a period of 15 minutes daily prior to the start of in-water construction activities	The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.
BIO-3: Pile Driving. When performing impact pile driving, the contractor shall commence work with one soft strike at 40 percent or less energy, followed by a 30-second period of no pile driving, prior to commencing full pile-driving activities. The purpose of this activity is to encourage special-status species to leave the project site prior to commencement of work. A qualified biologist, approved by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, shall then	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour	A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
commence monitoring to determine if turtles or marine mammals are in the area. If any special-status species are in the area, the Biological Monitor shall be authorized to temporarily halt construction. Once the species are out of the construction area, the Biological Monitor shall direct work to recommence. This process shall be repeated if pile driving ceases for a period greater than 1 hour.			
BIO-4: Bay Coverage and Eelgrass Mitigation. Prior to issuance of a Coastal Development Permit (CDP), the project Applicant shall prepare a final mitigation plan and identify a final mitigation site in San Diego Bay to meet a 1:1 mitigation ratio for approximately 168,425 square feet (3.8 acres) of bay coverage impacts. The final mitigation plan shall be reviewed and approved by the Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District). Demolition and construction activities associated with the proposed project shall conform to the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP) (National Marine Fisheries Service [NMFS] 1991, revision 11). In accordance with the requirements of the SCEMP, a pre-construction eelgrass survey shall be completed by a qualified biologist within 60 days prior to initiation of demolition or construction activities at the site. This survey shall include both area and density characterization of the beds. A post-construction survey shall be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts shall then be determined from a comparison of pre- and post-construction survey results. Impacts to eelgrass, if any, would require mitigation as defined in the SCEMP. If required following the post-construction survey, a mitigation planting plan shall be developed, approved by the Director of Environmental and Land Use	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion	Impacts shall be determined from a comparison of pre- and post-construction survey results. If required following the post-construction survey, a mitigation planting plan shall be developed, approved by the Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District) and the NMFS, and implemented to offset losses to eelgrass. The identified mitigation site shall be acceptable to the Director of ELUM, or designee, of the District and the resource and regulatory agencies.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
Management (ELUM), or designee, of the San Diego Unified Port District (District) and the NMFS, and implemented to offset losses to eelgrass. Impacts are anticipated to be approximately 0.13 acre with a mitigation requirement of approximately 0.16 acre. The identified mitigation site shall be acceptable to the Director of ELUM, or designee, of the District and the resource and regulatory agencies. The project Applicant shall secure all applicable permits for the mitigation site prior to commencement of any dredging activities.			
BIO-5: California Least Tern Mitigation. Where feasible, the project contractor shall schedule and complete all dredging and in-water construction activity outside of the nesting season for California least tern (generally between mid-April and late September). Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented: • The contractor shall deploy a turbidity curtain around the dredging areas to restrict the visible surface turbidity plume to the area of construction and dredging. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 20 feet down into the water column. The goal of this measure is to minimize the area of the bay in which visibility of prey by terns is obstructed. • A qualified biologist shall conduct monitoring within 500 feet of construction activities to identify presence of terns displaying foraging behavior (e.g., searching and diving) and assess adverse impacts, if any, to California least terns. Should adverse impacts to tern occur (e.g., agitation or startling during foraging activities), construction shall cease until least terns have left the project site. The goal	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	Turbidity curtain required for dredging during California least tern nesting season (generally between mid-April and late September)	A qualified biologist shall conduct monitoring within 500 feet of construction activities to identify presence of terns displaying foraging behavior (e.g., searching and diving) and assess adverse impacts, if any, to California least terns. Where feasible, the project contractor shall schedule and complete all dredging and in-water construction activity outside of the nesting season for California least tern (generally between mid-April and late September).

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
of this measure is to minimize noise impacts to terns.			
BIO-6: Eelgrass Boundaries. Prior to construction activities associated with the proposed project, the boundaries of any existing eelgrass beds, located along the bulkheads adjacent to Pier 1 within the BAE Systems facility, shall be staked by the contractor with ridged polyvinyl chloride (PVC) markers or self-centering buoys visible at all tide heights. The contractor shall protect, replace, and maintain the markers/buoys as needed to ensure that they remain in place and that they are avoided. In addition, the contractor shall properly stake the boundaries of the eelgrass beds until all construction activities associated with the proposed project are complete.	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	Prior to construction the boundaries of any existing eelgrass beds, shall be staked and protected, replaced, and maintained as needed	The contractor shall protect, replace, and maintain the markers/buoys as needed to ensure that they remain in place and that they are avoided until all construction activities associated with the proposed project are complete.
BIO-7: Turbidity Curtain. Prior to dredging activities, the contractor shall deploy a turbidity curtain around the dredging areas to limit turbidity drift. The turbidity curtain shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to below the lower depth of the existing eelgrass beds (a minimum of 20 feet deep) and the turbidity curtain shall be kept a minimum of 20 feet away from staked eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement.	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	Prior to dredging activities a turbidity curtain shall be deployed	The turbidity curtain shall extend from the surface to below the lower depth of the existing eelgrass beds (a minimum of 20 feet deep) and the turbidity curtain shall be kept a minimum of 20 feet away from staked eelgrass beds.
BIO-8: Eelgrass Silt Curtain. During shoreline work, the contractor shall protect eelgrass beds with silt curtains deployed above the eelgrass and below the shoreline work area. The silt curtain shall be designed to prevent drift (for example, stretched between stakes so that the curtain is rigid), so that impacts to eelgrass during shoreline work are avoided.	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	During shoreline work, silt curtains shall be deployed	The silt curtain shall be designed to prevent drift so that impacts to eelgrass during shoreline work are avoided.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for Caulerpa taxifolia and Undaria pinnatifida not more than 90 days before the initiation of construction activities within San Diego Bay to determine the presence/absence of this species within the immediate vicinity of the project and shall submit the findings to the San Diego Unified Port District (District). If Caulerpa taxifolia or Undaria pinnatifida is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both the NMFS and the California Department of Fish and Wildlife (CDFW shall be contacted within 24 hours of first noting the occurrence. In the event that either Caulerpa taxifolia or Undaria pinnatifida is detected, all disturbing activity shall cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the Caulerpa Control Protocol (CCP).	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	Surveillance-level survey for Caulerpa taxifolia and Undaria pinnatifida to occur not more than 90 days before the initiation of construction activities	If Caulerpa taxifolia or Undaria pinnatifida is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both the NMFS and the California Department of Fish and Wildlife (CDFW shall be contacted within 24 hours of first noting the occurrence. In the event that either Caulerpa taxifolia or Undaria pinnatifida is detected, all disturbing activity shall cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the Caulerpa Control Protocol (CCP).
4.3: Geology and Soils			
GEO-1: Conformance with the Project Geotechnical Study. Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report, subject to review and approval by the San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, indicating that design, dredging, and construction shall be performed in accordance with the requirements of the most current California Building Code (CBC) applicable at the time of construction, appropriate local construction regulations, and the requirements of the project geotechnical consultant. All dredging and construction activities shall be conducted in conformance with the recommendations included in the Final Geotechnical Report and with the constraints identified in the *Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California*	San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee	Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report	All dredging and construction activities shall be conducted in conformance with the recommendations included in the Final Geotechnical Report and with the constraints identified in the *Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California* (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
(TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report). Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to: 1. **King Pile Wall:** Identify removal quantities of the relatively loose bay deposits susceptible to liquefaction, primarily those at the eastern end of the king pile wall alignment adjacent to Pier 1, and determine appropriate design to address increased loading on the wall system. 2. **Mooring Dolphins:** Determine sufficient embedment depth into the underlying terrace deposits to provide the necessary frictional and *end-bearing resistance needed to accommodate* the axial and uplift forces associated with the anticipated lateral loading. 3. **Ramp Wharves:** Determine sufficient embedment depth into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance needed to accommodate those forces. Require piles to provide the necessary axial and uplift resistance to seismically-induced lateral loads. 4. **Supplemental Pier 1 Piles:** Determine sufficient embedment depth of both vertical and battered piles into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance needed to accommodate the axial and uplift forces associated with the anticipated lateral loading. 5. **Drydock Sump Dredging – Removal of Jetty:** Before or during dredging, confirm removal of any remaining sheetpile jetties in the vicinity of the proposed sump.			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
6. **Drydock Sump Dredging – Review and Adjust Excavations:** Confirm that the inclinations of the dredged excavations and depths of removals are reviewed and adjusted as necessary to maintain the stability of surrounding structures, including the proposed king pile wall, Pier 1, and the existing and proposed bulkhead walls along the bulkhead line. 7. **Drydock Sump Dredging – Analysis of Capacity:** Include analysis of existing Pier 1 pile capacities to identify the potential for reduced pile capacities as a result of dredging, and the possible need for supplementary piles if additional capacity is required. 8. **Utility Trench Construction:** If required, specify backfill and compaction requirements for clean structural backfill, due to removal of existing surface pavements and excavation along the trench alignments. In the event that the dry alternative is determined to be the method of removal for the cooling tunnels, Items 9, 10, and 11 shall be implemented, and Items 12, 13, and 14 would not apply. Conversely, in the event that the wet alternative is determined to be the method of removal for the cooling tunnels, Items 12, 13, and 14 shall be implemented, and Items 9, 10, and 11 would not apply. 9. **Cooling Tunnel Removal – Shoring (Dry Alternative):** Identify the shoring method required for excavation of cooling tunnels and the form of lateral restraint required to transfer the horizontal restraint across the shoring wall. Confirm that the system shall be effective at preventing the infiltration of groundwater into the excavation. The temporary shoring must penetrate the Bay			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
Point Formation to a sufficient distance to minimize groundwater flow from under the sheetpiles, and be a sufficient distance to preclude heaving of the bottom of the excavation resulting from excess uplift pressures.			
10. **Cooling Tunnel Removal – Dewatering (Dry Alternative):** Identify a construction dewatering system that will maintain a dry excavation, and identify the limits of the area requiring dewatering. The dewatering plan shall identify potential groundwater-induced settlements in close proximity to the shoring that may result in damage to any settlement-sensitive structures or other surface improvements. The dewatering plan shall be designed to maintain the stability of the excavation subgrade and shall include dewatering pumps to further remove groundwater from the excavation. The plan shall identify methods to maintain groundwater level at a minimum of 2 to 3 feet below the bottom of the excavation, or near elevation 17 to 18 feet mean lower low water (MLLW). Any dewatering system proposed shall include a sufficient groundwater monitoring system, consisting of piezometers and wells, to verify both that dewatering is being achieved and that the dewatering system is performing as designed.			
11. **Cooling Tunnel Removal – Backfill (Dry Alternative):** Require that a clean structural backfill be used to prevent differential settlement at the ground surface. Fill soils should be placed as a structural fill with the prerequisite compaction, observation, and testing.			
12. **Cooling Tunnel Removal – Shoring (Wet Alternative):** Identify the shoring method required for excavation of cooling tunnels and the form of			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
lateral restraint required to transfer the horizontal restraint across the shoring wall. 13. **Cooling Tunnel Removal – Debris Removal (Wet Alternative):** Identify special excavation and demolition equipment to be used for removal of the cooling tunnel structures since operations shall be conducted below water. Identify methods to allow the dewatering of the debris as it is removed from the excavation, including identification of temporary decanting areas or barges that may be required to allow the debris to drain before loading and hauling from the site. 14. **Cooling Tunnel Removal – Backfill (Wet Alternative):** Identify coarse-grained soils materials to be used for backfilling of the excavation, such as gravel, quarry run, or other suitable materials sufficiently graded and permeable to allow placement underwater with self-consolidation properties. For the upper one-third of the excavation backfill, it is recommended that a clean structural backfill be used to prevent differential settlement at the ground surface. Given that the backfilling operations of the upper one-third of the excavation would be performed in the dry environment, fill soils should be placed as a structural fill with the prerequisite compaction, observation, and testing. Additional site testing and final design evaluation shall be conducted by the project geotechnical consultant to refine and enhance these requirements. If the project geotechnical consultant identifies modifications or refinements to the requirements, the project Applicant shall require appropriate changes to the final project design and specifications, subject to review and approval by the District.			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
4.4: Climate Change and Greenhouse Gases			
No Mitigation Required The following PDFs will further reduce criteria pollutant and GHG emissions: **PDF GHG-1:** In 2014, BAE Systems replaced all exterior facility lighting with light-emitting diode (LED) fixtures. Installation of lighting associated with the drydock and any additional lighting at the facility will also be LED. The drydock will employ the use of electric cranes **PDF GHG-2:** Installation of a zero-discharge salt water system (pumps) using smart controllers and cascading pumps that minimize operation of only those pumps necessary to keep up with actual demand will be utilized, with no additional pumps.			
4.5: Hazards and Hazardous Materials			
HAZ-1: Health and Safety Plan (HASP) for Landside Activities. Prior to construction activities, the contractor shall prepare a HASP and submit it for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee. The HASP shall include appropriate recommendations and implementation of measures if contaminated groundwater or soils are encountered during any trenching activities. BAE Systems shall require that all construction subcontractors comply with the HASP and appropriate health and safety measures in Section 29 Code of Federal Regulations (CFR) Part 1926, which are focused on worker safety in excavations. In the event that suspicious odors are detected in soil, construction shall be terminated until the soil is properly characterized for hazardous waste content. Appropriate measures shall be taken in compliance with all applicable regulations for the characterization and disposal of hazardous materials. The District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during construction activities	BAE Systems shall require that all construction subcontractors comply with the HASP and appropriate health and safety measures in Section 29 Code of Federal Regulations (CFR) Part 1926, which are focused on worker safety in excavations. The District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
HAZ-2: Hazardous Materials Dredging Management Plan (DMP). Prior to commencement of dredging operations, the contractor shall prepare a DMP for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, and the Regional Water Quality Control Board (RWQCB). The DMP shall contain Standard Operation Procedures (SOPs) that are developed for the project prior to initiation of dredging and are implemented for the duration of the dredging activity. The DMP shall include the following specifications to prevent release of hazardous materials during construction activities: 1. Personnel involved with dredging and handling of the dredged material shall be given training on their specific task areas, which shall be identified in the HASP. The training shall be approved by the District and carried out by BAE Systems per Occupational Safety and Health Administration (OSHA) requirements. The training materials include: a. Potential hazards resulting from accidental oil and/or fuel spills; b. Potential impacts to water quality associated with turbidity; and c. Proper operation of dredging equipment. 2. Required instrumentation to avoid spillage of dredged material will be identified for each piece of equipment used during dredging operations. 3. Personnel shall be required to visually monitor for oil or fuel spills during construction activities. 4. In the event that a sheen or spill is observed, the equipment shall be immediately shut down and the source of the spill identified and contained.	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during dredging operations	The contractor shall prepare a DMP for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, and the Regional Water Quality Control Board (RWQCB). The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis; and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
5. Additionally, the spill shall be reported to the applicable agencies presented in the DMP.			
6. All personnel associated with dredging activities shall be trained as to where to find oil/fuel spill kits, how to deploy the oil-absorbent pads, and how to dispose of the materials properly. The dredging barge shall have a sufficient quantity of oil/fuel spill kits onboard to allow for quick and timely spill containment.			
7. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull.			
8. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited.			
9. The contractor shall remove dredge material and shall not stockpile material on the San Diego Bay floor, and shall not sweep or level the bottom surface with the digging bucket.			
10. The contractor shall not overfill the digging bucket because overfill results in material overflowing back into the water.			
11. When dredging sediments that have been deemed suitable for unconfined aquatic disposal by the US Army Corps of Engineers (USACE)/US Environmental Protection Agency (EPA), the contractor shall deploy and maintain an outer-boundary floating silt curtain around the dredging area at all times.			
12. When dredging sediments that have been deemed unsuitable for unconfined aquatic disposal by the USACE/EPA, the contractor shall deploy and maintain inner- and outer-boundary floating silt curtains fully around the dredging area at all times. Double silt curtains shall be utilized for			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
containment of the dredge area; silt curtain configurations, technologies, and actual locations in relation to the dredge barge shall be finalized during the design phase of the project.			
13. The contractor shall not overfill the material barge to a point where overflow or spillage could occur. Each material barge shall be clearly marked to allow the operator to visually identify the maximum load point.			
14. If the contractor proposes to use weirs as a means to dewater the scow during dredging approved for unconfined aquatic disposal, the use of silt curtains shall be deployed to minimize turbidity. Decanting of dredge scow return water during dredging of material determined to be unsuitable for unconfined aquatic habitat shall be prohibited.			
15. The contractor shall place material in the material barge to minimize splashing or sloshing that could send sediment back into the water. Splashing can be controlled by restricting the drop height from the bucket.			
16. If the use of a grate to collect debris is required, the contractor shall not allow material to pile up on the grate and flow or slip from the grate back into the water. The debris scalper shall be positioned to be totally contained on the shore side of the unloading operations.			
17. The dredge operator shall visually monitor for debris build-up and alert the support personnel on the barge to assist in clearing the debris, as necessary. Debris that is derived from dredging activities shall be removed from the grate by the environmental clamshell bucket and placed in a contained area on the dredge barge or in a second material barge for subsequent removal and			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
disposal. 18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area. The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis; and (2) periodic site inspections.			
HAZ-3: Contingency Plan. The contractor shall prepare and submit to the San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, for review and approval, a Contingency Plan, prior to initiation of dredging, and implement it for the duration of the dredging activity; the plan shall address equipment and operational failures that could occur during dredging operations. The Contingency Plan shall include the following measures to prevent a release of hazardous materials in the event of equipment failure, repair, or silt curtain breach: 1. Procedures for communication to project personnel; 2. Installation of proper signage and/or barriers alerting others of potentially unsafe conditions; 3. Specification for repair work to be conducted on land and not over water; 4. Identification of proper spill containment equipment (e.g., spill kit); 5. Identification of other equipment or subcontracting options; 6. Emergency procedures to follow in the event of	San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee	Prior to and during dredging activities	The contractor shall prepare and submit to the San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, for review and approval, a Contingency Plan and implement it for the duration of the dredging activity. The District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
equipment failure or release; 7. Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents; 8. Response procedures in the event of barge overfill; and 9. Procedures for prompt notification of the District and all other regulatory agencies. The District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.			
HAZ-4: Health and Safety Plan (HASP) for Dredging Activities. The contractor shall prepare and submit to the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, for review and approval, a HASP, prior to the initiation of dredging, and shall implement it for the duration of the dredging activity. The HASP shall be prepared in general accordance with Federal Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) and Title 8 California Code of Regulations (CCR) Section 5192. The HASP shall be reviewed and approved by a Certified Industrial Hygienist-retained at the Applicant's expense. The HASP shall include the following requirements at a minimum: 1. Training for operators to prevent and respond to releases; 2. Identification of appropriate personal protection equipment for all construction activities, including personal floatation devices, hard hats, and work shoes/clothing;	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during dredging activities	The contractor shall prepare and submit to the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, for review and approval, a HASP. The HASP shall be reviewed and approved by a Certified Industrial Hygienist retained at the Applicant's expense. The District's ELUM Director, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
3. Training in the safe operation of cranes, barges, tugs, and support craft; 4. Site evacuation and emergency first aid response; and 5. Documentation that certifies that required health and safety procedures have been implemented. The District's ELUM Director, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.			
HAZ-5: Communication Plan. Prior to the initiation of dredging activities, the contractor shall prepare and submit to the by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, for review and approval, a Communication Plan and operational guidelines for communications between the US Coast Guard and all vessel operators to ensure the safe movement of project vessels from the dredge site to the unloading area. Features of the Communication Plan shall include, at a minimum: 1. Identification of vessel speed limitations (e.g., wake/no wake); and 2. Notification to project personnel using air horns as necessary.	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during dredging activities	The contractor shall prepare and submit to the by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, for review and approval, a Communication Plan and operational guidelines for communications between the US Coast Guard and all vessel operators to ensure the safe movement of project vessels from the dredge site to the unloading area.
HAZ-6: Supernatant and Storm Water Containment. During dredging activities, the contractor shall ensure that the supernatant and storm water containers are transported to landside containers. These containers are to be sealed when not in use to avoid overflow during a storm event. Storm water management in the project footprint during this phase of the project shall be in	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	Prior to and during dredging activities	The preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
compliance with the Statewide General Construction Permit (CGP) and District requirements. The CGP requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP. The SWPPP shall identify construction best management practices (BMPs) to be implemented to control the discharge of pollutants in storm water runoff as a result of construction activities. Secondary containment features shall be in place around the scows (silt curtains) and holding tanks (berms). The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.			of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.
HAZ-7: Sediment Unloading. During dredging activities, the contractor shall reduce water column impacts by controlling the swing radius of the unloading equipment. A spillage plate shall be used to prevent the offloaded sediments from falling into the water beneath the swing radius of the unloading equipment at the offload location, which shall limit spillage from falling directly into the water. All equipment used to move sediments from the scow to the trucks, as well as the trucks used to transport sediments to the landfill, shall be properly cleaned, and any wastewater shall be properly cleaned and disposed. The contractor shall use a power wash unit to reduce impacts related to spillage from the excavator arm onto transport vehicles. In the event that sediment is spilled onto the transport vehicle, it can be quickly washed and the water directed into the collection sump.	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	During and after dredging activities	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.			
HAZ-8: Filling Transport Vehicles. During dredging activities, the contractor shall ensure that truck volumes are limited to 90 percent based on visual observations, and that trucks shall be covered and secured per California Department of Transportation (Cal-DOT) regulations during transport to the disposal facility. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.	The contractor	During dredging activities	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.
HAZ-9: Sediment Loading. During dredging activities, the contractor shall ensure that trucks are loaded within a constructed loading zone to confine sediment spilled during the loading process. Prior to entering the roadway, the vehicles shall be power washed to prevent cross-contamination onto the roadways. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	During dredging activities	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
HAZ-10: *Soil and Groundwater Management Plan.* *Prior* to commencement of cooling tunnels removal, the contractor shall submit a soil and groundwater management plan to the District for review and approval to address the possibility of encountering areas of potential environmental concern. The plan shall be prepared by a qualified environmental consultant and shall be implemented during subsurface disturbance activities by the contractor under the oversight of an environmental professional on behalf of the District. The plan shall address soil and groundwater monitoring, handling, stockpiling, characterization, reuse, export, and disposal protocols. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by the contractor and submitted *to the District on a twice-monthly basis, and (2) periodic* site inspections.	*San Diego Unified* Port District's (District) Director of Engineering-Construction Department, or designee	*Prior to and during* commencement of cooling tunnels removal	*The contractor shall submit a soil and groundwater* management plan to the District for review and approval to address the possibility of encountering areas of potential environmental concern. The plan shall be prepared by a qualified environmental consultant and implemented by the contractor under the oversight of an environmental professional on behalf of the District. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.
HAZ-11: Secondary Containment. Prior to the commencement of dredging, demolition, or construction activity, the contractor shall install a secondary containment structure for the storage of all fuel, oil, and other petroleum products, as required by the Urban Stormwater Mitigation Plan (USMP) (District 2010), the BAE Systems Best Management Plan (BMP) Manual (BAE Systems 2013), and current or updated BAE Systems Environmental Standard Operating Procedures. At all times during construction and operation of the project, the contractor shall house all oil and fuel in a secondary containment structure to ensure that spilled or leaked oil or fuel shall be prevented from entering the water column. The San Diego Unified Port District's (District) Director of	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	Prior to and during the commencement of dredging, demolition, or construction activity	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) periodic site inspections to verify that a secondary containment structure is in place and functioning, and (2) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) periodic site inspections to verify that a secondary containment structure is in place and functioning, and (2) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis.			
HAZ-12: Update Drydock Operations Permits and Best Management Practices Manual. Prior to completion of drydock construction, and as soon as practical, BAE Systems shall update and modify the permits and operational BMPs that regulate the use, handling, storage, and disposal of hazardous materials during the normal operations and maintenance of the new drydock, for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee.	San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee	Prior to completion of drydock construction, and as soon as practical	BAE Systems shall update and modify the permits and operational BMPs that regulate the use, handling, storage, and disposal of hazardous materials during the normal operations and maintenance of the new drydock, for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee.
4.6: Hydrology and Water Quality			
HYD-1: Water Quality Dredging Management Plan. Prior to commencement of dredging operations, the contractor shall prepare a Dredging Management Plan (DMP) for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee. The DMP shall contain Standard Operation Procedures (SOPs) that are developed for the project prior to the initiation of dredging activities and that would be implemented for the duration of dredging activities. The DMP shall include measures to assist the dredge contractor in preventing accidental spills and providing the necessary guidelines to follow in case of an oil or fuel spill. Typical Best Management Practices (BMPs) for equipment failure or repair shall be identified in the DMP and could include, but not be limited to, communication to project personnel, proper signage and/or barriers alerting others of potentially unsafe conditions, all repair work to be	San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee	Prior to and during dredging operations	The contractor shall prepare a Dredging Management Plan (DMP) for review and approval by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
conducted on land and not over water, repair work involving use of liquids to be performed with proper spill containment equipment (e.g., spill kit), and a contingency plan identifying availability of other equipment or subcontracting options. In addition, the DMP shall include, at a minimum, the following measures to prevent accidental oil/fuel spills during construction activities: As an operational control element, all oil and fuel shall be housed in a secondary containment structure to ensure that any spill or leakage is prevented from entering the water column. Personnel involved with dredging and handling the dredged material shall be given training on the potential hazards resulting from accidental oil and/or fuel spills. This operational control shall provide the personnel with an awareness of the materials they are handling as well as the potential impact to the environment. All equipment shall be inspected by dredge contractor personnel before starting the shift. These inspections are intended to identify typical wear or faulty parts that may contain oil or fuel. Personnel shall be required to visually monitor for oil or fuel spills during construction activities. In the event that a sheen or spill is observed, the equipment shall be immediately shut down and the source of the spill identified and contained. Additionally, the spill shall be reported to the applicable agencies presented in the DMP. The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
operations. All personnel associated with dredging activities shall be trained on where to locate these spill kits, how to deploy the oil sorbent pads, and how to dispose of the materials properly. The dredging barge shall have a full complement of oil/fuel spill kits on board to allow for quick and timely implementation of spill containment.			
HYD-2: Pre-construction Meeting. The BAE Systems Environmental Manager or designee shall ensure that the contractor shall hold a pre-construction meeting to review all construction mitigation requirements with the construction crew. Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee. The purpose of the meeting is to review the relevant project features, regulatory requirements, and mitigation measures to ensure implementation, and to review mitigation monitoring tracking program and log requirements.	San Diego Unified Port District's (District) Engineering-Construction Director, or designee	Prior to construction	Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee.
HYD-3: Dredging Operations and Containment. The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, shall ensure that the following measures are implemented in order to reduce impacts to water quality during dredging operations: • The contractor shall remove dredge material and not stockpile material on the floor of San Diego Bay, and shall not sweep or level the bottom surface with any dredging bucket. • The contractor shall not overfill any dredging bucket because overfill results in material overflowing back into the water. • The contractor shall, at a minimum, deploy non-drifting silt curtains fully around areas of	The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee	During dredging operations	The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee, shall ensure that the measures are implemented in order to reduce impacts to water quality during dredging operations.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
biological sensitivity (including eelgrass habitat). Silt curtains shall be utilized for containment of the habitat, while configurations, technologies, and actual locations of silt curtains in relation to the dredge barge shall be finalized during the design phase of the project. • For areas with sediment removal destined for upland disposal, the contractor shall deploy inner- and outer-boundary floating silt curtains fully around the dredging area at all times. Double silt curtains shall be utilized for containment of the dredge area, while configurations, technologies, and actual locations of silt curtains in relation to the dredge barge shall be finalized during the design phase of the project. • The contractor shall not overfill the material barge to a point where overflow or spillage could occur. Each material barge shall be marked clearly in such a way to allow the operator to visually identify the maximum load point. The marking should allow sufficient interior freeboard to prevent spillage in rough water such as ship wakes during transit. Initiating the material barge marking shall minimize impact of load spillage during transit to the ocean disposal site. • If the contractor proposes to use weirs as a means to dewater the scow during dredging for unconfined aquatic disposal, the use of silt curtains shall be deployed to minimize turbidity. Decanting of dredge scow return water during dredging of material determined to be unsuitable for unconfined aquatic habitat shall be prohibited. • The contractor shall place material in the			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
material barge such that splashing or sloshing does not occur, which could send sediment back into the water. Splashing can be controlled by restricting the drop height from the bucket. • If the use of a grate to collect debris is required, the contractor shall not allow material to pile up on the grate and flow or slip from the grate back into the water. The debris screen shall be positioned in such a way as to be totally contained on the shore side of the unloading operations. The dredge operator shall visually monitor for debris build-up and alert the support personnel on the barge to assist in clearing the debris, as necessary. Debris that is derived from dredging activities shall be removed from the grate by the environmental clamshell bucket and placed in a contained area on the dredge barge or in a second material barge for subsequent removal and disposal. • The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.			
HYD-4: Dredge Site Water Quality Monitoring. BAE Systems and their project contractor shall coordinate water quality monitoring efforts and shall share water quality monitoring data with the Regional Water Quality Control Board (RWQCB) and the San Diego Unified Port District's (District) throughout the duration of the project. If in-bay beneficial reuse is chosen as the preferred disposal option for eelgrass mitigation and habitat development, water quality monitoring shall be implemented according to the waste discharge requirements to be outlined in the 401 Water Quality	The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee	During dredging activities	BAE Systems and their project contractor shall coordinate water quality monitoring efforts and shall share water quality monitoring data with the Regional Water Quality Control Board (RWQCB) and the San Diego Unified Port District's (District) throughout the duration of the project.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
Certification. Measures shall be properly utilized during all phases of the proposed project. These measures include: (1) periodic inspection of the slurried sediment pipeline (if used); and (2) monitoring for excessive turbidity near the transport pipeline or containment barge and associated sediment distribution apparatus. If a substantial leak is identified in the slurry pipeline, the affected pipeline segment shall be immediately repaired or replaced, or a silt curtain or similar measure shall be employed to capture and retain the source of the leak. Monitoring of sediment movement and turbidity levels shall occur during and after sediment application. Movement of sediment on the site shall be adaptively managed until adequately compacted to ensure that movement of sediment off the site is minimized.			
HYD-5: Environmental Controls During Intake/Discharge Tunnel Removal. Subsurface disturbance activities shall include implementation of a soil and groundwater management plan to address the possibility of encountering areas of potential environmental concern. This plan shall be prepared by a qualified environmental consultant and shall be reviewed and approved by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator. This plan shall be implemented during subsurface disturbance activities by the contractor under the oversight of an environmental professional on behalf of the project proponent. The plan shall address soil and groundwater monitoring, handling, stockpiling, characterization, reuse, export, and disposal protocols. The objective of the plan shall be to assist the contractor in the excavation, notification, monitoring, segregation, characterization, handling, and reuse and/or disposal (as appropriate) of waste that may be encountered during earthwork activities.	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator	Prior to and during subsurface disturbance activities	This plan shall be prepared by a qualified environmental consultant and shall be reviewed and approved by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator. This plan shall be implemented during subsurface disturbance activities by the contractor under the oversight of an environmental professional on behalf of the project proponent.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
In addition, measures shall be taken to prevent any potentially contaminated soil or water from entering the San Diego Bay during the tunnel removal and associated construction. To ensure that no contaminants from the tunnels or the construction area enter San Diego Bay, *appropriate measures shall be put in place, including but* not limited to placement of a silt curtain or other containment device during tunnel removal or construction to prevent any activities from impacting bay waters outside the immediate area. Any water generated during construction shall be captured.			
4.7: Land Use and Planning			
No mitigation measures were identified for land use or planning impacts.			
4.8: Noise			
No mitigation measures were identified for noise impacts.			
4.9: Transportation and Traffic			
Mitigation Measure TR-1: **Alternative Transportation.** In order to address a parking supply shortage of 57 spaces at project completion, prior to issuance of the Coastal Development Permit (CDP), BAE Systems shall provide evidence of an increase in employee alternative transportation ridership for review and approval by the Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee, to be implemented to achieve a minimum 57 person ridership increase in alternative transportation. This shall be achieved through a combination of any of the following alternative transportation options: • Increase the number of subsidized vanpools to increase vanpool ridership; or • *Provide subsidized trolley passes for existing vehicle* commuters; or	Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee	Prior to issuance of the Coastal Development Permit (CDP)	BAE Systems shall provide evidence of an increase in employee alternative transportation ridership for review and approval by the Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee, to be implemented. Evidence in the form of survey data and/or enrollment forms of a minimum of 57 new alternative transportation users shall be provided quarterly to the District. If the alternative transportation ridership does not meet the minimum 57 additional users, additional vanpools, trolley passes and/or shuttles shall be added until the minimum of 57 users is reached. Evidence shall continue to be provided on a quarterly basis to the District for review until such time that the executed lease agreement is in place for an additional parking lot and submitted to the District for verification.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
• Increase the number of shuttles transporting personnel from the Barrio Logan trolley station (located at the intersection of Cesar E. Chavez Parkway and Harbor Drive) and/or Harborside trolley station (located at the intersection of 28th Street and Bay Avenue) as an incentive to encourage increased trolley ridership. Evidence in the form of survey data and/or enrollment forms of a minimum of 57 new alternative transportation users shall be provided quarterly to the District. If the alternative transportation ridership does not meet the minimum 57 additional users, additional vanpools, trolley passes and/or shuttles shall be added until the minimum of 57 users is reached. Evidence shall continue to be provided on a quarterly basis to the District for review until such time that the executed lease agreement is in place for an additional parking lot and submitted to the District for verification.			
4.10: Utilities and Service Systems			
No mitigation measures were identified for utilities and service systems.			