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FINAL ENVIRONMENTAL IMPACT REPORT
for the
**PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS
AND REMOVAL OF COOLING TUNNELS PROJECT**
(UPD #EIR-2014-31, SCH #2014041071)

Volume 1



November 2015

San Diego Unified Port District
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PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS, AND REMOVAL OF COOLING TUNNELS PROJECT

Final Environmental Impact Report

Volume 1

UPD No. EIR-2014-31; SCH No. 2014041071

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November 2015

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Errata to Final Environmental Impact Report, Mitigation Monitoring and Reporting Program

These errata to the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (herein referred to as “Project” or “Proposed Project”) Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP) reflect additional clarifying information. The technical revision confirms that the Applicant shall secure all applicable permits for the mitigation site prior to commencement of any dredging activities. The revision allows for permitted demolition activities to occur prior to securing dredging permits, as such demolition activities would not impact eelgrass habitat. In addition, eelgrass surveys will have to be conducted prior to demolition or construction activities occurring, as required by Mitigation Measure BIO-4 and in accordance with the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP). All demolition and construction activities shall conform to the requirements of the SCEMP.

The revision is shown in strikeout/underline text below. This revision merely clarifies and makes a minor modification to the information that has already been presented in the EIR, does not result in new significant impacts or a substantial increase in the severity of any impact already identified, and does not warrant recirculation of the EIR. The modifications are provided by chapter and indicated with the page number from the Final EIR and MMRP that they would replace.

Final EIR Chapter/Section Changes

Changes to Chapter 2.0, “Executive Summary”

Page 2-8 through Page 2-47

Issue	Mitigation Measure	Project Design Feature
Biological Resources		
Special-Status Species	<p>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).</p> <p>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])</p>	

Issue	Mitigation Measure	Project Design Feature
	<p>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 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 demolition <u>dredging</u> activities.</p>	

Changes to Chapter 6.0, “Mitigation Monitoring and Reporting Program”

Pages 6-5 to 6-6

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
4.2: Biological Resources			
<p>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</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion</p>	<p>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,</p>

<p>designee, of the San Diego Unified Port District (District).</p> <p>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 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 demolition dredging activities.</p>			<p>or designee, of the District and the resource and regulatory agencies.</p>
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Volume 4: Draft EIR Technical Appendices (Volume III of III) of the Draft EIR

Chapter 1 INTRODUCTION

This document is a Final Environmental Impact Report (EIR), which provides a review and analysis of the potential environmental impacts that could result from implementation of the proposed Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project (herein referred to as the proposed project). The project site is located at 2205 East Belt Street in the City of San Diego, California, and is primarily within the jurisdiction of the San Diego Unified Port District (District). A portion of the project site is also within the jurisdiction of the California State Lands Commission, west of the US Pierhead Line.¹ The project Applicant is BAE Systems, Inc., which is a tenant of the District. The purpose of the proposed project is to (1) increase BAE Systems' drydock capacity to facilitate required maintenance of existing and future US Naval assets and (2) provide additional capacity for commercial vessel drydock needs that cannot currently be met by existing drydock capacity. The District has identified the following objectives for the proposed project:

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 District 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 San Diego Gas & Electric (SDG&E) Tidelands Use and Occupancy Permit (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.

As described in the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. As required by CEQA, this EIR assesses the potentially significant direct and indirect environmental effects of the proposed project as well as the potentially significant cumulative impacts that could occur from implementation of the proposed project. This EIR is an informational document, the purpose of which is to identify the potentially significant effects of the proposed project on the environment and to indicate the manner in which those significant effects can be avoided or significantly lessened, including feasible mitigation measures; to identify any significant and unavoidable adverse impacts that cannot be mitigated to below a less than significant level; and to identify reasonable and feasible alternatives to the proposed project that would avoid or substantially lessen any significant adverse environmental effects associated with the proposed project and achieve the fundamental objectives of the proposed project.

¹ The US Pierhead Line refers to a line delineating the limit of jurisdiction of the San Diego Unified Port District.

The purpose of this document is to respond to all comments received by the District regarding the environmental information and analyses contained in the Draft EIR. As noted in some of the responses, corrections and clarifications to the Draft EIR have been proposed. These changes are reflected in Chapter 3, *Errata and Revisions*, of this document and should be considered part of the Final EIR for consideration by the District prior to certification of the Final EIR.

As required by CEQA and as described in *State CEQA Guidelines* Section 15087, a Notice of Completion (NOC) of the Draft EIR for the proposed project was filed with the State Clearinghouse on April 3, 2015, and the Notice of Availability (NOA) of the Draft EIR was filed with the County of San Diego (County) Clerk on April 3, 2015.

The Draft EIR was circulated for public review for the required minimum period of 45 days, from April 3, 2015, to May 20, 2015. The NOA and/or copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the Office of the District Clerk, the City of San Diego Downtown Central Library, the City of San Diego Logan Heights Branch Library, and on the District's website.

The Final EIR is an informational document only. The Final EIR will be used by the Board of Port Commissioners and District staff as an informational document for the proposed Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project. The Final EIR will cover the following discretionary actions:

- Approval of the proposed Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project;
- Approval of a Coastal Development Permit (CDP) for the portion of the proposed project in the District's jurisdiction;
- Approval of Engineering Plans; and
- Approval of lease amendment or other real estate agreements.

In addition, other agencies may use the information contained in this EIR when considering issuance or authorization of the requisite permits for construction of the proposed project. Agencies expected to use this EIR in their decision-making process include, but are not limited to, the following:

FEDERAL AGENCIES

- US Army Corps of Engineers (USACE)
 - Individual/Nationwide Section 404 Permit (Clean Water Act [CWA], 33 United States Code [USC], 1341)
 - Section 10, Rivers and Harbors Act Permit
 - Marine Protection, Research, and Sanctuaries Act of 1972, Section 103
 - 40 Code of Federal Regulations (CFR), Part 227 – Criteria for the Evaluation of Permit Applications for Ocean Dumping of Materials
- US Environmental Protection Agency (EPA)
 - Ocean Dumping Permit

- US Coast Guard
 - Concurrence with Ocean Dumping Permit
- National Marine Fisheries Service and US Fish and Wildlife Service (USFWS)
 - Concurrence with Ocean Dumping Permit

STATE AGENCIES

- State Water Resources Control Board, Regional Water Quality Control Board
 - 401 Certification (CWA, 33 USC 1341, if the project requires USACE 404 Permit), Waste Discharge Requirements (WDRs) for dredging
- California Coastal Commission (CCC)
 - Coastal Development Permit
- California State Lands Commission (CSLC)
 - Obtain a lease for dredging outside of District tidelands and operation of the drydock outside of District tidelands
- California Department of Fish and Wildlife (CDFW)
 - Concurrence with Ocean Dumping Permit

LOCAL AGENCIES

- City of San Diego
 - Building Permits

A total of four comment letters were received during the public review period or immediately thereafter. Two comment letters were received from State agencies; one comment letter was received from the project Applicant; and one comment letter was received from the Environmental Health Coalition, a grassroots environmental organization.

Comments that address environmental issues are responded to thoroughly. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088 of the *State CEQA Guidelines*. Notwithstanding Section 15088, the District has endeavored to respond to all comments received in the appropriate manner.

Section 15088 of the *State CEQA Guidelines*, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead

agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

- d) The response to comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the Draft EIR, the lead agency should either:
1. Revise the text in the body of the Draft EIR; or
 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information or analysis contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the Draft EIR document.

The Final EIR, in compliance with Section 15132 of the *State CEQA Guidelines*, includes the following four volumes, all of which are included in the enclosed CD:

Volume 1: Final EIR

Chapter 1-Introduction

This chapter provides general information on, and the procedural compliance of, the proposed project and Final EIR.

Chapter 2-Executive Summary

This summary includes a brief project description, summary of significant impacts and mitigation measures, summary of project alternatives, and areas of known controversy.

Chapter 3-Errata and Revisions

This chapter includes the errata and revisions to the Draft EIR which were developed in response to comments received during the public review period for the Draft EIR.

Chapter 4-Public Review Distribution List

This chapter presents a list of agencies, individuals, and organizations that were provided a copy of the Draft EIR or notice of the document's availability.

Chapter 5-Responses to Comments

This chapter includes a list of those that provided comments on the Draft EIR during the public review period. This chapter also includes the comments received on environmental issues raised during the

public review process for the Draft EIR as well as the District's responses to these comments. Each comment is assigned a comment number, which corresponds to a response number and response that appear on the same page. Supplemental informational documents supporting the District's responses are included as attachments at the end of this chapter.

Chapter 6-Mitigation, Monitoring, and Reporting Program

This chapter of the Final EIR provides the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The MMRP is presented in table format and identifies mitigation measures for the proposed project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure.

Volume 2: Draft EIR (Volume I of III of the Draft EIR)

The Draft EIR that was previously circulated for public review in April/May 2015 is an integral part of the Final EIR. The Draft EIR was not reprinted due to its size; however, a CD copy of the Draft EIR, including its volumes of technical appendices, is enclosed within this Final EIR. A paper copy of the Draft EIR, including its volumes of technical appendices, is available for review at the Office of the District Clerk located at 3165 Pacific Highway, San Diego, during regular business hours, which are Monday through Thursday and every other Friday, 8:00 a.m. to 5:00 p.m.

Volume 3: Draft EIR Technical Appendices (Volume II of III of the Draft EIR)

The appendices to the Draft EIR that were previously circulated for public review in April/May 2015 are an integral part of the Final EIR, and are included on a CD copy enclosed within this Final EIR. Volume II of III of the Draft EIR includes Appendices A through C.

Volume 4: Draft EIR Technical Appendices (Volume III of III of the Draft EIR)

The appendices to the Draft EIR that were previously circulated for public review in April/May 2015 are an integral part of the Final EIR, and are included on a CD copy enclosed within this Final EIR. Volume III of III of the Draft EIR includes Appendices D through J.

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Chapter 2 **SUMMARY**

PROJECT DESCRIPTION

The proposed project includes the following three project components: (1) the construction of a new drydock, (2) the BAE Systems real estate agreement component, and (3) the removal of the existing onsite cooling tunnels. These three components are collectively referred to as the proposed project, and are described further in Chapter 3.0 of the Draft EIR, Project Description, and are summarized briefly below.

The proposed project would replace an existing wet berth with a new drydock on the north side of BAE Systems' Pier 1 facility. The proposed drydock would increase BAE Systems' capacity to facilitate required maintenance of existing and future US Naval assets and commercial vessel drydock needs that cannot currently be met by the existing drydock. In addition, because the proposed project would modernize the BAE Systems property through a series of on-site improvements, the proposed project is also seeking an amendment to the existing Real Estate Agreement with the San Diego Unified Port District (District) to extend the existing lease on a 9.8-acre landside portion and 16.6-acre waterside portion of the existing BAE Systems leasehold. BAE Systems' existing lease is scheduled to expire on August 31, 2034. As such, this action would extend the existing lease term by 24 years, through the year 2058. This component would also include a separate Real Estate Agreement between BAE Systems and the District for the neighboring Tidelands Occupancy and Use Permit (TUOP) parcels. This action will require terminating the TUOP and adding an amendment to the existing Real Estate Agreement least term by 43 years, extending the year of expiration to 2058. The Real Estate Agreement for the TUOP parcels would roll the approximately 2-acre landside and 4-acre waterside parcel into the BAE Systems leasehold area. 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 District. The proposed Real Estate Agreement, which includes rolling the existing TUOP parcel (i.e., 2-acre landside and 4-acre waterside areas) into the BAE Systems leasehold, will continue to allow the existing or baseline uses and activities in this area that support ship-repair activities similar in character and intensity to the existing activities on the TUOP site and will restrict any additional activities. In addition, the 2-acre landside TUOP parcel currently contains two existing intake/discharge tunnels that are required to be removed pursuant to the previous San Diego Gas and Electric (SDG&E) real estate agreement.

It should be noted that the construction of the proposed drydock and the removal of the existing cooling tunnels are independent of one another, meaning that the construction of the proposed drydock is not dependent upon the removal of the cooling tunnels and vice versa. Chapter 3.0 of the Draft EIR provides additional descriptive information regarding the proposed project, as well as figures showing the existing and proposed facilities.

Dredged Materials Beneficial Reuse

As described in Chapter 3.0 of the Draft EIR, Project Description, dredging activities included as part of the project would be required to provide sufficient water depth to submerge the floating drydock. Dredging activities would provide a bottom elevation of -65 feet (ft) Mean Lower Low Water (MLLW). Additionally, minor dredging between the end of the dock and the Bay Channel would be required in order to provide a route to enter the drydock. Dredging activities associated with the proposed project are anticipated to generate approximately 395,000 cubic yards (cy) of sediment. The proposed project contemplates the upland disposal of an estimated 2,500–10,000 cy of sediment from within the proposed dredge footprint. The total area of dredging activities would cover approximately 8.3 acres and would encompass the area

beneath the proposed drydock footprint and aprons, as well as a small area adjacent to and bayward of Pier 1.

Dredged sediment would be tested by the United States Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (EPA). If approved, sediment would either be disposed of in the ocean or used for beneficial reuse. Sediment not approved for ocean disposal or beneficial reuse would be disposed of upland at a permitted landfill. All sediment approved for ocean disposal would be disposed of by barge at the LA-5 ocean disposal site, located approximately 13 miles west of the project site. The beneficial reuse of sediment would offset impacts to subtidal vegetated habitat (eelgrass) associated with dredging and the increased bay coverage occurring as a result of pilings and shading. Two alternative sites within the San Diego Bay are being considered for beneficial reuse purposes, both of which include the restoration of eelgrass habitat. These two sites are referred to as the "Northern Alternative Mitigation Site" and the "Southern Alternative Mitigation Site" throughout this chapter and are described further below.

Construction Activities and Schedule

Floating Drydock and Associated Activities/Improvements: Upon completion of the design and permitting phase, the drydock component of the proposed project consists of six phases of construction: (1) Pier 1 North submerged wall; (2) retrofitting of existing Pier 1 mooring dolphin; (3) dredging (upland disposal); (4) dredging (ocean disposal); (5) wharf and mooring dolphin construction; and (6) shoreline and utilities construction. Construction for the drydock component of the proposed project is scheduled to begin in 2016 and projected to be completed in 2017.

BAE Systems Real Estate Agreements: As previously stated, BAE Systems currently leases approximately 9.8 acres of land and 16.6 acres of water from the District. This lease is scheduled to expire on August 31, 2034. Based on its investments proposed as part of the proposed project, BAE Systems proposes to extend the lease term of its existing leasehold with the District by 24 years. Additionally, BAE Systems proposes to lease, on a long-term basis, the TUOP parcels currently leased (5-year term) by the District to BAE Systems. The TUOP between the District and BAE Systems is set to expire on October 31, 2019. BAE Systems currently leases the TUOP parcels from the District primarily for parking and storage of materials, but also for ship repair activities associated with BAE System's operations, and for activities that support the Remedial Action Plan (RAP) that is associated with the San Diego Shipyard and Sediment Remediation Project. In November 2013, the TUOP agreement was amended to allow for the implementation of the RAP that was approved by the San Diego Regional Water Quality Control Board (Regional Board) in December 2012 for compliance with the Clean-Up and Abatement Order (CAO) No. R9-2012-0024. Environmental impacts associated with the RAP were analyzed in a separate EIR, and certified by the Regional Board in March 2012. While the 2-acre TUOP parcel has been primarily used for parking and storage, it has also supported ship repair activities, as well as a staging area to support the RAP associated with the Regional Board's CAO. These ship repair activities include 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, and staging areas in support of pierside activities. The long-term lease may include, but would not be limited to, an amendment to BAE Systems existing lease. No changes in existing uses on the TUOP parcel are proposed and the site would be leased, on a long-term basis, to BAE Systems through a real estate agreement only for the continuation of those uses once the existing TUOP between the District and BAE Systems expires in October 2019. No construction activities are anticipated or associated with the real estate agreements between the District and BAE Systems.

Removal of Cooling Tunnels: As previously stated, the removal of the cooling tunnels would require excavation of soil, dewatering, installation of shoring to protect the excavation, installation of a coffer dam, demolition and removal of tunnels (concrete) and backfill with clean structural fill. In addition, numerous structures, equipment and operating systems are located over the tunnels. Temporary relocation of these structures and uses are anticipated. There are no project-level details available at this time that identifies the demolition/removal scheduling or phasing for this component. For purposes of this analysis, it is assumed that a total of 490 ft of intake tunnels and 450 ft of discharge tunnels would be removed within the District's jurisdiction.

Operational Activities

Floating Drydock and Associated Activities/Improvements: Drydocks are used to conduct repair and maintenance activity which cannot normally be conducted while the vessel is waterborne. These activities generally include exterior hull repair, preservation (abrasive blasting and/or hydroblasting and painting), shaft repair, propeller and rudder repair, and repair/replacement of valves and fittings below the waterline. These activities are currently conducted within the existing POSD drydock at the site. While numerous industrial processes are currently conducted at the existing Pier 1 North berth on similar classes and types of vessels, some of those processes are more extensive once the vessel is dry-berthed, as opposed to wet-berthed (e.g., pierside verses in drydock).

Implementation of the drydock component would result in a need for additional employees on the BAE Systems facility. For purposes of this analysis, it is anticipated that an additional 25–30 workers may be required for a large hull preservation job (abrasive blasting and painting). An additional 40–50 workers may be needed for other drydock operations related to hull repair, welding, and mechanical repair. It is also expected that additional project management requirements will add two to three BAE Systems ship superintendents to manage this ship repair and maintenance work and that as many as ten additional customer-related staff will visit the site as a result of the drydock operation. Therefore, a total of 77 to 93 new employees are anticipated to be required with implementation of the drydock. These new employees will be staggered throughout the three existing work shifts at BAE Systems.

Operational Parking and Traffic. BAE Systems currently controls 1,304 parking spaces for use by employees, subcontractors, customers, and visitors. As previously discussed, the drydock component will not substantially modify the existing numbers and types of ships currently utilizing the BAE Systems facility. Based on the estimated increase in shipyard personnel as described above, it is anticipated that operation of the drydock will require 64 additional parking spaces on 1st shift, 24 spaces on 2nd shift, and 5 spaces on 3rd shift. Based on information provided by BAE Systems, 20 percent of employees currently utilize an alternative means of transportation such as bus, trolley, and/or carpool. BAE Systems currently subsidizes 10 vanpools, with each van having an 11-person capacity with an average ridership of 7 per van during the first shift. In addition, BAE Systems runs a shuttle to and from the Barrio Logan Trolley Station during the first shift, with a ridership of 40 to 55 persons each day, and many more walking to the facility when the vans are full. Bicycle racks and motorcycle parking are also available at BAE Systems and are utilized by 40 to 50 persons each day during the first shift. Therefore, it is anticipated that 20 percent of the new employees will also utilize alternative transportation.

In addition, subsequent to publication of the Draft EIR, BAE Systems provided information on additional bus services they will be offering to/from the US – Mexico border. BAE Systems currently has 50 persons registered for this bus service and started operating this service on July 1, 2015. A second bus started mid-July, for a total of 100 employees to/from the border. BAE Systems is also working with the District and Ace Parking on a parking agreement with the Hilton Hotel for a 2-year deal for 300 plus spaces. In the

event this parking can be secured, BAE Systems will provide bus service to/from the shipyard and the Hilton Hotel (located approximately 1.1 mile from the shipyard).

The expected additional 93 drydock employees are assumed to follow the existing parking/traffic demographics, including assumptions on carpooling and municipal transportation (existing trolley and bus service). It is estimated that the siting of a new drydock at the BAE Systems shipyard could cause an increase of 93 one-way vehicle trips and parking spaces staggered throughout all shifts. Those vehicle trips are anticipated to occur consistent with the shift differentials, which would equate to the following:

- 1st Shift: 64 vehicles arriving 5:30 a.m.–6:30 a.m. and departing 2:30 p.m.–3:00 p.m.
- 2nd Shift: 24 vehicles arriving 2:30 p.m.–3:00 p.m. and departing 11:00 p.m.–11:30 p.m.
- 3rd Shift: 5 vehicles arriving 9:30 p.m.–10:00 p.m. and departing 6:00 a.m.–6:30 a.m.

Operational Delivery Truck Traffic. BAE Systems' main distribution center/warehouse is located on Market Street near State Route 94 (SR-94). BAE Systems controls traffic flow for material deliveries to the site and only delivers materials when they are needed. Based on the anticipated vessel repair work to be conducted within the proposed drydock, it is estimated that 1–2 additional delivery truck trips per week from the BAE Systems warehouse to the proposed drydock may be required. The truck route used by BAE Systems for site deliveries from its warehouse is Harbor Drive to 32nd Street/Interstate 15 (I-15) North.

BAE Systems Real Estate Agreements: Based on its investments proposed as part of the proposed project, BAE Systems proposes to extend the lease term of its existing lease with the District by 24 years. Therefore, it is assumed that operation of the proposed project would continue through the year 2058. Additionally, BAE Systems proposes to lease, on a long-term basis, the TUOP parcels currently leased (5-year) by the District to BAE Systems. The TUOP between the District and BAE Systems is set to expire on October 31, 2019. As previously identified, BAE Systems currently leases the TUOP parcels from the District primarily for parking and storage of materials, but also for ship repair activities associated with BAE System's operations, and for activities that support the Remedial Action Plan (RAP) that is associated with the San Diego Shipyard and Sediment Remediation Project. In November 2013, the TUOP agreement was amended to allow for the implementation of the RAP that was approved by the San Diego Regional Water Quality Control Board (Regional Board) in December 2012 for compliance with the Clean-Up and Abatement Order (CAO) No. R9-2012-0024. Environmental impacts associated with the RAP were analyzed in a separate EIR, and certified by the Regional Board in March 2012. While the 2-acre TUOP parcel has been primarily used for parking and storage, it has also supported ship repair activities, as well as a staging area to support the RAP associated with the Regional Board's CAO. These ship repair activities include 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, and staging areas in support of pierside activities. The long-term lease may include, but would not be limited to, an amendment to BAE Systems existing lease. No changes in existing uses on the TUOP parcels are proposed and the site would be leased to BAE Systems through a real estate agreement only for the continuation of those uses once the existing TUOP between the District and BAE Systems expires in October 2019.

Removal of Cooling Tunnels: As previously stated, the removal of the cooling tunnels would require excavation of soil, dewatering, installation of shoring to protect the excavation, installation of a coffer dam, demolition and removal of tunnels (concrete), and backfill with clean structural fill. Once the removal of the cooling tunnels occurs, the project site would be restored to its existing condition. Therefore, no operational activities are associated with the removal of the cooling tunnels component.

Impact Summary

As discussed in detail throughout the respective topical sections contained in Chapter 4.0 (Existing Environmental Setting, Environmental Analysis, Impacts, and Mitigation Measures) of the Draft EIR, the proposed project would result in potentially significant project impacts related to Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Transportation and Traffic. While the proposed project would result in potentially significant impacts related to Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Transportation and Traffic, all potentially significant impacts associated would be reduced to a less than significant level. Those issues for which effects were found not to be significant are Air Quality, Global Climate Change and Greenhouse Gas Emissions, Land Use and Planning, Noise, and Utilities and Service Systems.

Several Project Design Features (PDFs) were identified in the Draft EIR to include as specific design components of the proposed project that have been incorporated to reduce its potential environmental effects. Several mitigation measures were identified in the Draft EIR to mitigate all project-related potentially significant impacts to a less than significant level. Table 2-1, presented below, provides a summary of PDFs and mitigation measures identified in the Draft EIR.

Tables 2-2 (Project Level) and 2-3 (Cumulative), presented below, provide summaries of the environmental impacts that could result from implementation of the proposed project and feasible mitigation measures that could reduce or avoid environmental impacts. For each impact, Tables 2-2 and 2-3 identify the significance of the impact before mitigation, a summary of applicable mitigation measures, and the level of significance of the impact after the implementation of the mitigation measures.

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
<p>Biological Resources</p> <p>Special-Status Species</p>	<p>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</p>	<p>HYD-1: Construction General Permit. (see Hydrology and Water Quality - Violation of Water Quality Standards below)</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>United States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.</p> <p>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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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 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.</p> <p>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).</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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 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 demolition activities.</p> <p>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).</p> <p>Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented:</p> <ul style="list-style-type: none"> 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 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
<p>Riparian Habitat or Sensitive Natural Communities</p>	<p>goal of this measure is to minimize the area of the bay in which visibility of prey by terns is obstructed.</p> <ul style="list-style-type: none"> 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 of this measure is to minimize noise impacts to terns. <p>BIO-4: Bay Coverage and Eelgrass Mitigation (see Special-Status Species above)</p> <p>BIO-5: California Least Tern Mitigation (see Special-Status Species above)</p> <p>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.</p> <p>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</p>	<p>HYD-1: Construction General Permit. (see Hydrology and Water Quality - Violation of Water Quality Standards below)</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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.</p> <p>BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa Control Protocol (CCP)</i>.</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Movement of Fish or Wildlife Species	<p>BIO-4: Bay Coverage and Eelgrass Mitigation (see Special-Status Species above)</p> <p>BIO-5: California Least Tern Mitigation. (see Special-Status Species above)</p> <p>BIO-6: Eelgrass Boundaries (see Riparian Habitat or Sensitive Natural Communities above)</p> <p>BIO-7: Turbidity Curtain (see Riparian Habitat or Sensitive Natural Communities above)</p> <p>BIO-8: Eelgrass Silt Curtain (see Riparian Habitat or Sensitive Natural Communities above)</p>	Not Applicable
Climate Change		
Greenhouse Gas Plan, Policy, Regulation Consistency	No Mitigation Required	<p>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</p> <p>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.</p>
Geology and Soils		
Loss, Injury, or Death Due to Seismic Conditions	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	Not Applicable

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i> (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p> <p>Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to:</p> <ol style="list-style-type: none"> 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. 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. Ramp Wharves: Determine sufficient embedment depth into the underlying terrace deposits to provide the necessary frictional and end-bearing resistance 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>needed to accommodate those forces. Require piles to provide the necessary axial and uplift resistance to seismically-induced lateral loads.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>In the event that the dry alternative is determined to be the method of removal for the cooling tunnels, Items 9, 10, and</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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 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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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.</p> <p>12. Cooling Tunnel Removal – Shoring (Wet 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.</p> <p>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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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.</p>	
Soil Erosion	GEO-1: Conformance with the Project Geotechnical Study. (see Loss, Injury, or Death Due to Seismic Conditions above)	Not Applicable
Soil Stability	GEO-1: Conformance with the Project Geotechnical Study. (see Loss, Injury, or Death Due to Seismic Conditions above)	Not Applicable
Expansive Soils	GEO-1: Conformance with the Project Geotechnical Study. (see Loss, Injury, or Death Due to Seismic Conditions above)	Not Applicable
Hazards and Hazardous Materials		
Routine Transport, Use, or Disposal of 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	Not Applicable

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Reasonable Foreseeable Upset and Accident Conditions	<p>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.</p> <p>The District 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.</p>	Not Applicable
	<p>HAZ-1: Health and Safety Plan (HASP) for Landside Activities. (see Routine Transport, Use, or Disposal of Hazardous Materials above)</p> <p>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:</p> <ol style="list-style-type: none"> 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 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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. Additionally, the spill shall be reported to the applicable agencies presented in the DMP. 5. 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. 6. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull. 7. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited. 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>8. 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.</p> <p>9. The contractor shall not overfill the digging bucket because overfill results in material overflowing back into the water.</p> <p>10. 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.</p> <p>11. 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 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.</p> <p>12. 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.</p> <p>13. 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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>determined to be unsuitable for unconfined aquatic habitat shall be prohibited.</p> <p>14. 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.</p> <p>15. 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 to be totally contained on the shore side of the unloading operations.</p> <p>16. 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.</p> <p>17. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</p> <p>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.</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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:</p> <ol style="list-style-type: none"> 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. 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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; 1. Training in the safe operation of cranes, barges, tugs, and support craft; 2. Site evacuation and emergency first aid response; and 3. Documentation that certifies that required health and safety procedures have been implemented. 	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. Identification of vessel speed limitations (e.g., wake/no wake); and 2. Notification to project personnel using air horns as necessary. <p>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 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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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.</p> <p>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.</p> <p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) periodic</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Expose Existing or Proposed School to Hazardous/Emissions Materials	<p>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.</p> <p>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.</p> <p>BIO-7 Turbidity Curtain. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p> <p>HYD-3 Dredging Operations and Containment. (see Hydrology and Water Quality - Violation of Water Quality Standards above)</p> <p>HAZ-1: Health and Safety Plan (HASP) for Landside Activities. (see Routine Transport, Use, or Disposal of Hazardous Materials above)</p> <p>HAZ-10: Soil and Groundwater Management Plan. (see Reasonable Foreseeable Upset and Accident Conditions above)</p>	Not Applicable

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Create Hazard to Public or Environment through Listing of Hazardous Materials Site	<p>HAZ-1: Health and Safety Plan (HASP) for Landside Activities. (see Routine Transport, Use, or Disposal of Hazardous Materials above)</p> <p>HAZ-11: Secondary Containment. (see Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>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.</p>	Not Applicable
Conflict with Emergency Response Plans	HAZ-3: Contingency Plan. (see Reasonable Foreseeable Upset and Accident Conditions above)	Not Applicable
Hydrology and Water Quality		
Violation of Water Quality Standards	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 and the Regional Water Quality Control Board (RWQCB). 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	HYD-1: Construction General Permit. Prior to issuance of a grading permit, BAE Systems shall obtain coverage under the State Water Resources Control Board <i>National Pollutant Discharge Elimination System</i> (NPDES) <i>General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities</i> (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit [CGP]). BAE Systems shall complete and file a Notice of Intent with the San Diego Regional Water Quality Control Board (RWQCB) to obtain coverage under the CGP. A Storm Water Pollution Prevention Plan (SWPPP) and

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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 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:</p> <ul style="list-style-type: none"> • 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. 	<p>all other CGP requirements shall be prepared and implemented 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.</p> <p>HYD-2: General Waste Discharge Requirements. BAE Systems shall comply with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality (Order No. 2003-0003-DWQ) during construction activities. This permit establishes minimum standards for low threat discharges to water quality.</p> <p>HYD-3: Groundwater Dewatering Permit. 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 Thereto Order No. R9-2007-0034 (NPDES No. CAG919001).</p> <p>HYD-4: San Diego Municipal Storm Water Permit. BAE Systems shall comply with the <i>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 (Order No. R9-2013-0001, NPDES No. CASD109266)</i> (Municipal Permit). The Municipal Permit requires</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>• The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair 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.</p> <p>• 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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>each co-permittee to reduce discharges of pollutants and runoff flow during the planning, construction, and operational phase of the proposed project. The proposed project shall identify and apply BMPs to reduce storm water pollutants to the maximum extent practicable. In addition, the Municipal Permit shall require each co-permittee to implement a Jurisdictional Runoff Management Plan (JRMMP) and incorporate a Standard Urban Storm Water Mitigation Plan (SUSMP) into their project approval process. The San Diego Unified Port District (District) has prepared the District JURMP and the District SUSMP in accordance with the Municipal Permit requirements.</p> <p>HYD-5: Urban Storm Water Mitigation Plan. As required by the District's SUSMP, the project proponent shall be required to prepare an Urban Storm Water Mitigation Plan (USMP). The USMP shall describe how the proposed project shall meet SUSMP requirements in order for the project application to be considered complete. The USMP shall identify pollutants of concern, conditions of concern, appropriate BMPs, and BMP maintenance requirements. Furthermore, the USMP shall include storm water BMP maintenance provisions in an Operations and Maintenance Plan.</p> <p>HYD-6: Storm Water Management and Discharge Control Ordinance. 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. This</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<ul style="list-style-type: none"> The contractor shall not overflow any dredging bucket because overflow results in material overflowing back into the water. The contractor shall, at a minimum, deploy non-drifting silt curtains fully around areas of 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 overflow 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 	<p>Ordinance outlines requirements for dischargers and places of discharge to the storm water conveyance system and the receiving waters that are necessary to adequately enforce and administer all laws that provide protection and enhancement of water quality. This Ordinance shall require compliance with the Construction General Permit and the Municipal Permit, as well as compliance with BMPs, to reduce pollutants of concern to the maximum extent practicable.</p> <p>HYD-7: Waste Discharge Requirements for BAE Systems. The contractor shall comply with the requirements set forth in Waste Discharge Requirements (WDRs) for BAE Systems San Diego Ship Repair Inc. (Order No. R9-2015-0034, NPDES No. CA0109151). All storm water runoff would be contained on-site before discharging into the storm sewer system. If discharge from the drydock must occur, it shall be regulated.</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>unsuitable for unconfined aquatic habitat shall be prohibited.</p> <ul style="list-style-type: none"> The contractor shall place material in the 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. <p>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.</p> <p>If in-bay beneficial reuse is chosen as the preferred disposal option for eelgrass mitigation and habitat development,</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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: (1) periodic inspection of the slurry 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.</p> <p>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.</p> <p>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</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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.</p> <p>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.</p> <p>HAZ-2 through HAZ-4 and HAZ-6 through HAZ-9: (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-2: Hazardous Materials Dredging Management Plan (DMP). (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-3: Contingency Plan. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-4: Health and Safety Plan (HASP) for Dredging Activities. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p>	

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Depletion of Groundwater Supplies/ Interference with Groundwater Recharge	<p>HAZ-6: Supernatant and Storm Water Containment. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-7: Sediment Unloading. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-8: Filling Transport Vehicles. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-9: Sediment Loading. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p>	<p>HYD-3: Groundwater Dewatering Permit. (see Violation of Water Quality Standards above)</p>
Alter Drainage Patterns	No Mitigation Required	HYD-1: Construction General Permit. (see Violation of Water Quality Standards above)
Exceed Stormwater Drainage Capacity	No Mitigation Required	<p>HYD-1: through HYD-7: (see Violation of Water Quality Standards above)</p> <p>HYD-1: Construction General Permit. (see Violation of Water Quality Standards above)</p> <p>HYD-2: General Waste Discharge Requirements. (see Violation of Water Quality Standards above)</p> <p>HYD-3: Groundwater Dewatering Permit. (see Violation of Water Quality Standards above)</p> <p>HYD-4: San Diego Municipal Storm Water Permit. (see Violation of Water Quality Standards above)</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
<p>Land Use and Planning</p> <p>Conflict with Applicable Land Use Plans, Policies, or Regulations</p>	<p>BIO-1: Biological Monitoring For Special-Status Species. (see Biological Resources - Special-Status Species above)</p> <p>BIO-2: Biological Monitoring of Impact Hammer and Pile Driving. (see Biological Resources - Special-Status Species above)</p> <p>BIO-3: Pile Driving. (see Biological Resources - Special-Status Species above)</p> <p>BIO-4: Bay Coverage and Eelgrass Mitigation. (see Biological Resources - Special-Status Species above)</p> <p>BIO-5: California Least Tern Mitigation. (see Biological Resources - Special-Status Species above)</p> <p>BIO-6: Eelgrass Boundaries. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p> <p>BIO-7: Turbidity Curtain. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p>	<p>HYD-5: Urban Storm Water Mitigation Plan. (see Violation of Water Quality Standards above)</p> <p>HYD-6: Storm Water Management and Discharge Control Ordinance. (see Violation of Water Quality Standards above)</p> <p>HYD-7: Waste Discharge Requirements for BAE Systems.</p>
<p>Conflict with Applicable Land Use Plans, Policies, or Regulations</p>	<p>HYD-1 through HYD-7: (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-1: Construction General Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-2: General Waste Discharge Requirements. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-3: Groundwater Dewatering Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-4: San Diego Municipal Storm Water Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-5: Urban Storm Water Mitigation Plan. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p>	<p>HYD-1 through HYD-7: (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-1: Construction General Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-2: General Waste Discharge Requirements. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-3: Groundwater Dewatering Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-4: San Diego Municipal Storm Water Permit. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-5: Urban Storm Water Mitigation Plan. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>BIO-8: Eelgrass Silt Curtain. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p> <p>BIO-9: Invasive Species Surveys. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p> <p>HAZ-2: Hazardous Materials Dredging Management Plan (DMP). (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-3: Contingency Plan. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-4: Health and Safety Plan (HASp) for Dredging Activities. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-5: Communication Plan. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-6: Supernatant and Storm Water Containment. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-7: Sediment Unloading. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-8: Filling Transport Vehicles. (see Hazards and</p>	<p>HYD-6: Storm Water Management and Discharge Control Ordinance. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-7: Waste Discharge Requirements for BAE Systems. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-10: Soil and Groundwater Management Plan. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HAZ-11: Secondary Containment. (see Hazards and Hazardous Materials - Reasonable Foreseeable Upset and Accident Conditions above)</p> <p>HYD-2: Pre-construction Meeting. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p> <p>HYD-4: Dredge Site Water Quality Monitoring. (see Hydrology and Water Quality Violation of Water Quality Standards above)</p>	
<p>Conflict with Applicable Habitat or Natural Community Conservation Plan</p>	<p>BIO-5: California Least Tern Mitigation. (see Biological Resources - Special-Status Species above)</p> <p>BIO-6: Eelgrass Boundaries. (see Biological Resources - Riparian Habitat or Sensitive Natural Communities above)</p>	<p>Not Applicable</p>
<p>Transportation and Traffic</p>		
<p>Emergency Access</p>	<p>No Mitigation Required</p>	<p>TR-1: Construction Management Plan. To ensure impacts to the surrounding street system are kept to a minimum, BAE Systems will prepare a Construction Management Plan for the proposed project. The Construction Management Plan should be developed in coordination with the City of San Diego Development Services to address the following:</p>

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
		<ul style="list-style-type: none"> • Implement traffic control for any street closure, detour, or other disruption to traffic circulation. • Identify the routes that construction vehicles will utilize to access the site and for the delivery of construction materials, traffic controls and detours, and a proposed construction phasing plan for the project. • Specify the hours during which transport activities can occur and methods to mitigate potential construction-related impacts to adjacent streets. • Identify haul route(s) for any materials to be removed and/or imported to the satisfaction for the City's Traffic Engineering staff; these routes may include circulation modifications to help reduce any temporary construction impacts. • Subject to the direction of the City's Traffic Engineering staff, haul operations associated with the materials export/import may be prohibited during the a.m. and p.m. peak commute periods (i.e., between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). • Require the Applicant to keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City's Traffic Engineering staff (or representative of the City Engineer), of any material which may have

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
Alternative Transportation	<p>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</p>	<p>been spilled, tracked, or blown onto adjacent streets or areas.</p> <ul style="list-style-type: none"> • Hauling or transport of oversize loads will be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport will be allowed during nighttime hours on weekends or federal holidays. • Use of local streets shall be prohibited. • Haul trucks entering or exiting public streets shall at all times yield to public traffic. • If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route(s), the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer. • All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site to the extent feasible. • The Construction Management Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD), as well as City requirements.
		Not Applicable

Table 2-1: Summary of Mitigation Measures and Project Design Features

Issue	Mitigation Measure	Project Design Feature
	<p>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:</p> <ul style="list-style-type: none"> • Increase the number of subsidized vanpools to increase vanpool ridership; or • Provide subsidized trolley passes for existing vehicle commuters; or • 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. <p>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.</p>	

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
4.1: Air Quality				
Consistency with Applicable Air Quality Plan	Implementation of the proposed project would not conflict with or obstruct the RAQS or SIP because it is consistent with the use specified in the PMP.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Consistency with Air Quality Standards	Implementation of the proposed project would not exceed any air quality standard during construction or operation.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Sensitive Receptors	Implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations because it would not degrade roadway operation or emit significant levels of diesel particulates.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Objectionable Odors	Implementation of the proposed project would not create objectionable odors affecting a substantial number of people.	Less Than Significant Impact	No Mitigation Required	Not Applicable
4.2: Biological Resources				
Candidate, Sensitive, or Special-Status Species	The proposed project has the potential to impact candidate, sensitive, or special status species from project-related noise and turbidity during construction. Potential long-term impacts include changes in habitat from installation of piles, net reduction of bay fill and increase in bay surface coverage.	Potentially Significant Impact	BIO-1; BIO-2; BIO-3; BIO-4; BIO-5	Less Than Significant
Riparian Habitat and Other Sensitive Natural Communities	Dredging activities and increased turbidity from pile installation during construction have the potential to impact existing eelgrass habitat. The proposed project also has the potential to introduce invasive species to the project site.	Potentially Significant Impact	BIO-4; BIO-6; BIO-7; BIO-8; BIO-9	Less Than Significant
Wetlands	The proposed project would not impact federally protected wetlands because no wetlands occur on the project site.	No Impact	No Mitigation Required	Not Applicable
Wildlife Movement Corridors	The proposed project does not have the potential to impact native wildlife movement corridors as none occur within the project site. Dredging activities and increased turbidity from pile installation during construction have the potential to impact existing eelgrass habitat.	Potentially Significant Impact	BIO-4; BIO-6; BIO-7; BIO-8	Less Than Significant
Conflicts with Local Policies or Ordinances	The proposed project is consistent with all applicable PMP policies pertaining to biological resources.	Less Than Significant Impact	No Mitigation Required	Not Applicable

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
Habitat Conservation Plan and Natural Community Conservation Plan	There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans in place that are applicable to the proposed project; however, the San Diego Bay Integrated Natural Resources Management Plan (IRNMP) is a long-term strategy, sponsored by the US Navy and the District, which would be applicable to the proposed project. The proposed project is not in conflict with the San Diego Bay IRNMP.	Less Than Significant Impact	No Mitigation Required	Not Applicable
4.3: Geology and Soils				
Unstable Soils and Seismic Hazards	The proposed project is located on soil that is susceptible to seismic groundshaking and seismic-related liquefaction and may become unstable during a seismic event.	Potentially Significant Impact	GEO-1	Less Than Significant
Soil Erosion or Topsoil Loss	Proposed project activities associated with the drydock component would result in less than significant impacts related to soil erosion/loss of topsoil with implementation of best management practices and adherence to the Urban Stormwater Management Plan. Soil erosion/topsoil loss from removal of the cooling tunnels has the potential to occur.	Potentially Significant Impact	GEO-1	Less Than Significant
Expansive Soils	The majority of soils on the project site are not high in clay and have a low potential for expansion; however, the removal of the cooling tunnels may involve movement of expansive soils.	Potentially Significant Impact	GEO-1	Less Than Significant
Waste Water Disposal Systems	The proposed project would be served by the sewer system from the City of San Diego and does not involve use of septic system or alternative wastewater disposal.	No Impact	No Mitigation Required	Not Applicable
4.4: Global Climate Change				
Direct and indirect generation of GHG and Consistency with Applicable Plans Adopted for Reducing GHG	Implementation of the Proposed Project would not generate GHG emissions that would have a significant impact on the environmental or conflict with an applicable plan, policy, or regulation.	Less Than Significant Impact	No Mitigation Required	Not Applicable

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
4.5: Hazards and Hazardous Materials				
Transport, Use, Disposal, and Accidental Release of Hazardous Materials	Project-related activities would require the routine use, transport, or disposal of hazardous materials such as gasoline and diesel fuel, contaminated sediment, and potentially contaminated materials from the removal of the cooling tunnels.	Potentially Significant Impact	HAZ-1; HAZ-2; HAZ-3; HAZ-4; HAZ-5; HAZ-6; HAZ-7; HAZ-8; HAZ-9; HAZ-10; HAZ-11	Less Than Significant
Existing Hazardous Materials Site	There are four cases of documented releases of hazardous materials within the project limits. Three are closed and the open case is related to the Clean Up and Abatement Order for the Shipyard Sediment Remediation site. Because portions of the project site overlap with the Shipyard Sediment Remediation site, the potential to encounter hazardous materials during project construction is present.	Potentially Significant Impact	HAZ-1; HAZ-2; HAZ-3; HAZ-4; HAZ-5; HAZ-6; HAZ-7; HAZ-8; HAZ-9; HAZ-10; HAZ-11; HAZ-12	Less Than Significant
Public and Private Airports	The proposed project is not located within 2 miles of a public or private airport.	No Impact	No Mitigation Required	Not applicable
Wildfire	The proposed project is located within an urbanized, industrial area removed from wildlands.	No Impact	No Mitigation Required	Not applicable
Hazardous Emissions Near Schools	While there are no existing schools within a quarter mile of the project site, there is a possibility of a new school being constructed within a quarter mile of the project site.	Potentially Significant Impact	HAZ-1; HAZ-10	Less Than Significant
Emergency Response or Evacuation Plans	Construction activities associated with the proposed project may temporarily restrict vehicular traffic and emergency routes. Emergency evacuation plans would be made by the contractor to ensure prompt, safe, and orderly evacuation during construction activities. The proposed project also includes a Construction Management Plan as a Project Design Feature.	Potentially Significant Impact	HAZ-3	Not applicable
4.6: Hydrology and Water Quality				
Water Quality Standards and Requirements	Construction activities of the proposed project have the potential to impact water quality. Pollutants of concern include sediments, trash, petroleum products, concrete (wet and dry), sanitary waste, and chemicals.	Potentially Significant Impact	HYD-1; HYD-2; HYD-3; HYD-4; HYD-5	Less Than Significant
Groundwater Supplies and Recharge	The proposed project would not use groundwater and would not affect groundwater supply or recharge areas. Removal of the cooling tunnels is expected to encounter groundwater; however, no groundwater will be used for cooling tunnel removal.	Less Than Significant Impact	No Mitigation Required	Less Than Significant



Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
Drainage Patterns	The proposed project would not substantially alter the drainage pattern of the site and would not alter storm water flows. Additionally, the proposed project would not alter the course of a stream or river.	Less Than Significant Impact	No Mitigation Required	Less Than Significant
Erosion, Siltation, Flooding	The proposed project would not result in substantial erosion, siltation or flooding because the proposed project's anticipated increase in stormwater would not be substantial enough to cause a significant impact to either on-site or downstream drainage facilities.	Less Than Significant Impact	No Mitigation Required	Less Than Significant
Exceed Capacity of Stormwater Systems	Implementation of the proposed project would not exceed existing or planned stormwater drainage systems or provide additional sources of polluted runoff because the project would implement BMPs and the anticipated increase in stormwater would not require the construction of new storm drain facilities.	Less Than Significant Impact	No Mitigation Required	Less Than Significant
Dam Inundation and Flood Hazards	The project site is not identified as being within a dam inundation area and is not located proximate to a levee.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Seiche, Tsunami, and Mudflow Hazards	The proposed project is not located within an area susceptible to seiche or mudflow hazards. However, the project is within an area susceptible to tsunamis. The County of San Diego Office of Emergency Services has an existing tsunami evacuation plan in place and designated evacuation routes throughout the coastal zone. As such, impacts from tsunamis are considered less than significant.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Flood Hazards	The proposed project would not place housing or structures within a 100-year flood hazard area that could result in exposure to significant flood hazards.	Less Than Significant Impact	No Mitigation Required	Not Applicable
4.7: Land Use and Planning				
Conflicts with Land Use Plans, Policies, and Regulations	With implementation of project design features and mitigation measures, the proposed project would be consistent with all applicable land use plans, policies and regulations.	Potentially Significant Impact	Refer to BIO-1 through BIO-8 , HAZ-2 through HAZ-5 , HAZ-7 through HAZ-9 , HAZ-11 through HAZ-12 , and HYD-2 .	Less Than Significant

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
Divide Established Communities	The proposed project would result in the continuation of existing uses on the site designated for ship repair and would not divide an established community.	No Impact	No Mitigation Required	Not Applicable
Conflicts with Habitat Conservation Plans or Natural Community Conservation Plans	No adopted Habitat Conservation Plans or Natural Community Conservation Plans, or other approved local, regional, or State Habitat Conservation Plan is in place that includes the project site. However, the project site is within the San Diego Bay INRMP. With implementation of mitigation measures, the proposed project would not impede implementation of the INRMP.	Potentially Significant Impact	Refer to BIO-4	Less Than Significant
4.8: Noise				
Operational Increases in Ambient Noise Level	The proposed project would not result in any long-term increases in ambient noise level.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Temporary Increases in Ambient Noise Level	Construction-related, short-term noise levels would be higher than existing ambient noise levels in the project area, but would cease once construction activities have been completed.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Excessive Groundborne Vibration of Noise	Groundborne noise and vibration from construction activity would be mostly low and moderate except when pavement breaking or sheet pile vibration is used on site. However, people would not be exposed to excessive groundborne vibration or groundborne noise impacts due to the distance away to sensitive receptors.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Exposure to Noise from Public Airports	The proposed project is not located in any identified noise contours for airports in the project vicinity.	Less Than Significant Impact	No Mitigation Required	Not Applicable
4.9: Transportation and Traffic				
Circulation System Performance	Implementation of the proposed project would not cause any intersection or roadway to operate at an unacceptable LOS or further deteriorate the performance of an intersection or roadway operating at LOS E or F. Moreover, the proposed project would not result in an adverse impact to pedestrian and bicycle paths or mass transit.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Congestion management Program	Implementation of the proposed project would not result in a conflict with any applicable CMP program or LOS standard for the study area.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Air Traffic Patterns	Implementation of the proposed project does not include any components that would result in a change in air traffic patterns.	Less Than Significant Impact	No Mitigation Required	Not Applicable

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
Increase in Hazards	No temporary or permanent changes to the design or roadways in the project are planned as part of the proposed project. Therefore, implementation of the proposed project would not result in an increase in design hazards from a design feature.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Emergency Access	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.	Less than Significant Impact	No Mitigation Required	Not Applicable
Parking	Implementation of the proposed project would have the potential to result in inadequate parking capacity. With a total project parking demand of 1,361 spaces during the first shift (1,310 current personnel vehicles and 51 new personnel vehicles), the existing parking supply of 1,304 spaces would have a deficit of 57 parking spaces.	Potentially Significant Impact	TR-1	Less Than Significant
Alternative Modes of Transportation	Implementation of the proposed project would have the potential to result in inadequate parking capacity. With a total project parking demand of 1,361 spaces during the first shift (1,310 current personnel vehicles and 51 new personnel vehicles), the existing parking supply of 1,304 spaces would have a deficit of 57 parking spaces.	Potentially Significant Impact	TR-1	Less Than Significant
4.10: Utilities and Service Systems				
Wastewater Treatment Requirements	There would be no change in wastewater treatment requirements as the proposed project is in compliance with Port Master Plan.	Less Than Significant Impact	No Mitigation Required	Not Applicable
New Water or Wastewater Facilities	The proposed project would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities because the City of San Diego currently has adequate water and wastewater facilities to serve the proposed project.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Stormwater Drainage Facilities	The proposed project would comply with the San Diego Municipal Storm Water Permit (Order No. R9-2013-0001, NPDES No. CAS0109266). The installation of project-related storm drain systems would occur within an existing urbanized area and the on-site facilities would be designed, installed, and maintained per the City of San Diego Public Utilities Department standards.	Less Than Significant Impact	No Mitigation Required	Not Applicable

Table 2-2: Project-Level Environmental Impacts and Mitigation Measures

Issue	Impact	Significance Before Mitigation	Mitigation Measure(s)	Significance After Mitigation
Water Supply	The proposed project would not require the expansion of existing facilities or entitlements because the San Diego County Water Authority has projected that sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Wastewater Treatment Capacity	The proposed project would not exceed the capacity of the City's wastewater treatment system.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Solid Waste Disposal	The proposed project would be served by a landfill with sufficient capacity to accommodate the proposed project.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Compliance with Solid Waste Regulations	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 receiving landfill is reduced and no hazardous waste is received in accordance with existing regulations.	Less Than Significant Impact	No Mitigation Required	Not Applicable
Energy	The proposed project would not result in the wasteful, inefficient, and unnecessary consumption of energy.	Less Than Significant Impact	No Mitigation Required	Not Applicable

Table 2-3: Cumulative Impacts and Mitigation Measures

Issue	Geographic Scope of Cumulative Impact Analysis	Significance of Cumulative Impact	Proposed Project Contribution
Air Quality			
Consistency with Applicable Air Quality Plan	San Diego Air Basin	Less Than Significant Impact	Not Cumulatively Considerable
Consistency with Air Quality Standards and Cumulatively Considerable Net Increase in Emissions	San Diego Air Basin	Less Than Significant Impact	Not Cumulatively Considerable
Sensitive Receptors	Nearby intersections along Main Street and Newton Avenue and the Barrio Logan community	Less Than Significant Impact	No Cumulative Impact
Objectionable Odors	The area immediately surrounding the odor source	Less Than Significant Impact	No Cumulative Impact
Biological Resources			
Sensitive Species	San Diego Bay	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Riparian Habitat/Sensitive Natural Communities	San Diego Bay	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Wildlife Movement Corridors	San Diego Bay	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Geology and Soils			
Soil Stability and Seismic Hazards	Site Specific	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Soil Erosion and Topsoil Loss	San Diego Bay Drainage Area	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Expansive Soils	Site Specific	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Greenhouse Gases			
Hazards and Hazardous Materials			
Transport, Use, Disposal and Accidental Release of Hazardous Materials	Immediate area surrounding the project site	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Existing Hazardous Material Contamination	Immediate area surrounding the project site	Potentially Significant	Less Than Cumulatively Significant with Mitigation Incorporated
Global			
Less Than Significant Impact			
Not Cumulatively Considerable			

Table 2-3: Cumulative Impacts and Mitigation Measures

Issue	Geographic Scope of Cumulative Impact Analysis	Significance of Cumulative Impact	Proposed Project Contribution
Public or Private Airports	Flight paths of the San Diego International Airport of Naval Air Station North Island	Less Than Significant Impact	No Cumulative Impact
Wildfire	Immediate area surrounding the project site	No Impact	No Cumulative Impact
Hydrology and Water Quality			
Water Quality Standards and Requirements	San Diego Bay Watershed	Potentially Significant	Less than Cumulatively Significant with Mitigation Incorporated
Groundwater Supplies and Recharge	San Diego Bay Watershed	Less Than Significant Impact	Less than Cumulatively Significant
Erosion, Siltation, Flooding	San Diego Bay Watershed	Less Than Significant Impact	Less than Cumulatively Significant
Exceed Capacity of Stormwater Systems	San Diego Bay Watershed	Less Than Significant Impact	Less than Cumulatively Significant
Dam Inundation and Flood Hazards	San Diego Bay Watershed	Less Than Significant Impact	Less than Cumulatively Significant
Seiche, Tsunami, and Mudflow Hazards	San Diego Bay Watershed	Less Than Significant Impact	Less than Cumulatively Significant
Land Use	Project Site and Surrounding Neighborhood	Less Than Significant Impact	No Cumulative Impact
Noise	Project Site and Immediate Vicinity	Potentially Significant	Less than Cumulatively Significant
Transportation/Traffic			
Short-Term Construction Traffic	Immediate Vicinity of Project Site	Less Than Significant Impact	Less than Cumulatively Significant
Long-Term Operational Traffic	Immediate Vicinity of Project Site	Less Than Significant Impact	Less than Cumulatively Significant
Parking	Project Site and Immediate Vicinity	Potentially Significant	Less than Cumulatively Significant with Mitigation Incorporated
Utilities and Service Systems			
Wastewater	San Diego County Water Authority Service Area	Less Than Significant Impact	Not Cumulatively Considerable
Water Supply	San Diego County Water Authority Service Area	Less Than Significant Impact	Not Cumulatively Considerable
Solid Waste	City of San Diego	Less Than Significant Impact	Not Cumulatively Considerable
Energy	SDG&E Service Area	Less Than Significant Impact	Not Cumulatively Considerable

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Alternatives to the Proposed Project

Alternatives analyzed in Chapter 6 (Alternatives) of the Draft EIR include the No Project Alternative, the Reduced Project Alternative, and the Replacement of the Existing Drydock Alternative. Table 2-4, presented below, provides a summary of the alternatives analysis provided in the Draft EIR and presents impacts associated with the proposed project compared with the alternatives.

Areas of Known Controversy/Issues Raised By Agencies and the Public

State CEQA Guidelines Section 15123(b)(2) requires that areas of controversy known to the Lead Agency (District) be stated in the EIR summary. The District circulated copies of the Notice of Preparation (NOP) for the BAE Systems Pier 1 North Drydock Project EIR to State, regional, and local agencies, adjacent properties owners, and interested parties on April 18, 2014, for a 30-day review period.¹ The NOP was distributed to the State Clearinghouse, as well as agencies and organizations, which may provide appropriate comment on the proposed project, as well as potential environmental impacts that may result from construction and operation of the proposed on-site uses.

Comments received regarding the NOP were used to identify impacts that could result from implementation of the proposed project. The District received six comment letters in response to the NOP. Comments included concerns regarding impacts associated with air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, recreation and public access, traffic, and utilities. The NOP, Initial Study, and comment letters received are included in Appendix A of the Draft EIR. A brief summary of NOP comment letters is provided in Table 2.A of the Draft EIR.

Figures 2-1 through 2-8, which follow, show the full project location, the applicable jurisdictions, existing photographs and land use designations, and proposed designs, plans, and components.

¹ The Notice of Preparation 30-day public review period was from April 18, 2014, to May 19, 2014.

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		Alternatives		
	Without Mitigation	With Mitigation	No Project Alternative (Alternative 1)	Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
4.1: Air Quality					
Consistency with Applicable Air Quality Plan	Less Than Significant Impact	Not Applicable	▼	▼	▼
Consistency with Air Quality Standards	Less Than Significant Impact	Not Applicable	▼	▼	▼
Sensitive Receptors	Less Than Significant Impact	Not Applicable	▼	▼	▼
Objectionable Odors	Less Than Significant Impact	Not Applicable	▼	▼	▼
4.2: Biological Resources					
Candidate, Sensitive, or Special-Status Species	Potentially Significant	Less Than Significant Impact	▼	■	■
Riparian Habitat and Other Sensitive Natural Communities	Potentially Significant	Less Than Significant Impact	▼	■	■
Wildlife Movement Corridors	Potentially Significant	Less Than Significant Impact	▼	■	▼
Wetlands	No Impact	Not Applicable	▼	▼	▼
Conflicts with Local Policies or Ordinances	Less Than Significant Impact	Not Applicable	▼	▼	▼
Habitat Conservation Plan or Natural Community Conservation Plan	Less Than Significant Impact	Not Applicable	▼	▼	▼

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		No Project Alternative (Alternative 1)	Alternatives	
	Without Mitigation	With Mitigation		Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
4.3: Geology and Soils					
Unstable Soils and Seismic Hazards	Potentially Significant	Less Than Significant Impact	▼	=	=
Soil Erosion or Topsoil Loss	Potentially Significant	Less Than Significant Impact	▼	=	=
Expansive Soils	Potentially Significant	Less Than Significant Impact	▼	=	=
Waste Water Disposal Systems	No Impact	Not Applicable	▼	=	=
4.4: Global Climate Change					
Direct and Indirect Generation of GHG and Consistency with Applicable Plans Adopted for Reducing GHG	Less Than Significant Impact	Not Applicable	▼	▼	▼
4.5: Hazards and Hazardous Materials					
Transport, Use, Disposal, and Accidental Release of Hazardous Materials	Potentially Significant	Less Than Significant Impact	▼	=	=
Existing Hazardous Material Sites	Potentially Significant	Less Than Significant Impact	▼	=	=
Public and Private Airports	No Impact	Not Applicable	▼	=	=
Wildfire	No Impact	Not Applicable	▼	=	=
Hazardous Emissions Near Schools	Potentially Significant	Less Than Significant Impact	▼	=	=

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		Alternatives		
	Without Mitigation	With Mitigation	No Project Alternative (Alternative 1)	Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
Emergency Response or Evacuation Plans	Potentially Significant	Less Than Significant Impact	▼	=	=
4.6: Hydrology and Water Quality					
Water Quality Standards and Requirements	Potentially Significant	Less Than Significant Impact	▼	■	■
Groundwater Supplies and Recharge	Less Than Significant Impact	Not Applicable	▼	▼	▼
Erosion, Siltation, and Flooding	Less Than Significant Impact	Not Applicable	▼	▼	▼
Exceed Capacity of Stormwater Systems	Less Than Significant Impact	Not Applicable	▼	▼	▼
Dam Inundation and Flood Hazards	Less Than Significant Impact	Not Applicable	▼	▼	▼
Seiche, Tsunamis, and Mudflow Hazards	Less Than Significant Impact	Not Applicable	▼	▼	▼
Flood Hazards	Less Than Significant Impact	Not Applicable	▼	▼	▼
4.7: Land Use and Planning					
Conflicts with Land Use Plans, Policies, and Regulations	No Impact	Not Applicable	▼	=	=
Divide Established Communities	Potentially Significant	Less Than Significant Impact	▼	=	=

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		Alternatives		
	Without Mitigation	With Mitigation	No Project Alternative (Alternative 1)	Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
Conflicts with Habitat Conservation Plans or Natural Community Conservation Plans	Potentially Significant	Less Than Significant Impact	▼	=	=
4.8: Noise					
Permanent Increases in Ambient Noise Level	Less Than Significant Impact	Not Applicable	▼	▼	=
Temporary Increases in Ambient Noise Level	Less Than Significant Impact	Not Applicable	▼	▼	▼
Excessive Groundborne Vibration or Noise	Less Than Significant Impact	Not Applicable	▼	▼	▼/
Exposure to Noise from Public Airports	Less Than Significant Impact	Not Applicable	▼	=	=
4.9: Transportation and Traffic					
Circulation System Performance	Less Than Significant Impact	Not Applicable	▼	▼	=
Congestion Management Program	Less Than Significant Impact	Not Applicable	▼	▼	=
Air Traffic Patterns	Less Than Significant Impact	Not Applicable	▼	=	=
Increase in Hazards	No Impact	Not Applicable	▼	=	=
Emergency Access	Less Than Significant Impact	Not Applicable	▼	=	=

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		Alternatives		
	Without Mitigation	With Mitigation	No Project Alternative (Alternative 1)	Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
Parking	Potentially Significant	Less Than Significant Impact	▼	▼	=
Alternative Modes of Transportation	Potentially Significant	Less Than Significant Impact	▼	▼	=
4.10: Utilities and Service Systems					
Wastewater Treatment Requirements	Less Than Significant Impact	Not Applicable	▼	▼	=
New Water or Wastewater Facilities	Less Than Significant Impact	Not Applicable	▼	▼	=
Stormwater Drainage Facilities	Less Than Significant Impact	Not Applicable	▼	▼	=
Water Supply	Less Than Significant Impact	Not Applicable	▼	▼	=
Wastewater Treatment Capacity	Less Than Significant Impact	Not Applicable	▼	▼	=
Project-Level Solid Waste Disposal	Less Than Significant Impact	Not Applicable	▼	▼	=
Cumulative Solid Waste Disposal	Less Than Significant Impact	Not Applicable	▼	▼	=
Compliance with Solid Waste Regulations	Less Than Significant Impact	Not Applicable	▼	▼	=

Table 2-4: Summary of Analysis for Alternatives to the Proposed Project

Issue Area	Proposed Project		Alternatives		
	Without Mitigation	With Mitigation	No Project Alternative (Alternative 1)	Alternative 2: Reduced Project Alternative	Alternative 3: Replacement of Existing Drydock
Energy	Less Than Significant Impact	Not Applicable	▼	▼	=

= Alternative would result in a similar level of impact when compared to the proposed project.

■ Alternative would result in a reduced level of impact when compared to the proposed project, but impacts would remain significant without mitigation.

▼ Alternative would result in a reduced level of impact when compared to the proposed project and would not require mitigation.

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LSA

LEGEND

Project Limits

FIGURE 2-1



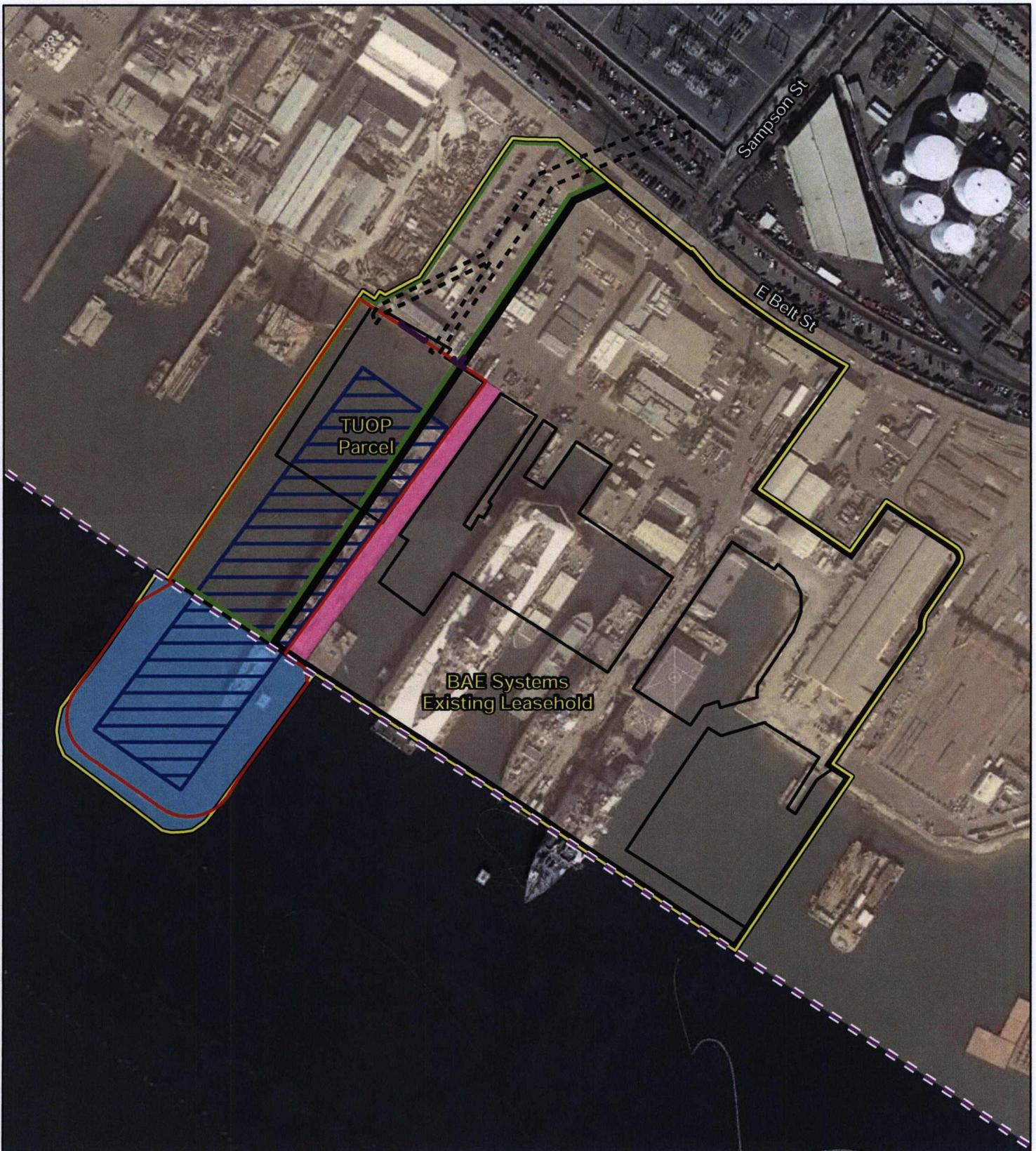
0 1000 2000
FEET

SOURCE: Bing Maps (2012); BAE Systems (6/2014)

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Pier 1 North Drydock Project
Regional and Project Location

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LSA

LEGEND

- U.S. Pierhead Line
- Project Limits
- California State Lands Commission Jurisdiction
- Port Jurisdiction

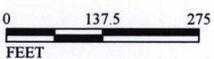
- Existing Cooling Tunnels
- Remedial Footprint
- Project Features**
- Existing Pier 1
- Proposed Floating Dry Dock

- Submerged Cantilever Sheet Pile Bulkhead Wall – Part of Separate Project
- Dredge Area
- BAE Systems Existing Leasehold
- TUOP Parcel

FIGURE 2-2

Pier 1 North Drydock Project

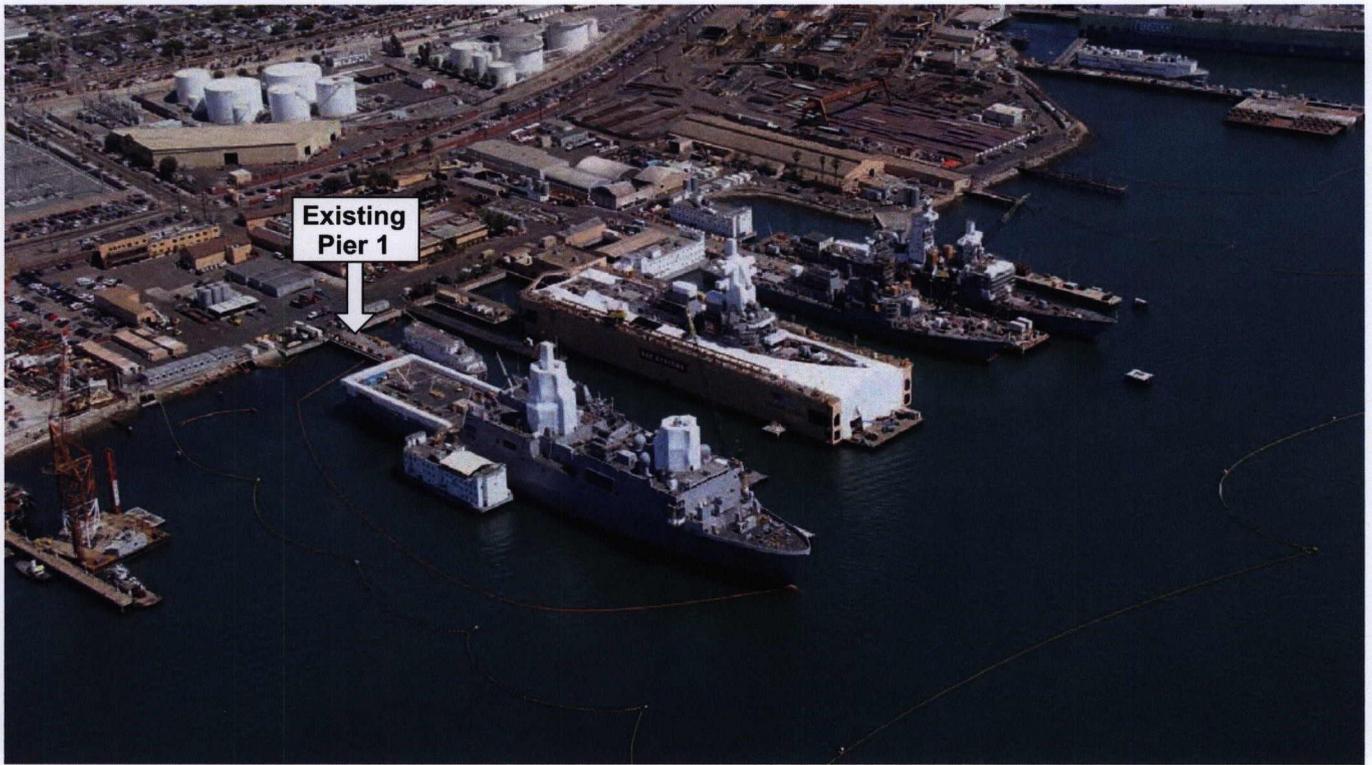
Project Overview and Applicable Jurisdictions



SOURCE: Google Earth (2013); BAE Systems (9/2014)

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Existing Pier 1.



Existing cooling tunnels intake.



Discharge structures.

LSA

FIGURE 2-3

Pier 1 North Drydock Project
Existing Facility Photographs

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FIGURE 2-4

LSA

LEGEND

Project Limits

Port Jurisdiction

City of San Diego Jurisdiction

Existing Cooling Tunnels

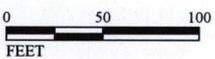
Remedial Footprint

Project Features

Existing Pier 1

Submerged Cantilever Sheet Pile Bulkhead Wall – Part of Separate Project

Dredge Area *Pier 1 North Drydock Project*
Cooling Tunnels



SOURCE: Google Earth (2013); BAE Systems (6/2014)

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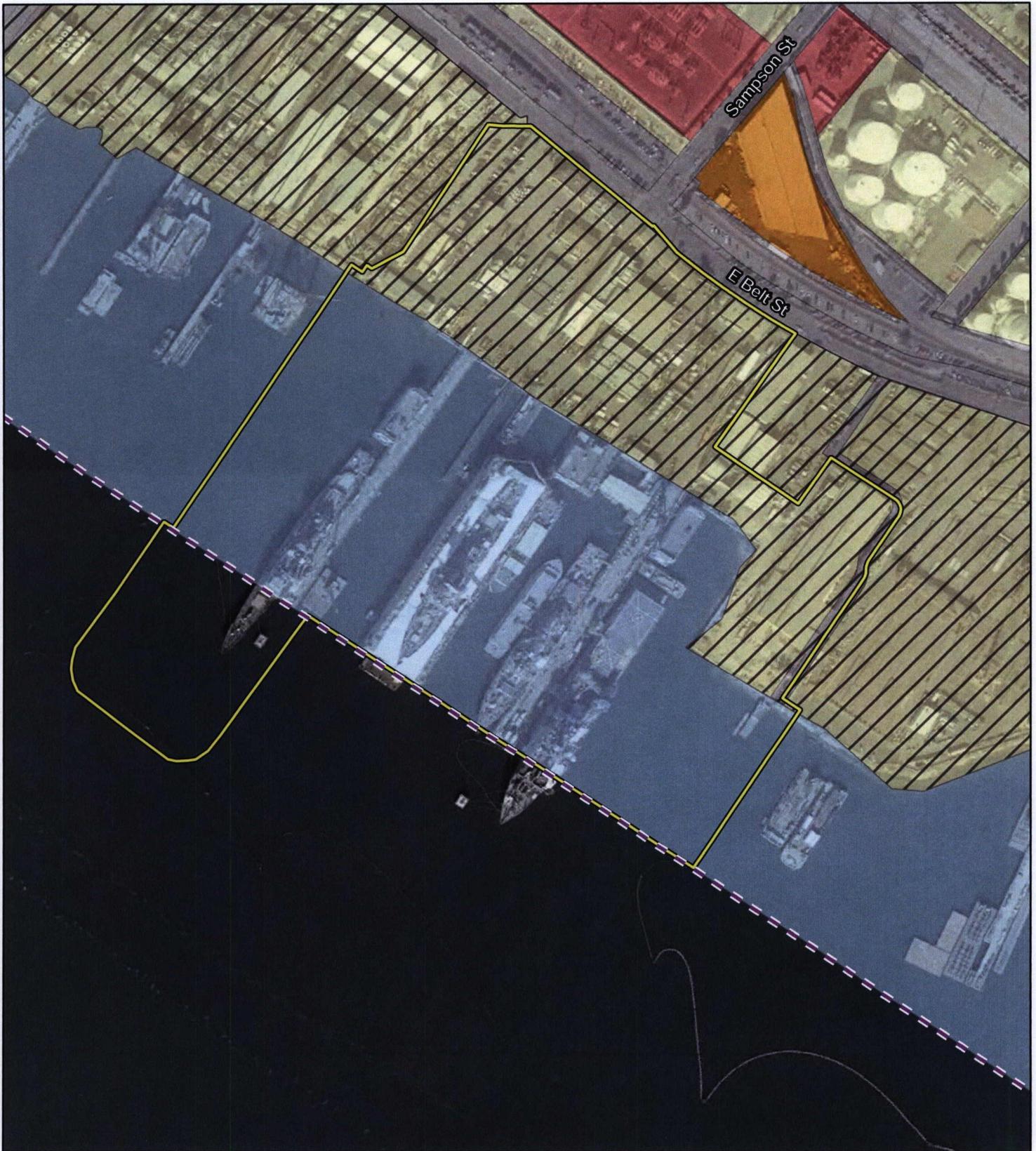


FIGURE 2-5

LSA

LEGEND

Project Limits

U.S. Pierhead Line

Port Master Plan

Marine Related - Industrial

Specialized Berthing - Industrial

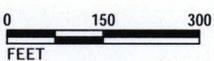
City of San Diego General Plan

Industrial

Transportation

Utilities

Warehousing/Storage



SOURCE: Google Earth (2013), City of San Diego (2010), Port of San Diego (2010)

R:\PTO1402\GIS\LandUse.mxd (10/8/2015)

Pier 1 North Drydock Project
Existing Land Use Designations

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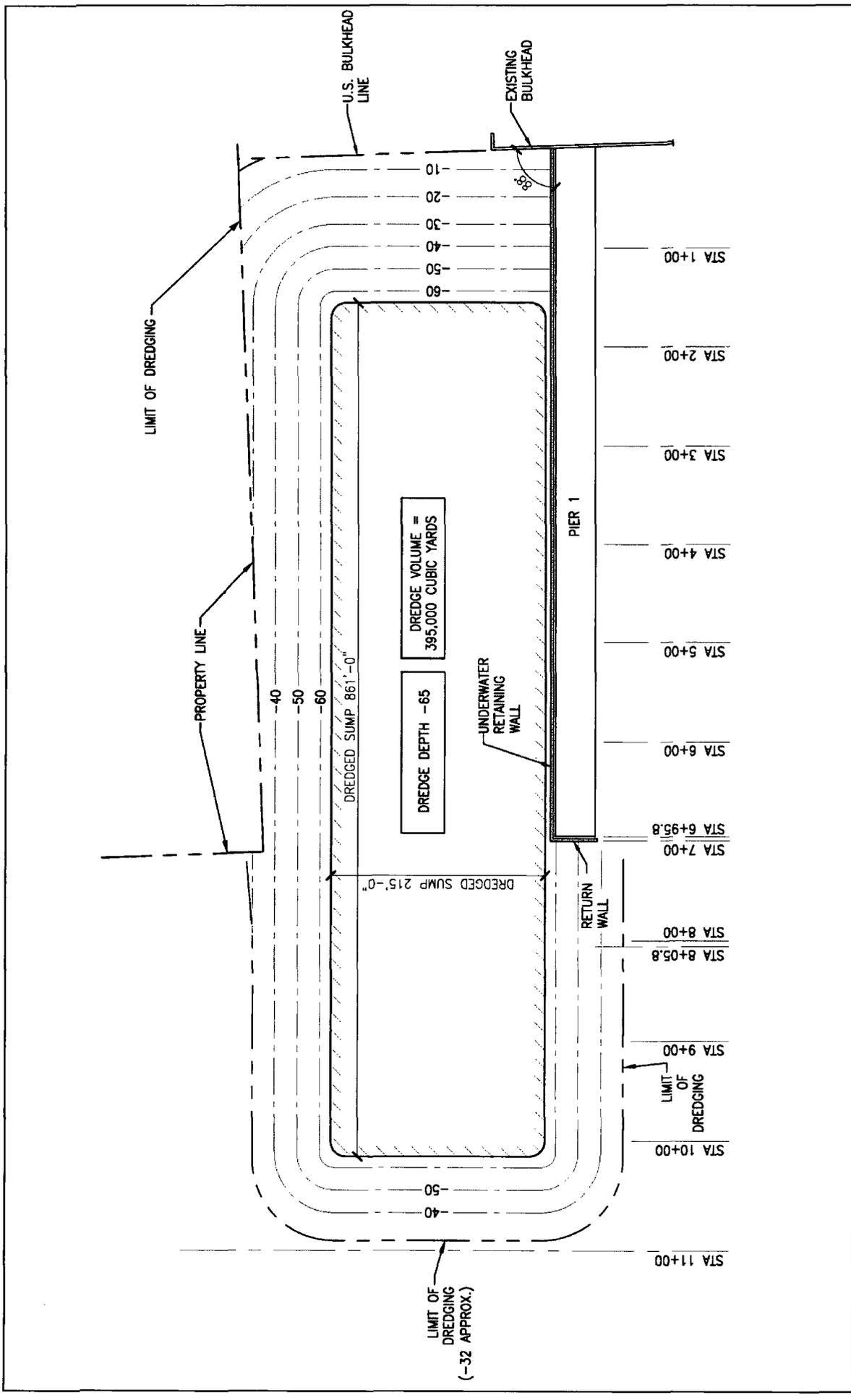


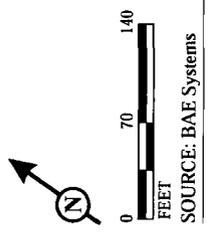
FIGURE 2-6

LSA

LEGEND:

---40--- APPROXIMATE NEW CONTOUR

--- LIMIT OF DREDGING



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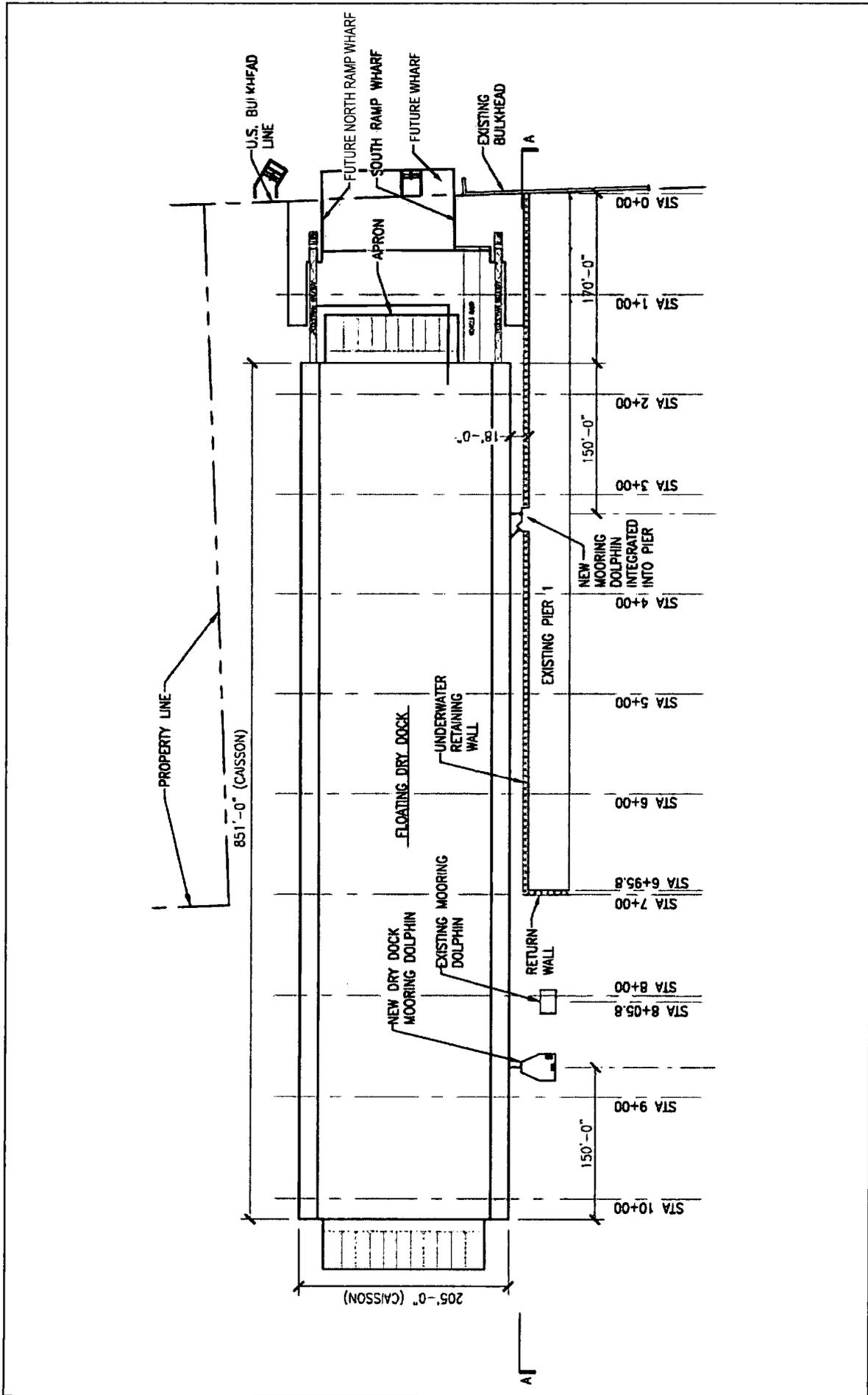
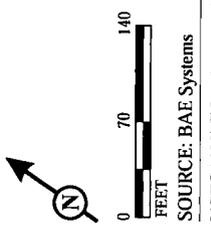


FIGURE 2-7

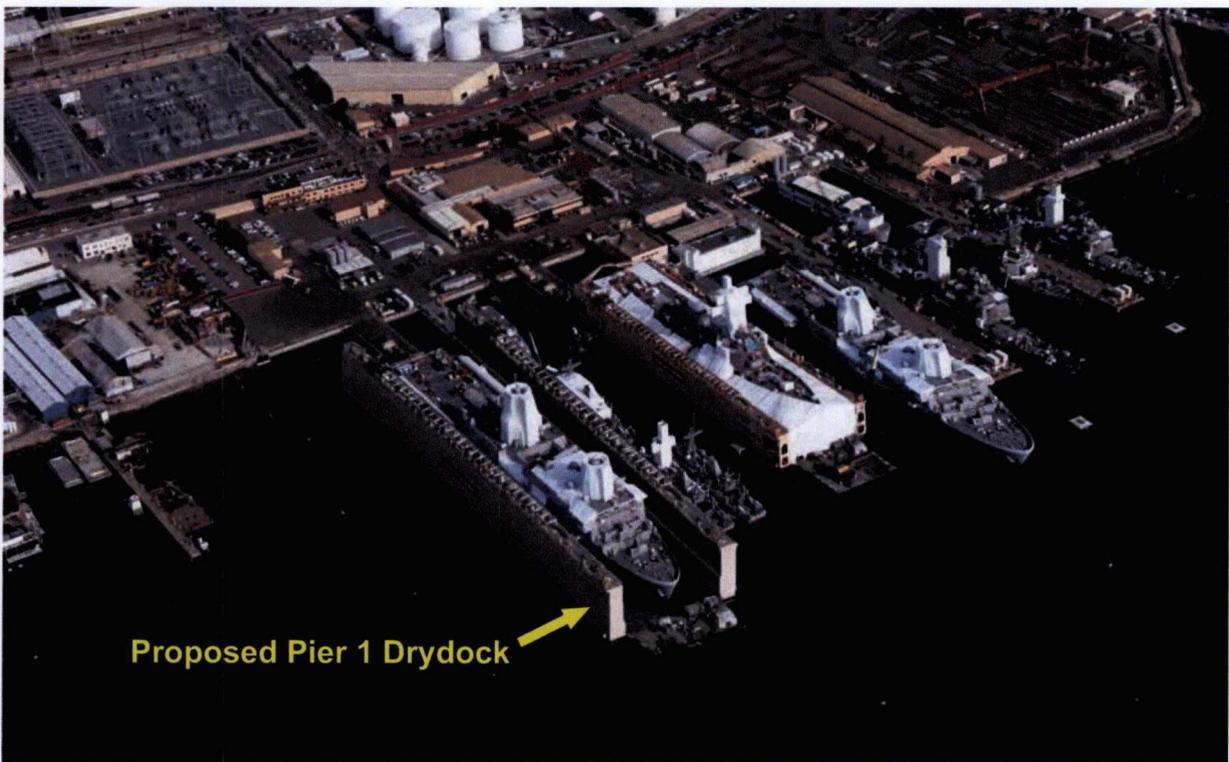
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Existing



Post Project

LSA

FIGURE 2-8

Pier 1 North Drydock Project
Drydock Component Existing and Proposed

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Chapter 3 **ERRATA AND REVISIONS**

This section of the Final EIR provides changes to the Draft EIR that have been made to clarify, correct, or add to the environmental impact analysis for the proposed project. Such changes are a result of further review of, and public comments related to, the Draft EIR. The changes described in this section are generally minor changes that do not constitute significant new information, change the conclusions of the environmental analysis, or require recirculation of the document (*State California Environmental Quality Act [CEQA] Guidelines* Section 15088.5).

Such changes to the Draft EIR are indicated in this section under the appropriate Draft EIR section. With the exception of changes to tables and figures, deletions are shown with ~~strikethrough~~ and additions are shown with underline.

The following is a list of pages in the Draft EIR requiring textual changes, indicating the Draft EIR section and page on which the change occurs. All revisions on the page numbers listed below are discussed further below in the Errata, with the exception of those pages where no contextual changes were required.

Draft EIR Section	Draft EIR Page, Table, or Figure Number
1.0 Executive Summary	Page 1-22, Table 1.A Page 1-24, Table 1.A Pages 1-67 through 1-69, Table 1.A Page 1-73, Table 1.A Page 1-88, Table 1.A Pages 1-88 through 1-91, Table 1.A Pages 1-91 through 1-92, Table 1.A Page 1-97, Table 1.A Pages 1-115 through 1-116, Table 1.A
2.0 Introduction and Purpose	Page 2-2 Pages 2-2 and 2-3 Page 2-26 Page 2-27
3.0 Project Description	Page 3-2 Page 3-13 Page 3-19 Page 3-27 Page 3-28 Page 3-32
4.2 Biological Resources	Pages 4.2-20 through 4.2-21
4.4 Global Climate Change	Pages 4.4-9, Table 4.4.D Page 4.4-10 Page 4.4-14 Pages 4.4-24 through 4.4-27 Pages 4.4-32 through 4.4-35, Table 4.4.K

Draft EIR Section	Draft EIR Page, Table, or Figure Number
	Page 4.4-36 Page 4.4-34 through 4.4-38
4.5 Hazards and Hazardous Materials	Pages 4.5-29 through 4.5-30
4.6 Hydrology and Water Quality	Pages 4.6-30 through 4.2-31 Pages 4.6-31 through 4.6-32 Page 4.6-33
4.9 Transportation and Traffic	Page 4.9-31
Appendix B: Air Quality, Climate Change, and Health Risk Assessment	Page 47, Table P

SUMMARY

The following Table S-1 indicates those revisions that were made to mitigation measures included in the Draft EIR. These revisions have been made in response to comments received from BAE Systems.

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
Special-Status Species	In-water construction activities have the potential to significantly impact special-status species	Potentially Significant	BIO-1: Biological Monitoring For Special-Status Species. During active dredging and pile-driving project activities, the contractor <u>BAE Systems</u> 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,	

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			<p>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 District within 60 days of the completion of the mitigation monitoring.</p>	
Special-Status Species	In-water construction activities have the potential to significantly impact special-status species	Potentially Significant	<p>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 dredging or pile driving areas (which includes the acoustical Zone of Influence <i>as defined in the BAE Systems Pier 1 North Drydock Hydroacoustic Technical Study, Tierra Data, January 2015</i>) 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 or dredging. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of dredging or pile-driving activities, the construction contractor shall halt the dredging or 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</p>	Less Than Significant

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			detection of special-status species (e.g., heavy fog), any pile-driving activities with the potential to reach the Level A Harassment Injury threshold or dredging activities shall not be conducted until conditions change to allow for visual detection.	
Hazards as a result of reasonable and foreseeable upset and accident conditions	In-water construction activities have the potential to result in hazardous upset and accident conditions associated with dredging	Potentially Significant	<p>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 chosen by the District and at the contractor’s <u>retained at the Applicant’s</u> expense. The HASP shall include the following requirements at a minimum:</p> <ol style="list-style-type: none"> 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. <p>The District’s ELUM Director, or</p>	Less Than Significant

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			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.	
Hazards as a result of reasonable and foreseeable upset and accident conditions	In-water construction activities have the potential to result in hazardous upset and accident conditions associated with dredging	Potentially Significant	<p>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.</p> <p>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 <u>the contractor</u> and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.</p>	
Water Quality Standards/ Water Quality Degradation	In-water construction activities have the potential to result in potential water quality impacts associated with dredging	Potentially Significant	<p>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:</p> <ul style="list-style-type: none"> The contractor shall remove dredge material and not stockpile 	Less Than Significant

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			<p>material on the floor of San Diego Bay, and shall not sweep or level the bottom surface with any dredging bucket.</p> <ul style="list-style-type: none"> • 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 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 contaminated sediment removal <u>destined for upland disposal</u>, 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. 	

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			<ul style="list-style-type: none"> • The contractor shall not use weirs during dredging of any material not deemed suitable for unconfined aquatic disposal (SUAD) as a means to dewater the scow and shall allow additional room for sediment placement. Preventing this action shall minimize the introduction of turbidity to the water column. 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 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 scalper 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. 	

Table S-1: Mitigation Measure Revisions in the Draft EIR

Issue	Impact	Significance without Mitigation	Mitigation Measure(s)	Significance with Mitigation
			<ul style="list-style-type: none"> The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area. 	
Water Quality Standards/ Water Quality Degradation	In-water construction activities have the potential to result in potential water quality impacts associated with dredging	Potentially Significant	<p>HYD-4: Dredge Site Water Quality Monitoring. The San Diego Unified Port District (District's Engineering Construction Director, or designee, 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.</p> <p>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: (1) periodic inspection of the slurrified 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.</p> <p>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.</p>	Less Than Significant

Chapter 1.0 Executive Summary

Page 1-22:

The following revisions to Mitigation Measure BIO-1, Biological Monitoring for Special-Status Species, have been made to clarify the responsible party to implement this measure:

BIO-1: Biological Monitoring For Special-Status Species. During active dredging and pile-driving project activities, ~~the contractor~~ 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 States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.

Page 1-24:

The following revisions to Mitigation Measure BIO-2, Biological Monitoring of Impact Hammer and Pile Driving, have been made in response to comments from BAE Systems:

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 ~~dredging or~~ 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 ~~or dredging~~. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of ~~dredging or~~ pile-driving activities, the construction contractor shall halt the ~~dredging or~~ 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 ~~or dredging activities~~ shall not be conducted until conditions change to allow for visual detection.

Pages 1-67 through 1-69:

The following revisions to Mitigation Measure HAZ-4, Health and Safety Plan (HASP) for Dredging Activities, have been made in response to comments from BAE Systems:

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 ~~chosen by the District and at the contractor's expense~~ 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 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.

Pages 1-73:

The following revisions to Mitigation Measure HAZ-10, Soil and Groundwater Management Plan, have been made to clarify the responsible party to implement this measure:

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 ~~BAE Systems~~ the

contractor and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Page 1-88:

The following information has been provided to the discussion of operational water quality impacts to clarify the correct definition of the POSD acronym.

Therefore, it is anticipated that the operational phase of the proposed project would not create any new conditions at the site that would result in significant impairments to water quality. In addition, the new drydock would be designed to capture all storm water runoff and wastewater, and to monitor flows in a manner similar to the method currently used at the ~~Port Operations, Security, and Defense~~ Pride of San Diego (POSD) drydock at BAE Systems (i.e., via the similar NPDES monitoring program).

Pages 1-89 through 1-91:

The following revisions to Mitigation Measure HYD-3, Dredging Operations and Containment, have been made in response to comments from BAE Systems and to clarify the characterization of the sediment:

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 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 ~~contaminated~~ 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.
- ~~The contractor shall not use weirs during dredging of any material not deemed suitable for unconfined aquatic disposal (SUAD) as a means to dewater the scow and shall allow additional room for sediment placement. Preventing this action shall minimize the~~

introduction of turbidity to the water column. 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 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 ~~scalper~~ 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.

Pages 1-91 through 1-92:

The following revisions to Mitigation Measure HYD-4, Dredge Site Water Quality Monitoring, have been made in response to comments from BAE Systems:

HYD-4 Dredge Site Water Quality Monitoring. ~~The San Diego Unified Port District (District)'s Engineering Construction Director, or designee, 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 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.

Page 1-97:

The following revisions to Project Design Feature (PDF) HYD-7, Waste Discharge Requirement for BAE Systems, have been made in response to comments from BAE Systems:

PDF HYD-7 Waste Discharge Requirements for BAE Systems Southwest Marine, Inc. The contractor shall comply with the requirements set forth in *Waste Discharge Requirements (WDRs) for BAE Systems San Diego Ship Repair Inc. Southwest Marine, Inc.* (Order No. R9-2015-0034 R9-2002-0161, NPDES No. CA0109151). All storm water runoff would be contained on-site before discharging into the storm sewer system. If discharge from the drydock must occur, it shall be regulated.

Pages 1-115 through 1-116:

The following revisions to Standard Condition NOI-1, Adherence to Construction Hours, have been made in response to comments from BAE Systems:

NOI-1 Adherence to Construction Hours. Construction activities must comply with the hours set by the City's Municipal Code. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75 dB during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.

Transportation permits from the City of San Diego will be required and obtained prior to any trucking activities.

Chapter 2.0, Introduction and Purpose

Page 2-2:

The following information has been added to the discussion of the existing Storm Water Diversion System within the project site:

BAE Systems operates and maintains a Storm Water Diversion System (SWDS) to eliminate and/or reduce the volume of pollutants discharged to receiving waters (San Diego Bay). This system consists of ~~316~~ catch basins (drains) and associated piping, as well as secondary containment. The system is designed to capture at least the first 1.0 inch of storm water that has fallen upon the facility. Rain gauges are utilized to determine when 1.0 inch of rainfall has been achieved. Following the first 1.0 inch of storm water recovery to the SWDS, remaining storm water may be redirected to San Diego Bay through ~~six~~ nine outfalls enumerated SW1 through SW~~69~~ (currently located at the foot of Pier 4).

Pages 2-2 and 2-3:

The following information has been added to the discussion of the existing Storm Water Diversion System within the project site:

Discharge to San Diego Bay may occur if on-site storage capacity is exceeded. San Diego Bay discharge requirements are delineated in Regional Board Order No. R9-2015-0034 ~~R9-2002-0161~~.¹

Footnote 1, Page 2-3:

California Regional Water Quality Control Board, San Diego Region, Order No ~~R9-2002-0161~~R9-2015-0034. Website:
http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/20022015/2002_0161R9-2015-0034.pdf (accessed ~~February 24~~July 8, 2015).

Page 2-26:

The following information has been added to the discussion of the existing light fixtures within the project site:

Existing exterior lighting within the shipyard is primarily from fixtures with LED lamps ~~metal halide bulbs~~ mounted on buildings and freestanding poles (approximately 35 feet high) on each pier.

Page 2-27:

The following information has been added to the discussion of cultural resources in Chapter 2.0:

The near-shore marine sedimentary deposits and marine terraces along the coast of San Diego have a high potential for paleontological resources to occur. Project dredging activities may affect the San Diego Bay Formation. However, decades of dredging and placement of fill soils project area have removed or disturbed the underlying marine deposits and associated paleontological resources. Therefore, the project would have a less than significant impact regarding its potential to directly or indirectly destroy unique paleontological resources or unique geologic features.

Should any cultural resources on State Lands be discovered during construction of the proposed project, the final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.

Chapter 3.0, Project Description

Page 3-2:

The following information has been added to the discussion of existing site conditions in Chapter 3.0:

BAE Systems currently leases the neighboring, northwestern 2-acre parcel from the District primarily for parking and storage of materials, but also for ship repair activities associated with BAE System's operations, and for activities that support the Remedial Action Plan (RAP) that is associated with the San Diego Shipyard and Sediment Remediation Project. In November 2013, the TUOP agreement was amended to allow for the implementation of the RAP that was approved by the San Diego Regional

¹ It should be noted that the current Regional Board Order has expired, and an updated version of this Regional Board Order was renewed on June 24, 2015.

Water Quality Control Board (Regional Board) in December 2012 for compliance with the Clean-Up and Abatement Order (CAO) No. R9-2012-0024. Environmental impacts associated with the RAP were analyzed in a separate EIR, and certified by the Regional Board in March 2012. While the 2-acre TUOP parcel has been primarily used for parking and storage, it has also supported ship repair activities, as well as a staging area to support the RAP associated with the Regional Board's CAO. These ship repair activities include 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, and staging areas in support of pierside activities.

The 2-acre TUOP parcel currently has two subsurface intake/discharge water tunnels that were installed by SDG&E and previously used for intake/discharge of cooling water for the SDG&E Silvergate Power Plant. The intake/discharge tunnels consist of two tunnels for intake water and two tunnels for discharge water.

Page 3-13:

The following information has been added to the discussion of existing site operations in Chapter 3.0: BAE Systems is currently the primary contractor for five classes of US Navy vessels: CGs (Cruisers), DDGs (Destroyers), LPD-17 (Amphibious Transport Docks), LSD-41/49 (Dock Landing Ships), and MCMs (Mine Countermeasures). BAE Systems maintain Multi-ship, Multi-option (MSMO) contracts that include vessel berthing and drydocking. These contracts may include pier-side repair, drydock repair, or both. The average number of ships moored and/or serviced at BAE Systems facility typically ranges from 10 to 20 vessels per year. As shown on Table 3.A, the vessel stay at the facility ranges from 11 days to 294 days, with an average stay of 89 days for drydock vessel and 104 days for berthed vessels. To a lesser extent, BAE Systems performs pier-side and drydock repairs for commercial customers as well. Over the past five three years, BAE Systems has accomplished an average of four drydockings per year.

Based on the historical average of four drydockings per year, the Draft EIR evaluated five drydockings at the new drydock. Although there would normally be only four drydockings per year, the Draft EIR analyzes five, to account for one additional drydocking as a result of potential growth. It is important to note that the assumption of five additional drydockings per year is a conservative, or a worst-case scenario. Based on historical data in the Table 3.A, BAE Systems' current drydock facility had vessels stays for an average of 89 days. It is likely that the future vessels utilizing BAE Systems' new Pier 1 drydock will be larger, and therefore, will result in longer stays. In order to realize the five vessels that are assumed annually, the average stay of each vessel would have to be less than or equal to 73 days, which is substantially less than the historical average of 89 days.

To a lesser extent, BAE Systems performs pier-side and drydock repairs for commercial customers, as well.

Although the new Pier 1 North Drydock will have the capability of servicing commercial (or non-military including cruise ships) vessels, environmental impacts, including emissions associated with these repairs, are similar to the environmental impacts associated with repairing US Navy vessels as the processes would be similar. US Navy vessels often-times have an artillery component, as well as more crew members, more machinery, and more advanced technology, which requires more time and generally more intense repair and maintenance processes. To account for the "worst-case" scenario, the Draft EIR assumed that the five additional drydockings per year would all be US Naval vessels.

Page 3-19:

The following information has been added to the discussion of the proposed drydock and associated improvements in Chapter 3.0:

The proposed drydock would be located on the north side of existing BAE Systems Pier 1 and would extend onto the neighboring TUOP parcel and approximately 350 ft west into CSLC jurisdiction. As project design features incorporated into the proposed project with the intent of reducing potential environmental effects, the drydock would include two electric cranes mounted on the drydock itself to perform necessary ship repair work along the existing pier and within the drydock facility and would also include the installation of a zero-discharge salt water system (pumps) utilizing smart controllers and cascading pumps that minimize operation of only those pumps necessary to keep up with actual demand. Additional project design features incorporated into the proposed project include the installation of light-emitting diode (LED) lamps for all lighting associated with the drydock and any additional lighting fixtures throughout the BAE Systems facility. The drydock component of the proposed project includes dredging activities (the extent of dredging is illustrated in Figure 3.6), 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 as detailed in Figure 3.7. Figure 3.8 depicts before and after proposed project conditions for the proposed Pier 1 drydock component. A more detailed description of the proposed drydock and associated improvements is provided as follows.

Any sediment not approved for ocean disposal or beneficial reuse will be disposed of outside of tidelands (upland) at an appropriately permitted landfill. Any sediment designated for upland disposal will be tested, characterized, ~~and~~ profiled for disposal approval, and treated if necessary. For purposes of this analysis, it is anticipated that between 2,500 and 10,000 cy (3,500–14,000 tons) of dredge material would require ~~treatment and~~ upland disposal.

Page 3-27:

The following information has been stricken from the discussion of the proposed drydock and associated improvements in Chapter 3.0 as it is redundant information presented earlier in the chapter:

~~Based on preliminary bathymetric survey data, dredging is anticipated to generate approximately 395,000 cubic yards (cy) of sediment. Following testing and approval by the USACE and the US Environmental Protection Agency (EPA), the sediment would be disposed of by barge at the EPA approved ocean disposal site commonly known as LA-5, which is located approximately 13 miles west from the proposed project site.~~

The following information has been added to the discussion of the proposed drydock and associated improvements in Chapter 3.0:

For purposes of this analysis, it is anticipated that between 2,500 and 10,000 cy (3,500–14,000 tons) of dredge material would require ~~treatment and~~ upland disposal.

Page 3-28:

The following information has been added to the discussion of the proposed drydock and associated improvements in Chapter 3.0:

- The ramp wharf will be constructed of three independent structures with the northernmost structure measuring approximately ~~134 125~~ by 35 ft, the intermediary structure measuring approximately 134 by 76 ft, and the southernmost structure measuring approximately ~~134 125~~ by 70 ft, with a combined total area of approximately 22,088 sf (including pedestrian and vehicle ramps). However, because the removal of the cooling tunnels is anticipated to occur after construction of the drydock, and due to the location of the tunnel openings relative to the proposed ramp structures, the future northern ramp wharf and intermediary structure will not be constructed until the cooling tunnels are removed. Although the proposed project would not construct the northern ramp wharf until the cooling tunnels are removed, the project would allow for temporary pedestrian-only access to the north side of the drydock from the shore prior to construction of the north ramp wharf. Construction of the future northern ramp wharf and intermediate structure after the cooling tunnel removal will ensure that improvements associated with the drydock do not need to be disturbed and/or removed to access the tunnels. The drydock can operate in the interim with only the southernmost ramp wharf installed. The ramp wharf structures will be designed to support heavy vehicle and equipment loads and constructed of a reinforced concrete deck supported by precast concrete piles will be anchored along the shoreline. The elevation of the wharf will be approximately +13 ft MLLW. This elevation is 12 inches higher than existing piers at the BAE Systems site and has been designed to account for some rise in sea level.

Page 3-32:

The following information has been added to the discussion of the proposed construction activities and schedule in Chapter 3.0:

Construction equipment anticipated for Phase 1 include a floating crane barge, 80-ton land based crawler crane, two deck barges for delivery and storage of materials, one tug boat, trucks for delivery of sheetpile and construction materials, forklifts for on-pier support, a drilling rig, impact hammer, and vibratory hammer. Construction equipment for the installation of the mooring dolphins and ramp wharves include a crane to drive concrete piles, concrete trucks for pouring concrete structures, trucks to deliver construction materials (rebar, tools, equipment), and an impact hammer.

All haul trucks required for project construction and operation will access the I-5 south via the designated route of E. Harbor Drive, which would allow for a direct connection to regional routes and avoid truck travel on surface streets through non-designated truck routes.

Section 4.2, Biology**Pages 4.2-20 through 4.2-21:**

The following revisions to Mitigation Measure BIO-1, Biological Monitoring for Special-Status Species and BIO-2, Biological Monitoring of Impact Hammer and Pile Driving, have been made to clarify the responsible party to implement this measure:

BIO-1 Biological Monitoring For Special-Status Species. During active dredging and pile-driving project activities, ~~the contractor~~ 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 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 ~~dredging or~~ 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 ~~or dredging~~. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of ~~dredging or~~ pile-driving activities, the construction contractor shall halt the ~~dredging or~~ 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 ~~or dredging activities~~ shall not be conducted until conditions change to allow for visual detection.

Section 4.4, Climate Change

Page 4.4-9:

The following clarifying revisions to Table 4.4.D, Sea-Level Rise Projections using 2000 as the Baseline – Areas South of Cape Mendocino, have been made:

Table 4.4.D: Sea-Level Rise Projections using 2000 as the Baseline - Areas South of Cape Mendocino

Time Period	Sea Level Rise
2000–2030	4 to 30 cm (0.13 to 0.98 ft)
2000–2050	12 to 61 cm (0.39 to 2.90 ft)
2000–2100	42 to 167 cm (1.38 to 5.48 ft)

Source: Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), State of California Sea-Level Rise Guidance Document (March 2013).

cm = centimeters

ft = foot/feet

Page 4.4-10:

The following clarifying revisions to the discussion of the effects of sea level rise have been made in response to comments from BAE Systems:

The elevation of the ~~project site piers/shoreline~~ is approximately +12/13 ft MLLW essentially at sea level, and therefore, the rising of the ocean levels ~~could~~would not result in on-site flood conditions. Additional GHG reduction strategies implemented at the State, national, and international levels could reduce sea-level rise.

Page 4.4-14:

The following clarifying revisions to the discussion of the global climate change Regulatory Environment discussion have been made to include all regulations pertaining to global climate change that are published as of November, 2015:

State Regulations/Standards

Executive Order B-30-15. On April 29, 2015, California Governor Brown issued Executive Order B-30-15. Therein, Governor Brown:

- Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.
- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets.
- Directed CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

CARB subsequently expressed its intention to initiate the Climate Change Scoping Plan update during the Summer of 2015, with adoption scheduled for 2016.

Page 4.4-24 through 4.4-27:

The following revisions to the Methodology discussion have been made to provide additional clarification on the use of appropriate significance thresholds:

Climate change is a global issue and is described in the context of the cumulative environment because individual projects are unlikely to measurably affect GCC. Therefore, the project is considered in the context of multiple sectors and the combined efforts of many industries, including development. In accordance with the State CEQA Guidelines, Appendix G, the effects of the project related to GHG emissions may be considered to be cumulatively considerable if the proposed project would:

- a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Neither the State of California nor the San Diego Air Pollution Control District has adopted emission-based thresholds for GHG emissions under CEQA. The District has no adopted thresholds for determining significance; therefore, it is typical for the District to rely on underlying/adjacent city or county provisions for such analyses. As such, this section assesses climate change impacts for the proposed project using the City of San Diego's *Draft Significance Thresholds for Greenhouse Gas Emissions* (March 2013).

The City of San Diego (City) developed four specific GHG significance thresholds based on AB 32 GHG emission reduction goals after taking into account the emission reductions expected from the strategies outlined in ARB's Scoping Plan. The City has prepared the GHG Thresholds using direction provided by the Natural Resources Agency in amendments to the State CEQA Guidelines to address GHG emissions. The methods and assumptions used in developing these GHG Thresholds are consistent with CEQA practice for GHG emissions analysis.

Pursuant to the City's thresholds, there are four different significance thresholds that may be used for new development. Applicants for land use projects besides heavy industrial projects² may select any of the first three thresholds in accordance with the guidance in the City's GHG Significance Thresholds document.:

- 1) **Bright Line Threshold:** Numerical value to determine the significance of a project's annual GHG emissions (2,500 MT/yr).
- 2) **Efficiency Threshold:** Value to assess the GHG efficiency of a project on a per capita basis (4.46 MT/yr/service population).
- 3) **Performance Threshold:** Quantitative threshold that is consistent with the level of reductions required under AB 32 (16 percent below unmitigated GHG emissions).
- 4) **Stationary Source Threshold:** Numerical threshold for stationary source (heavy industrial) projects (10,000 MT/yr).

² Heavy industrial projects include those industrial projects that generally require large capital investments in machinery and industrial facilities. Examples of such projects include ship building/ship repair activities, as well as automobile, mining, and steel manufacturing.

~~Project analysis must also include analysis of construction emissions and operational emissions associated with mobile sources, electricity use, water delivery, and other non-stationary sources associated with the facility. Applicants for land use projects besides heavy industrial projects may select any of the first three thresholds in accordance with the guidance in this document. The Bright Line Threshold may be used for all land use development projects other than heavy industrial projects. The project Bright Line Threshold was developed to provide small projects with a clear threshold that is easily applied. To provide further guidance for small projects to determine when they are above the Bright Line Threshold, the City developed screening criteria for various types of land use projects. The Efficiency Threshold is appropriate for projects that are above the Bright Line Threshold but have a less than cumulatively significant impact on climate change because they accommodate growth in a GHG efficient manner. The Performance Threshold is appropriate for projects that are above the Bright Line Threshold but include design features that, in combination with mitigation measures, demonstrate the project's fair share of the reductions consistent with AB 32.~~

~~For projects that would include a stationary source of emissions, the Stationary Source Threshold must be used for assessing significance. Stationary source emissions must be analyzed separately from non-stationary source emissions. Project analysis must also include analysis of construction emissions and operational emissions associated with mobile sources, electricity use, water delivery, and other non-stationary sources associated with the facility. Nonstationary sources of emissions must be analyzed using one of the three significance thresholds, i.e., Bright Line Threshold, Efficiency Threshold, or Performance Threshold.~~

~~The Bright Line Threshold was developed to provide small projects with a clear threshold that is easily applied:~~ Based on the characteristics of the proposed project as a component within an existing operating shipyard and because the proposed drydock would replace an existing wet berth, currently used for ship repair and maintenance, the Bright Line threshold will be used for the proposed project as the characteristics of the project are not representative of a stationary source of emissions.³⁴ ~~Should the Bright Line threshold be exceeded, the proposed project's cumulative GHG impact will be determined using the Performance threshold, consistent with the City's guidelines. Even if the project could be construed as a stationary source of emissions, the Bright Line Threshold is appropriate. Because the Bright Line Threshold is a more restrictive significance threshold than the Stationary Source Threshold, any impact that is deemed significant under the Bright Line Threshold would also be significant under the Stationary Source Threshold. Furthermore, the Bright Line Threshold may deem an impact to be significant even if such impact would not be significant under the Stationary Source Threshold. Therefore, the Bright Line Threshold is the most conservative of the thresholds provided for in the City's Draft Significance Thresholds for Greenhouse Gas Emissions because it would tend to overestimate the significance of the project's impacts. The selection of the Bright Line Threshold therefore is consistent with CEQA's environmental protection purpose.~~

The following revisions to the Impact Significance Criteria have been made to clarify the appropriateness of the use of the City's Bright Line Threshold:

Based on Appendix G of the State CEQA Guidelines, climate change/greenhouse gas emissions

³ Stationary sources typically include cogeneration facilities, boilers, flares, heaters, refineries, and other types of facilities that require a permit to operate from the SDAPCD.

impacts would occur if the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

GCC may result in significant adverse effects to the environment that will be experienced worldwide, with some specific effects observed in California. AB 32 requires statewide GHG emissions reductions to 1990 levels by 2020. Although these statewide reductions are now mandated by law, no generally applicable GHG emission threshold has yet been established.

Individual projects incrementally contribute toward the potential for GCC on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to affect GCC measurably, each of these projects incrementally contributes toward the potential for GCC on a cumulative basis, in concert with all other past, present, and probable future projects. This analysis analyzes whether the project's emissions should be considered cumulatively significant.

As previously stated, for the purpose of this analysis, implementation of the proposed project may have a significant adverse impact on GHG emissions if it would result in any of the following:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance.
 - Exceed the City's Bright Line Threshold of 2,500 MT of CO₂e/yr (for non-stationary sources). ~~or~~ (As noted, the Bright Line Threshold would capture any impacts deemed significant under the
 - ~~Exceed the City's Stationary Source Threshold of 10,000 MT of CO₂e/yr, under the less environmentally conservative assumption that the project is a stationary source subject to the 10,000 MT of CO₂e/yr significance threshold.)~~
- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.
 - A potentially significant cumulative impact would occur if the proposed project fails to show consistency with District's Climate Action Plan and related measures.

Pages 4.4-32 through 4.4-35:

The following revisions to text has been added to Section 4.4.5.2, Greenhouse Gas Plan, Policy, Regulation Consistency of the Draft EIR to further clarify and expand on the project's consistency with Executive Order B-30-50. Additionally, revisions to Table 4.4.K, Project Compliance with Greenhouse Gas Emission Reduction Policy Measures, have been made to provide additional information on the project's consistency with EO S-3-05:

Further, this GHG emissions level would be less than the Bright Line threshold of 2,500 MT of CO₂e per year.

At the state level, Executive Orders S-3-05 and B-30-15 are orders from the State's Executive Branch for the purpose of reducing GHG emissions. Executive Orders S-3-05's goals to reduce GHG emissions to 1990 levels by 2020 was codified by the Legislature as the 2006 Global Warming Solutions Act (AB 32). As analyzed in Table 4.4.K, above, the project is consistent with AB 32. Therefore, the project does not conflict with this component of the Executive Orders.

The Executive Orders also establish the goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

Studies have shown that, in order to meet the 2030 and 2050 targets, aggressive technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. In its Climate Change Scoping Plan (December 2008) ("Scoping Plan"), CARB acknowledged that the "measures needed to meet the 2050 goal are too far in the future to define in detail."⁴ In the First Update to the Climate Change Scoping Plan: Building on the Framework (May 2014) ("First Update"), however, CARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately."⁵ More recently, CARB noted that the 40 percent goal set out in Executive Order B-30-15 is achievable and that ARB was "accelerating cuts to carbon output through 2030 to reduce continued temperature rise, and shifting infrastructure priorities to protect against climate-change related impacts in the future."⁶ An emphasis on public transit and sustainable communities will be necessary to achieve the 2030 and 2050 GHG emissions reduction goals set forth in Executive Orders B-30-15 and S-3-05.⁷ Due to the technological shifts required and the unknown parameters of the regulatory framework in 2030 and 2050, quantitatively analyzing the project's impacts further relative to the 2030 and 2050 goals currently is infeasible for purposes of CEQA. Moreover, ARB has not calculated and released the BAU emissions projections for 2030 or 2050, which are necessary data points for quantitatively analyzing a CEQA project's consistency with these targets. Although the project's emissions levels in 2030 and 2050 cannot yet be reliably quantified, statewide efforts are underway to facilitate the State's achievement of those goals. These efforts are within the control of other state agencies, including CARB. In assessing the Project's impacts, it is appropriate to consider the GHG control measures that other agencies of the State of California have adopted or which are listed for adoption in the Scoping Plan and the Scoping Plan Update. The Port believes that these agencies will implement these measures to reduce and control GHG emissions. Thus, it is reasonable to expect the project's emissions level to decline as the regulatory initiatives identified by CARB in the First Update are implemented, and other technological innovations occur. Stated differently, the project's emissions total at build-out represents the maximum emissions inventory for the project as California's emissions sources are being regulated (and foreseeably expected to continue to be regulated in the future) in

⁴ CARB, *Scoping Plan*, p. 117.

⁵ CARB, *First Update*, p. 32.

⁶ CARB, *Frequently Asked Questions About Executive Order B-30-15: 2030 Carbon Target and Adaptation*, p. 1, April 2015.

⁷ See CARB, *First Update*, pp. 46, 49-50.

furtherance of the State's environmental policy objectives. As such, given the reasonably anticipated decline in proposed project emissions once fully constructed and operational, the project is consistent with the Executive Orders' goals.

The Scoping Plan recognizes that AB 32 establishes an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the state on a path to meet the long-term 2050 goal of reducing California's greenhouse gas emissions to 80 percent below 1990 levels. This trajectory is consistent with the reductions that are needed globally to stabilize the climate."⁸ Also, CARB's First Update provides that it "lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050," and many of the emission reduction strategies recommended by CARB would serve to reduce the project's post-2020 emissions level to the extent applicable by law.^{9,10}

- Energy Sector: Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals, would serve to reduce the proposed Project's emissions level.¹¹ Additionally, further additions to California's renewable resource portfolio would favorably influence the proposed Project's emissions level.¹²
- Transportation Sector: Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the proposed Project's emissions level.¹³
- Waste Management Sector: Plans to further improve recycling, reuse and reduction of solid waste will beneficially reduce the proposed Project's emissions level.¹⁴

CARB's Cap-and-Trade Program¹⁵ is designed to reduce GHG emissions from major sources (deemed "covered entities") by setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve AB 32's emission-reduction mandate of returning to 1990 levels of emissions by 2020. Although the Cap-and-Trade Program would remain in effect in post-2020, it is not currently scheduled to extend beyond 2020 in terms of additional GHG emissions reductions.¹⁶ However, ARB has expressed its intention to extend the Cap-and-Trade Program beyond 2020 in conjunction with setting a mid-term target. The "recommended action" in the First Update for the Cap-and-Trade Program is: "Develop a plan for a post-2020 Cap-and-Trade Program, including cost containment, to provide market certainty and address a mid-term emissions target."¹⁷ The "expected completion date" for this recommended action is 2017.¹⁸

⁸ CARB, Scoping Plan, p. 15.

⁹ CARB, First Update, p. 4. See also id. at pp. 32-33 [recent studies show that achieving the 2050 goal will require that the "electricity sector will have to be essentially zero carbon; and that electricity or hydrogen will have to power much of the transportation sector, including almost all passenger vehicles."]

¹⁰ CARB, First Update, Table 6: Summary of Recommended Actions by Sector, pp. 94-99.

¹¹ CARB, First Update, pp. 37-39, 85.

¹² CARB, First Update, pp. 40-41.

¹³ CARB, First Update, pp. 55-56.

¹⁴ CARB, First Update, p. 69.

¹⁵ Cal. Code Regs., tit. 17, §§ 95800-96023.

¹⁶ But see AB 1288 (Atkins, introduced 2015) that would eliminate the December 31, 2020, limit on the Cap-and-Trade Program.

¹⁷ CARB, First Update, p. 98.

¹⁸ Id.

In addition to CARB's First Update, in January 2015, during his inaugural address, Governor Jerry Brown expressed a commitment to achieve "three ambitious goals" that he would like to see accomplished by 2030 to reduce the State's GHG emissions: (1) increasing the State's Renewable Portfolio Standard from 33 percent in 2020 to 50 percent in 2030; (2) cutting the petroleum use in cars and trucks in half; and (3) doubling the efficiency of existing buildings and making heating fuels cleaner.¹⁹ These expressions of Executive Branch policy may be manifested in adopted legislative or regulatory action through the state agencies and departments responsible for achieving the State's environmental policy objectives, particularly those relating to global climate change. Indeed, Senate Bill 350, which was passed by the Legislature on September 11, 2015, requires the State to double energy efficiency saving in electricity and natural gas by retail customers by 2030 and increases the Renewable Portfolio Standard so that half of the State's electricity must be procured by renewable sources by 2030.

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.²⁰ 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 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,

¹⁹ Transcript: Governor Jerry Brown's January 5, 2015, Inaugural Address, www.latimes.com/local/political/la-me-pc-brown-speech-text-20150105-story.html#page=1, accessed March 2, 2015.

²⁰ Energy and Environmental Economics (E3), "Summary of the California State Agencies' PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios" (April 2015); Greenblatt, Jeffrey, Energy Policy, "Modeling California Impacts on Greenhouse Gas Emissions" (Vol. 78, pp. 158-172). The California Air Resources Board, California Energy Commission, California Public Utilities Commission, and the California Independent System Operator engaged E3 to evaluate the feasibility and cost of a range of potential 2030 targets along the way to the state's goal of reducing GHG emissions to 80% below 1990 levels by 2050. With input from the agencies, E3 developed scenarios that explore the potential pace at which emission reductions can be achieved as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model. Enhanced specifically for this study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation, and electricity sectors.

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 could become electrified or transitioned to fuel cell technology. Therefore, the project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
District's Climate Action Plan	
<i>Transportation</i>	
<p><u>TA3. Implement emissions reduction strategies at loading docks through electrification of docks or idling-reduction systems for use while at loading docks.</u></p>	<p><u>Consistent. As described further in Chapter 3.0, Project Description, the project would employ a saltwater mechanical system that would allow for repair work to be done while ships are docked at the facility. This system saves electricity, and as such, would reduce project-related GHG emissions. The project also includes electric cranes that would save electricity and reduce GHG emissions. Further, as described in Section 4.1, Air Quality, of this Draft EIR, all construction equipment will comply with State regulations limiting idling to 5 minutes to reduce pollutant emissions.</u></p>
<p>TE9: Evaluate the feasibility of using hydraulic/electric cranes at the marine terminals and industrial waterfront businesses to reduce diesel emissions.</p>	<p>Consistent: As described further in Chapter 3.0, Project Description, the project includes electric cranes that would reduce reliance on fossil fuels and reduce GHG emissions. All cranes used on the proposed drydock will be electric.</p>
<p>TR2: Implement traffic and roadway management strategies to improve mobility and efficiency, and reduce associated emissions at maritime facilities.</p>	<p>Consistent. As described further in Section 4.9, Transportation and Traffic, BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. It is anticipated that approximately 20 percent of the 93 new employees generated by the proposed project would also use alternative forms of transit or carpool systems, thereby improving mobility and reducing transportation-related emissions associated with the proposed project.</p>
<p>TR3 Vehicle Idling: Enforce state idling laws for commercial vehicles, including delivery and construction vehicles.</p>	<p>Consistent: As described further in Section 4.1, Air Quality, of this Draft EIR, all construction equipment will comply with State regulations limiting idling to 5 minutes, thereby reducing GHG emissions associated with construction vehicles. All vehicle idling will be restricted.</p>
<p><u>TV1: Implement trip reduction programs, such as ride sharing, telecommuting and alternative work schedules, commute trip reduction marketing, and employer-sponsored vanpool/shuttle.</u></p>	<p><u>Consistent. As described further in Section 4.9, Transportation and Traffic, BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides</u></p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
	<p><u>ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. It is anticipated that approximately 20 percent of the 93 new employees generated by the proposed project would also use alternative forms of transit or vanpool systems, thereby reducing transportation-related emissions associated with the proposed project.</u></p>
<p><u>EL4: Replace light fixtures in Port-owned facilities with lower energy bulbs such as fluorescent, LEDs, or CFLS.</u></p>	<p><u>Consistent. The proposed project will comply with the updated Title 24 standards, including the incorporation of energy-efficient outdoor lighting. For example, the proposed project would include the installation of LED lighting, would install a saltwater mechanical system, and would employ electric cranes on the drydock to increase energy efficiency.</u></p>
<p><u>SW1: Increase the diversion of solid waste from landfill disposal.</u></p>	<p><u>Consistent. As described further in Section 4.10, Utilities and Service Systems, the proposed project would generate a maximum of 920 tons for landfill disposal during dredging activities. This would represent 15.8 percent of the current permitted capacity and 32.4 percent of the daily surplus capacity of the local landfill serving the site (Otay Landfill). Dredged materials tested and approved for beneficial reuse purposes would be utilized for the creation of eelgrass habitat within the bay, thereby reducing solid waste generated during project-related dredging activities. The project would also reuse and/or recycle demolished materials (i.e., H-piles may be reused for fender systems or may be recycled as scrap metal). Therefore, because the proposed project would generate waste that could be accommodated by the existing landfill capacity and because the project would reuse dredged material and demolished materials, the project would be consistent with the CAP's policy aimed at increasing the diversion of waste from landfills.</u></p>
<p>SANDAG's Climate Action Strategy</p>	
<p>Transportation</p>	
<p>Objective 1c. Reduce Demand for Single Occupancy Vehicle Travel. Encourage employers to institute alternative work schedules.</p>	<p>Consistent. BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. To ensure that parking-related impacts are reduced to a less than significant level, Mitigation Measure TR-1 will be implemented.</p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
ARB Scoping Plan	
Mandatory Code	
<p>CALGreen Code. The CALGreen Code prescribes a wide array of measures that would directly and indirectly result in reduction of GHG emissions from the Business-as-Usual Scenario (California Building Code). The mandatory measures that are applicable to nonresidential projects include site selection, energy efficiency, water efficiency, materials conservation and resource efficiency, and environmental quality measures.</p>	<p>Consistent. The project would be required to adhere to the <u>applicable</u> nonresidential mandatory measures as required by the CALGreen Code. For example, <u>to promote energy and water efficiency</u> the project would include a saltwater mechanical system and would employ electric cranes on the drydock that would minimize energy usage.</p>
Energy Efficiency Measures	
<p>Energy Efficiency. Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts including new technologies, and new policy and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California (including both investor-owned and publicly owned utilities).</p> <p>Renewables Portfolio Standard. Achieve a 33 percent renewable energy mix statewide.</p> <p>Green Building Strategy. Expand the use of green building practices to reduce the carbon footprint of California's new buildings.</p>	<p>Consistent. The proposed project will comply with the updated Title 24 standards, including the incorporation of energy-efficient outdoor lighting. For example, the proposed project would include the installation of LED lighting <u>for all new lighting fixtures</u>, would install a saltwater mechanical system, and would employ electric cranes on the drydock to increase energy efficiency.</p>
Solid Waste Reduction Measures	
<p>Increase Waste Diversion, Composting, and Commercial Recycling, and Move Toward Zero-Waste. Increase waste diversion from landfills beyond the 50 percent mandate to provide for additional recovery of recyclable materials. Composting and commercial recycling could have substantial GHG reduction benefits. In the long term, zero-waste policies that would require manufacturers to design products to be fully recyclable may be necessary.</p>	<p>Consistent. The proposed project would reuse and/or recycle demolished materials where feasible. Reused/recycled materials may be considered for construction of an artificial reef in the San Diego Bay. In addition, H-piles that would be removed as part of the installation of an underwater wall may be reused on site for repair/maintenance of existing/replacement fender systems. If these are determined to be unusable, they will be transported to a local scrap company and be recycled as scrap metal. The project would also comply with all existing requirements and efficiency measures (e.g., tire inflation to reduce fuel consumption) to reduce project-related GHG emissions.</p>
Transportation and Motor Vehicle Measures	
<p>Vehicle Climate Change Standards. AB 1493 (Pavley) requires the State to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles and light-duty trucks. Regulations were adopted by the ARB in September 2004.</p>	<p>Consistent. The project does not involve the manufacture of vehicles. However, vehicles that are purchased and used within the project site would comply with applicable vehicle and fuel standards adopted by ARB.</p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
<p>Light-Duty Vehicle Efficiency Measures. Implement additional measures that could reduce light-duty GHG emissions. For example, measures to ensure that tires are properly inflated can both reduce GHG emissions and improve fuel efficiency.</p> <p>Adopt Heavy- and Medium-Duty Fuel and Engine Efficiency Measures. Regulations to require retrofits to improve the fuel efficiency of heavy-duty trucks that could include devices that reduce aerodynamic drag and rolling resistance. This measure could also include hybridization of and increased engine efficiency of vehicles.</p> <p>Low Carbon Fuel Standard. The ARB identified this measure as a Discrete Early Action Measure. This measure would reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020.</p>	
<p>Regional Transportation-related Greenhouse Gas Targets. Develop regional GHG emissions reduction targets for passenger vehicles. Local governments will play a significant role in the regional planning process to reach passenger vehicle GHG emissions reduction targets. Local governments have the ability to directly influence both the siting and design of new residential and commercial developments in a way that reduces GHGs associated with vehicle travel.</p>	<p>Consistent. Specific regional emission targets for transportation emissions do not directly apply to this project; regional GHG reduction target development is outside the scope of this project. The project will comply with applicable plans (Section 4.4.2.2, Regulatory Environment) aimed at reducing GHG emissions.</p>
<p>Measures to Reduce High Global Warming Potential (GWP) Gases. ARB has identified Discrete Early Action measures to reduce GHG emissions from the refrigerants used in car air conditioners, semiconductor manufacturing, and consumer products. ARB has also identified potential reduction opportunities for future commercial and industrial refrigeration, changing the refrigerants used in auto air conditioning systems, and ensuring that existing car air conditioning systems do not leak.</p>	<p>Consistent. New products used or serviced on the project site (after implementation of the reduction of GHG gases) would comply with future ARB rules and regulations.</p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
<u>Executive Order S-3-05</u>	
<p><u>That the following greenhouse gas emission reduction targets are hereby established for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels</u></p>	<p><u>Consistent. This project is designed to comply with all existing regulations and would comply with any applicable new regulations, such as the Port's Green Business Network, in which the Port's tenant businesses learn sustainable business practices with help from San Diego Gas & Electric and shore power for vessels also reduces diesel emissions; and retrofitted lighting around port facilities, that are adopted throughout the lease period. As the majority of the project-related GHG emissions are from the Drydock Engine sources (see Table 4.4.J) that can be readily updated and/or replaced as new emissions control technologies become available, the overall GHG emissions would be continuously reduced over time, thus maintaining project consistency with these future goals.</u></p>
<u>City of San Diego General Plan Conservation Element</u>	
<p><u>CE-A.2. Reduce the City's carbon footprint. Develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth in the General Plan to:</u></p> <ul style="list-style-type: none"> <u>• Create sustainable and efficient land use patterns to reduce vehicular trips and preserve open space;</u> <u>• Reduce fuel emission levels by encouraging alternative modes of transportation and increasing fuel efficiency;</u> <u>• Improve energy efficiency, especially in the transportation sector and buildings and appliances;</u> <u>• Reduce the Urban Heat Island effect through sustainable design and building practices, as well as planting trees (consistent with habitat and water conservation policies) for their many environmental benefits, including natural carbon sequestration;</u> <u>• Reduce waste by improving management and recycling programs;</u> <u>• Plan for water supply and emergency reserves.</u> 	<p><u>Consistent. The project would be required to adhere to the applicable nonresidential mandatory measures as required by the CALGreen Code. The project will incorporate energy-efficient outdoor lighting fixtures. The proposed project would also reuse and/or recycle demolished materials where feasible.</u></p> <p><u>Urban Heat Islands occur when a city or metropolitan area is significantly warmer than surrounding areas due to the modification of land uses that effectively store heat. The proposed project primarily consists of the construction of a drydock within the water-side portion of the project site. No buildings are proposed on the land-side portion of the project site that could contribute to the Urban Heat Island effect. Further, activities associated with the construction of the drydock would not require the installation of new potable water facilities or necessitate an increased demand for water. As such, goals and policies aimed at creating sustainable land use patterns, reducing the Urban Heat Island effect, and planning for water supply are not applicable to the proposed project.</u></p>
<p><u>CE-A.5. Employ sustainable or "green" building techniques for the construction and operation of buildings.</u></p> <p><u>a. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings. This can be accomplished through factors including,</u></p>	<p><u>Consistent. The project would be required to adhere to the applicable nonresidential mandatory measures as required by the CALGreen Code. The project will incorporate energy-efficient outdoor lighting fixtures and would utilize electric cranes to reduce on-site energy consumption.</u></p> <p><u>Goals and policies aimed at providing technical services for "green buildings" are not applicable to the proposed project because no new or remodeled residential or</u></p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
<p><u>but not limited to the following:</u></p> <ul style="list-style-type: none"> • <u>Designing mechanical and electrical systems that achieve greater energy efficiency with currently available technology;</u> • <u>Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens;</u> • <u>Employing self-generation of energy using renewable technologies;</u> • <u>Combining energy-efficient measures that have longer payback periods with measures that have shorter payback periods;</u> • <u>Reducing levels of non-essential lighting, heating and cooling; and</u> • <u>Using energy efficient appliances and lighting.</u> <p>b. <u>Provide technical services for “green” buildings in partnership with other agencies and organizations.</u></p>	<p><u>commercial buildings are proposed.</u></p>
<p>CE-A.9. <u>Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:</u></p> <ul style="list-style-type: none"> • <u>Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;</u> • <u>Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life of a particular product, technology, or system;</u> • <u>Removing code obstacles to using recycled materials in buildings and for construction; and</u> • <u>Implementing effective economic incentives to recycle construction and demolition debris (see also Public Facilities Element, Policy PF-1.2).</u> 	<p>Consistent. <u>The proposed project would reuse and/or recycle demolished materials where feasible. For example, H-piles that would be removed as part of the installation of an underwater wall may be reused on site for repair/maintenance of existing/replacement fender systems. If these are determined to be unusable, they will be transported to a local scrap company and be recycled as scrap metal.</u></p> <p><u>Goals and policies aimed at using life cycle costs in decision-making, removing code obstacles to using recycled materials, and implementing effective economic incentives to recycle are District-wide planning goals and policies to be implemented by District staff and District decision-makers. Therefore, these goals and policies are not set by the applicant of the proposed project.</u></p>

Source: LSA Associates, Inc. (February 2015); Port of San Diego Climate Action Plan (2013); City of San Diego General Plan Conservation Element (March 2008).

AB = Assembly Bill

ARB = California Air Resources Board

Cal Green Code = California Green Building Standards Code

District = San Diego Unified Port District

GHG = greenhouse gas

LED = light-emitting diode

Page 4.4-36:

The following revisions to Project Design Feature GHG-1 have been made for clarification:

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 on the drydock.

Page 4.4-37 through 4.4-38:

The following revisions to the Cumulative Impacts discussion have been made to further explain that the project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approve plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project:

As defined in Section 15130 of the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for GCC. However, unlike the cumulative analysis for many topics that address the combined impacts of a proposed project in addition to related projects in a project study area, GCC is affected by a larger range of development activity. Although the State requires Metropolitan Planning Organizations and other planning agencies to consider how region-wide planning decisions can impact GCC, there is currently no established or reasonably certain, accurate, or meaningful—non-speculative—methodology for assessing the cumulative impact of proposed independent private party development projects.

Although the proposed project is expected to emit GHGs, the emission of GHGs by any single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHGs from more than one project and many sources in the atmosphere that may result in GCC. The resultant consequences of that climate change, including sea level rise, could cause adverse environmental effects. A project's GHG emissions typically would be very small in comparison to State or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Due to the complex physical, chemical, and atmospheric mechanisms involved in GCC, it is not reasonably certain, accurate, or meaningful speculative to attempt to specifically identify the particularized specific impact, if any, to the global phenomenon of GCC from one project's incremental increase in global GHG emissions. As such, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis. Thus, the analysis conducted above is essentially already a cumulative analysis because it takes into consideration statewide GHG reduction targets and demonstrates that the proposed project would be consistent with those targets.

As noted, The the State Legislature has mandated a goal of reducing statewide emissions to 1990 levels by 2020.1 and the Governor's Office directed that statewide emissions be reduced to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050, even though statewide population and commerce are predicted to continue to expand. In order to achieve these goals, the ARB is in the process of establishing and implementing regulations to reduce statewide GHG emissions. However, there are currently no applicable significance thresholds, specific reduction targets, and or approved policy or guidance to assist in determining significance at the cumulative level. Additionally, there is currently no generally accepted methodology to determine whether GHG emissions associated with a specific project represent new emissions or existing, displaced emissions.

As shown above, the proposed project's long-term operational emissions, including the amortized construction emissions, would not exceed the City's thresholds. As previously stated, the proposed project would result in a GHG emission profile that is lower than ~~both the applicable Bright Line and Stationary Source Thresholds (2,500 MT/yr and 10,000 MT/yr, respectively)~~. Additionally, since climate change is a global issue, it is unlikely that the proposed project would generate enough GHG emissions to influence GCC on its own. Because 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 GCC, project-related CO₂e emissions and their contribution to GCC 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 GCC (including sea level rise).~~

In addition, pursuant to Section 15064(h)(3) of the State CEQA Guidelines, a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with the Port of San Diego's Climate Action Plan or other regulatory scheme to reduce GHG emissions. The District formally adopted its Climate Action Plan on December 10, 2013.

As already noted, the proposed project would be consistent with applicable greenhouse gas emission reduction strategies and policies. In particular, the District's CAP specifies numerous GHG emissions reduction measures in order to ensure that future projects further the District's goal of reducing GHGs by 10 percent less than the 2006 baseline levels by 2020. The proposed project would include Project Design Features (PDFs) GHG-1 and GHG-2, which include the installation of LED lighting throughout the drydock, electric crane use, and the utilization of a zero-discharge saltwater pump system that would reduce the project's GHG emissions.

In regard s to potential sea level rise, ~~As~~ as shown previously in Table 4.4.D, projected sea level rise for southern California is anticipated to be 0.39 to 2.90 feet (ft) by 2050 (NRC, 2012). The highest high tide recorded for San Diego Bay was 7.79 ft mean lower low water (MLLW), which could result in a maximum tide of 10.69 ft (7.79 ft + 2.90 ft = ~~10.69~~ 9.79 ft) in 2050. The top of the Pier 1 deck is at an elevation of 13.0 ft from the MLLW of 0.0 ft; the planned north and south ramp wharves are also at an elevation 13.0 ft; and the planned mooring dolphins are at an elevation of 15.5 ft. In the existing condition, the bulkhead walls are at 12.0 to 13.0 ft MLLW. The drydock itself would float regardless of the sea level. Therefore, proposed improvements would be above the maximum anticipated sea level in 2050 of ~~10.69~~ 9.79 ft, and the proposed project would not be impacted by sea level rise. Sea level rise impacts in 2100 were not evaluated as the BAE lease would expire by 2058. Therefore, the proposed project would not expose people or structures to significant risk as the result of flooding, or the failure of a dam or levee, or as the result of sea level rise due to climate change.

Therefore, the proposed project would not result in a significant long-term cumulative impact on GCC (including sea level rise).

Section 4.5, Hazards

Pages 4.5-29 through 4.2-30:

The following revisions to Mitigation Measure HAZ-4, Health and Safety Plan (HASP) for Dredging Activities, have been made in response to comments from BAE Systems:

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 ~~chosen by the District and~~ retained at the Applicant's contractor'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 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.

Pages 4.5-34:

The following revisions to Mitigation Measure HAZ-10, Soil and Groundwater Management Plan, have been made to clarify the responsible party to implement this measure:

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 ~~BAE Systems~~the contractor and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Section 4.6, Hydrology and Water Quality

Pages 4.6-30 through 4.2-31:

The following revisions to Mitigation Measure HYD-3, Dredging Operations and Containment, have been made in response to comments from BAE Systems and to clarify the characterization of the sediment:

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 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 ~~contaminated~~ 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.
- ~~The contractor shall not use weirs as a means to dewater the scow and shall allow additional room for sediment placement. Preventing this action shall minimize the introduction of turbidity to the water column. 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 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 ~~scalper~~ 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.

Pages 4.6-31 through 4.6-32:

The following revisions to Mitigation Measure HYD-4, Dredge Site Water Quality Monitoring, have been made in response to comments from BAE Systems:

HYD-4 Dredge Site Water Quality Monitoring. ~~The San Diego Unified Port District (District's) Engineering Construction Director, or designee, 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 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.

Page 4.6-33:

The following revisions to Project Design Feature HYD-7, Waste Discharge Requirement for BAE Systems, have been made in response to comments from BAE Systems:

HYD-7 Waste Discharge Requirements for BAE Systems Southwest Marine, Inc. The contractor shall comply with the requirements set forth in *Waste Discharge Requirements (WDRs) for BAE Systems San Diego Ship Repair Inc. Southwest Marine, Inc. (Order No. R9-2015-0034 R9-2002-0161, NPDES No. CA0109151)*. All storm water runoff would be contained on-site

before discharging into the storm sewer system. If discharge from the drydock must occur, it shall be regulated.

Section 4.9, Transportation and Traffic

Page 4.9-31:

The following clarifying information has been added to the discussion of design hazards based on a subsequent meeting held by the District with the California Public Utilities Commission (CPUC) and Burlington Northern-Santa Fe (BNSF) Railroad in response to comments provided by the CPUC:

Drydock Component

This component involves the installation of a new drydock adjacent to an existing pier. No temporary or permanent changes to the design of roadways within the project area are planned as part of the drydock implementation. The proposed project is located within an existing active shipyard repair facility and is consistent with existing uses in the area consisting of industrial marine facilities.

There is an existing BNSF rail crossing at Sampson Street, approximately 130 feet north of the main entrance to BAE Systems' San Diego Ship Repair site. The proposed project does not include any modifications to the railroad or light rail transit tracks near the project site. A variety of pedestrian and vehicle traffic crosses at this rail crossing location, of which many are unassociated with the proposed project and BAE Systems' personnel and visitors. Sampson Street provides access to a variety of businesses along Belt Street including Continental Maritime of San Diego, CP Kelco, RE Staite Engineering, Inc., General Dynamics/NASSCO, and the US Navy and no existing pedestrian or vehicular violations have been received. Because activity at this crossing consists of a variety of users that are not specifically tied to any project-related activity, and because the BNSF railway property is located outside the District's jurisdiction, no direct impacts to this railway crossing are anticipated as a result of the proposed project. Further, the proposed project improvements would not be located in close proximity to the railroad right-of-way, and are, therefore, not anticipated to result in a change in the existing safety conditions for the railroad corridor near the project site.

Approximately 77 to 93 new employees are anticipated to be required with implementation of the drydock. These new employees will be staggered throughout the three existing work shifts and will cross the railway facility to enter the BAE Systems facility. The additional employees represent a small percentage of the overall workforce at the facility and would not result in a significant increase of pedestrian or vehicular crossings. The existing pedestrian and vehicular crossings would continue to operate in the same manner as they currently do, and the proposed project would not change the characteristics of the crossing or create a new safety condition, due to the small number of new employees. Therefore, no impact associated with an increase in transportation or circulation hazards due to a design feature of the project is expected to occur, and no mitigation is required.

District staff has reviewed pedestrian and vehicular violations associated with the railroad crossing at Sampson Street/Belt Street (please see <http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>, visited on June 12, 2015 and incorporated by reference). As a result of this research, District staff found that there was one reported incident on December 14, 1976. This incident involved one motor vehicle and one truck, in which the rail equipment struck the vehicle that was stopped on the crossing. The incident resulted

in no injuries and in \$95 in damage. No pedestrian violations were recorded. Although this is the only reported incident on file, BNSF representatives informed the District of some more recent, anecdotal instances they have characterized as “near misses”, based on records they have compiled internally. As a result, representatives from the District, the California Public Utilities Commission (CPUC), the BNSF Railroad, LSA Associates, and BAE Systems met on July 7, 2015 to discuss potential improvements that could help improve pedestrian and vehicular safety at the crossing. As a result of this meeting, it was determined that the existing rail crossing itself is under the jurisdiction of the City of San Diego and any improvements to this existing rail crossing will need to be conducted by the City of San Diego, in cooperation with BAE Systems, the BNSF Railroad, and the CPUC. BAE Systems has independently agreed to cooperate with the City of San Diego, BNSF, and the CPUC to implement any identified improvements for which they have the ability to do so. This may include, but is not limited to, installing fencing along existing parking lots leased by BAE Systems proximate to the crossing in an effort to deter illegal crossings away from the existing crossing located along Sampson Street. It is important to note that any improvements identified for the crossing is independent from the proposed project, which did not identify any impacts related to the BNSF railway and the crossing. The existing pedestrian and vehicular crossings would continue to operate in the same manner as they currently do, and the proposed project would not change the characteristics of the crossing or create a new safety condition due to the minimal number of additional employees. Rather, BAE Systems has voluntarily elected to make improvements to this railroad crossing based on anecdotal evidence provided by BNSF.

Appendix B Air Quality Climate Change, and Health Risk Assessment, pg. 1 and 2:

The following clarifying revision has been added to the Executive Summary the Air Quality Technical Report to clarify that the technical analysis performed for the proposed project did not rely on Business As Usual (BAU) approach to determine significance related to global climate change and greenhouse gas emissions:

The potential of the project to affect global climate change (GCC) is also included in this analysis. Short-term construction and long-term operational emissions of the principal greenhouse gases (GHGs), including carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are quantified, and significance relative to Assembly Bill (AB) 32 is discussed. The proposed project will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. ~~The proposed project would exceed the target of 20 percent below business as usual that has been established for the purposes of assessing operational GHG emissions of projects in the City of San Diego, and this reduction would be consistent with the goals of AB 32.~~ The project would, therefore, have a less than significant impact on GCC.

Appendix B Air Quality Climate Change, and Health Risk Assessment, pg. 47:

The following clarifying information has been added to Table P, Change in Operational Emissions, of the Air Quality Technical Report to clarify a mathematical error in response to comments provided by the Environmental Health Coalition:

Table P: Change in Operational Emissions

Source	Pollutant Emissions (lbs/day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Future Wet Berth Tugs	26.9	85.3	60.8	1.0	3.5	3.2
Future Drydock Tugs	40.3	127.9	91.1	1.5	5.3	4.8
Change in Tugboat Emissions	13.4	42.6	30.4	0.5	1.8	1.6
Regional Emissions	72	8.9	12	0.015	14	4.5
US Navy Ship Engines	-13.2	-209	-73.9	N/A	-5.6	-5.2
Total Increase	72.26	-157	-32	0.52	10.1	0.90
County of San Diego Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No

Source: LSA Associates, Inc. (March 2015).

CO = carbon monoxide

lbs/day = pounds per day

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

ROG = reactive organic gases

SO_x = sulfur oxides

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Chapter 4 **PUBLIC REVIEW DISTRIBUTION LIST**

The Draft EIR was made available for public review on April 3, 2015, for the standard minimum 45-day public review period that concluded on May 20, 2015. A Notice of Availability (NOA) was published in the San Diego Daily Transcript on April 3, 2015. Below is a listing of those agencies, organizations, and individuals that received a copy of the Draft EIR:

Federal Agencies

US Army Corps of Engineers, Los Angeles and Carlsbad Offices
US Coast Guard –Marine Safety Office
US Department of Commerce, National Marine Fisheries Service, Southwest Division
US Environmental Protection Agency, Pacific Southwest Office
US Fish & Wildlife Service, Ecological Services, Carlsbad Office

State Agencies

California Air Resources Board
California Coastal Commission, Coastal Planner – San Diego District
California Coastal Commission, District Manager – San Diego District
California Department of Fish and Wildlife, South Coast Region
California Department of Toxic Substances Control
California Native American Heritage Commission
California Office of Planning and Research (State Clearinghouse)
California Regional Water Quality Control Board, Region 9 San Diego
California State Lands Commission, Public Land Management Specialist
California State Water Resources Control Board

Local Agencies

City of San Diego, City Planning, Development Services
San Diego Association of Governments (SANDAG)

Organizations and Individuals

Atchison Topeka & Santa Fe Railway Company
BAE Systems
San Diego Coastkeeper

In addition, the agencies, organizations, and individuals listed below also received an NOA for the Draft EIR.

Federal Agencies

Federal Aviation Administration
 US Coast Guard – Department of Homeland Security
 US Department of the Navy, External Liaison Navy Region Southwest, NAVFAC End Command

State Agencies

California Coastal Commission, Deputy Director – San Diego District
 California Department of Boating and Waterways
 California Department of Public Health
 California Department of Transportation (Caltrans) District 11
 California Department of Transportation (Caltrans) Division of Aeronautics
 California Environmental Protection Agency, Region 9
 California Highway Patrol
 California Integrated Waste Management Board
 California Public Utilities Commission
 California Resources Agency
 California State Lands Commission

Local Agencies

City of Chula Vista, Planning Department
 City of Coronado, Community Development
 City of Imperial Beach, Community Development
 City of National City, Community Development
 City of San Diego – Central Library
 City of San Diego, City Council
 City of San Diego, Engineering and Capital Projects
 City of San Diego – Logan Heights Branch Library
 City of San Diego – Storm Water Pollution Prevention
 City of San Diego, Transportation Division
 City of San Diego, Wastewater Division
 City of San Diego, Water Division
 County of San Diego, San Diego Air Pollution Control District
 County of San Diego, Clerk's Office/Records
 County of San Diego, Environmental Health
 County of San Diego, Land Use and Environment
 County of San Diego, Regional Airport Authority
 San Diego County Water Authority

Organizations and Individuals

Atlantic Richfield Company
 Barrio Station
 Bayfront Complex Coalition
 Briggs Law Corporation
 Chevron USA Inc.

Citizens Coordinate for Century 3
Councilman David Alvarez Office
Council President Pro Tem Office
CP Kelco
Environmental Health Coalition
General Dynamics/NASSCO
Hogan Guney Dick LLP
I Love a Clean San Diego
Kelco Company
R.E. Staite Engineering, Inc.
San Diego Audubon Society
San Diego Daily Transcript
San Diego Gas and Electric Company
San Diego Port Tenants Association
Save Our Heritage Organization
Sempra Energy
Sierra Club, San Diego Chapter
Southwest Marine, Inc.
Surfrider Foundation, San Diego Chapter
Urban Corps of San Diego County

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Chapter 5 **RESPONSES TO COMMENTS**

Responses to each of the comment letters are provided on the following pages. The comment index numbers are provided in the upper right corner of each comment letter, and individual points within each letter are numbered along the right-hand margin of each letter. The District's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margins. An Errata section, with text revisions, has been prepared to provide corrections and clarifications to the Draft EIR where required.

The interested parties listed below submitted letters during the public review period for the Draft EIR.

No.	Commenter	Date
1	California Public Utilities Commission	April 17, 2015
2	BAE Systems	May 18, 2015
3	Environmental Health Coalition	May 20, 2015
4	California State Lands Commission	May 15, 2015

To finalize the EIR for the Pier 1 North Drydock, Associated Real Estate Agreements, and Removal of Cooling Tunnels Project, District staff has prepared the following responses to comments that were received during the public review period. These responses will be distributed to the commenters and the Board of Port Commissioners. All commenters, and those who so requested, will be notified of the Board of Port Commissioners' proposed hearing for EIR certification.

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PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

1



April 17, 2015

Larry Hofreiter
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

SENT VIA EMAIL

Re: SCH 2014041071 – Pier 1 North Drydock

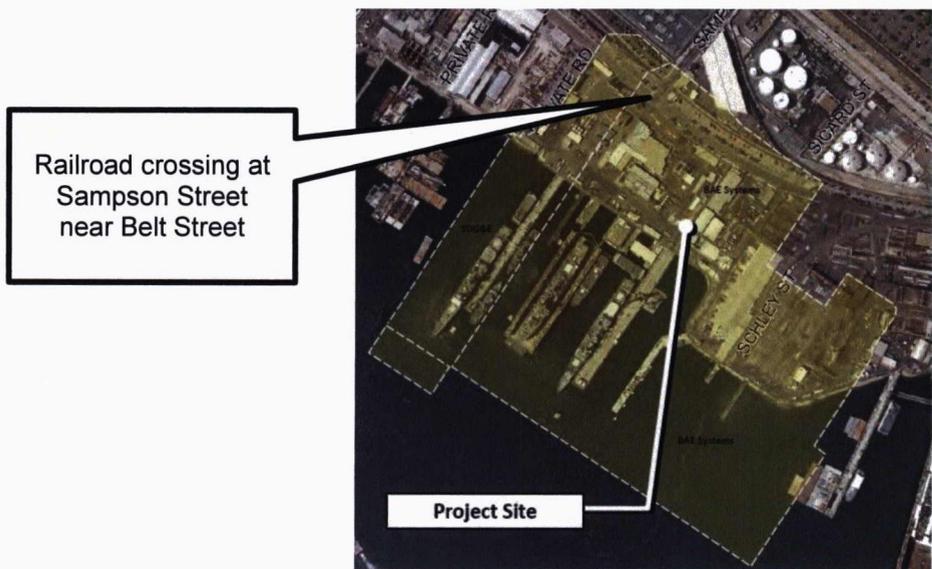
Dear Mr. Hofreiter:

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings. The Commission's Rail Crossings and Engineering Branch (RCEB) is in receipt of the Draft Environmental Impact Report (DEIR) for the *Pier 1 North Drydock, Future Real Estate Agreements & Removal of Cooling Tunnels*. The San Diego Unified Port District (District) is the lead agency.

1-1

There are railroad and light rail transit tracks and crossings present in the vicinity of the project. Pedestrian and vehicular violations should be reviewed as part of the draft EIR. Development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind.

1-2



1-3

The railroad crossing of BNSF Railway Company at Sampson Street is identified in federal records as DOT# 026887E. This is very close to the STOP sign controlled intersection with Belt Street. There have been recurring violations by motorists and/or pedestrians at this crossing. Railroad switching movements regularly occur at or near this crossing. Safety issues related to parking near the tracks, vehicular queues at the STOP sign, and pedestrian violations at the tracks should be considered. The DEIR should include specific discussion regarding the safety issues at this railroad crossing. Fencing, pedestrian channelization, and other traffic control device improvements should be considered.

1-4

Modification to an existing public rail crossing requires authorization from the Commission. RCEB representatives are available for consultation on potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings/>

1-5

If you have any questions, please contact me at kevin.schumacher@cpuc.ca.gov or 415-310-9807.

1-6

Sincerely,

Kevin Schumacher
Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division

CC: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
Matthew Keim, BNSF Railway
Stephen Celniker, City of San Diego

CALIFORNIA PUBLIC UTILITIES COMMISSION

LETTER CODE: 1

DATE: April 17, 2015

COMMENT 1-1

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings. The Commission's Rail Crossings and Engineering Branch (RCEB) is in receipt of the Draft Environmental Impact Report (DEIR) for the Pier 1 North Drydock, Future Real Estate Agreements & Removal of Cooling Tunnels. The San Diego Unified Port District (District) is the lead agency.

RESPONSE 1-1

This comment introduces the California Public Utilities Commission's (CPUC) regulatory authority pertaining to rail crossings, and indicates that the CPUC Rail Crossings and Engineering Branch (RCEB) received the Draft EIR (DEIR) for the proposed project. This comment does not contain any specific statements or questions about the DEIR or the analysis therein. No response is required.

COMMENT 1-2

There are railroad and light rail transit tracks and crossings present in the vicinity of the project. Pedestrian and vehicular violations should be reviewed as part of the draft EIR. Development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind.

RESPONSE 1-2

This comment indicates that there are railroad and light rail transit tracks crossings in the vicinity of the project site, and states that pedestrian and vehicular violations should be reviewed as part of the DEIR and that development near the railroad right-of-way (ROW) should be planned in consideration of railroad corridor safety.

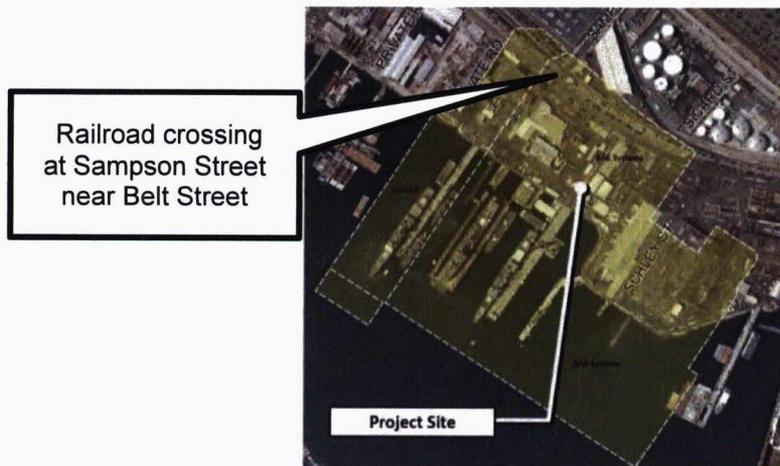
The Draft EIR acknowledges the proximity of the Burlington North Santa Fe (BNSF) Railway property to the project site. This is noted in the Project Description (page 3-9), as well as in the Land Use and Planning Section (page 4.7-4). In both sections, the DEIR makes clear that the BNSF Railway property is located outside the District's jurisdiction, and therefore, outside the boundaries of the proposed project. Because construction and operation of the proposed project is confined to the waterfront area of the shipyard, it would not physically impact the railroad crossing or right-of-way. However, approximately 77 to 93 new employees are anticipated to be required with implementation of the drydock. These new employees will be staggered throughout the three existing work shifts and will cross the railway facility to enter the BAE Systems facility. The additional employees represent a small percentage of the overall workforce at the facility and would not result in a significant increase of pedestrian or vehicular crossings. The existing pedestrian and vehicular crossings would continue to operate in the same manner as they current do, and the proposed project would not change the

characteristics of the crossing or create a new safety condition, due to the small number of new employees.

However, as a result of this comment, District staff has reviewed pedestrian and vehicular violations associated with the railroad crossing at Sampson Street/ Belt Street (please see <http://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>, visited on June 12, 2015 and incorporated by reference). As a result of this research, District staff found that there was one reported incident on December 14, 1976. This incident involved one motor vehicle and one truck, in which the rail equipment struck the vehicle that was stopped on the crossing. The incident resulted in no injuries and in \$95 in damage. No pedestrian violations were recorded.

Although this is the only reported incident on file, BNSF representatives informed the District of some more recent, anecdotal instances they have characterized as “near misses”, based on records they have compiled internally. As a result, representatives from the District, the California Public Utilities Commission (CPUC), the BNSF Railroad, LSA Associates, and BAE Systems met on July 7, 2015 to discuss potential improvements that could help improve pedestrian and vehicular safety at the crossing. As a result of this meeting, it was determined that the existing rail crossing itself is under the jurisdiction of the City of San Diego and any improvements to this existing rail crossing will need to be conducted by the City of San Diego, in cooperation with BAE Systems, the BNSF Railroad, and the CPUC. BAE Systems has independently agreed to cooperate with the City of San Diego, BNSF, and the CPUC to implement any identified improvements for which they have the ability to do so. This may include, but is not limited to, installing fencing along existing parking lots leased by BAE Systems proximate to the crossing in an effort to deter illegal crossings away from the existing crossing located along Sampson Street. It is important to note that any improvements identified for the crossing is independent from the proposed project, which did not identify any impacts related to the BNSF railway and the crossing. The existing pedestrian and vehicular crossings would continue to operate in the same manner as they currently do, and the proposed project would not change the characteristics of the crossing or create a new safety condition due to the minimal number of additional employees. Rather, BAE Systems has voluntarily elected to make improvements to this railroad crossing based on anecdotal evidence provided by BNSF.

COMMENT 1-3



RESPONSE 1-3

This comment is an aerial image showing the location of the railroad crossing at Sampson Street near Belt Street in relation to the project site. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 1-4

The railroad crossing of BNSF Railway Company at Sampson Street is identified in federal records as DOT# 026887E. This is very close to the STOP sign controlled intersection with Belt Street. There have been recurring violations by motorists and/or pedestrians at this crossing. Railroad switching movements regularly occur at or near this crossing. Safety issues related to parking near the tracks, vehicular queues at the STOP sign, and pedestrian violations at the tracks should be considered. The DEIR should include specific discussion regarding the safety issues at this railroad crossing. Fencing, pedestrian channelization, and other traffic control device improvements should be considered.

RESPONSE 1-4

This comment states that the railroad crossing of BNSF Railway Company at Sampson Street is identified in federal records as DOT# 026887E. The comment asserts that the EIR should evaluate safety issues associated with this crossing and consider potential traffic control device improvements.

Please refer to Response to Comment 1-2, above. Similar to existing conditions, additional truck traffic and construction vehicles associated with the proposed project would obey vehicular safety laws and would be routed as to avoid queuing over the rail road. As discussed in Section 4.9, Transportation and Traffic, the proposed project is not anticipated to exceed capacity of an existing transportation system during operation of the proposed project that could result in project-related queuing or unsafe conditions at the BNSF Railway crossing at Sampson Street. Therefore, no adverse safety effects at the BNSF Railway crossing at Sampson Street are anticipated and no mitigation measures are required.

COMMENT 1-5

Modification to an existing public rail crossing requires authorization from the Commission. RCEB representatives are available for consultation on potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings/>

RESPONSE 1-5

This comment indicates that modifications to an existing public rail crossing require authorization from the CPUC. Please refer to Response 1-2, above.

The proposed project does not include any modifications to an existing public rail crossing. Therefore, authorization from the CPUC is not required.

COMMENT 1-6

If you have any questions, please contact me at kevin.schumacher@cpuc.ca.gov or 415-310-9807.

RESPONSE 1-6

This comment provides a point of contact and contact information for questions regarding this letter. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

BAE Systems
San Diego Ship Repair
2205 East Belt Street
PO Box 13308
San Diego, California 92170-3308
619-238-1000

May 18, 2015

Mr. Larry Hofreiter
Environmental & Land Use Management
San Diego Unified Port District
3165 Pacific Highway
San Diego, 92101-1128
lhofreiter@portofsandiego.org

RE: Draft EIR, BAE Systems Pier 1 North Drydock (UPD #EIR-2014-31, SCH #2014041071)

Mr. Hofreiter:

BAE Systems San Diego Ship Repair Inc. (BAE Systems) has reviewed the Draft EIR and finds that it, with minor exceptions, correctly describes the existing conditions of the site and proposed Project. The documents were well prepared and understood. We are pleased to provide comments on the above referenced EIR for your consideration.

2-1

Page 1-24, Mitigation Measure BIO-2: Biological Monitoring of Impact Hammer and Pile Driving.
Comment: This measure relates to pile driving and reference to dredging should be stricken.

2-2

Page 1-67, Mitigation Measure HAZ-4: Health and Safety Plan (HASP) for Dredging.
Comment: It is recommended that this measure be revised to require the preparation of a HASP for submission to the Port for review and approval only, as is the case with many other plans prepared for the Project. While the development and implementation of a HASP is an important element in any construction project, by requiring the Port to select the Industrial Hygienist the Port may become liable for the details of that plan or any deficiencies therein.

2-3

Page 1-88, Issues/Impacts:
Comment: POSD is "Pride of San Diego", not "Port Operations, Security, and Defense".

2-4

Page 1-89, Mitigation Measure HYD-3: Dredging Operations and Containment.
Comment: Bullet 5 should be clarified to read "The contractor shall not use weirs during dredging of any material not deemed suitable for unconfined aquatic disposal (SUAD)..."

2-5

Page 1-90, Mitigation Measure HYD-3: Dredging Operations and Containment.
Comment: The term debris "scalper" (?) should be replaced with "screen".

2-6

Page 1-91, Mitigation Measure HYD-4: Dredge Site Water Quality Monitoring.

Comment: Water quality monitoring is under the purview of the San Diego Water Board and will be detailed in Waste Discharge Requirements (WDR) issued under a 401 Water Quality Certification. Water quality monitoring, as well as many other monitoring requirements under that prospective WDR, will require coordination with construction activity. That coordination cannot feasibly be accomplished by and between the Port and Regional Board, as it is unlikely that either agency can be on site full time or on call to coordinate monitoring in support of construction. The WDR will detail all monitoring requirements for the work and BAE Systems and the contractor will be required to conduct and report all required monitoring, as is usual in these construction projects.

2-6

Page 1-97, Project Design Feature HYD-7: Waste Discharge Requirements for Southwest Marine, Inc.

Comment: This should read "BAE Systems San Diego Ship Repair Inc., not Southwest Marine, Inc. Also, this WDR (Site NPDES Permit for discharges associated with the shipyard operations) is not applicable to the proposed Project contractors, as the Project would be regulated under the Statewide Construction General Stormwater Permit program. The appropriate WDR (NPDES Permit) to regulate operations from the Proposed new drydock would be regulated under Tentative Order R9-2015-0034, which is currently scheduled for adoption by the San Diego Water Board on June 24, 2015.

2-7

Page 1-115, Standard Condition NOI-1: Adherence to Construction Hours

Comment: It is recognized that certain noise-generating construction activity should be limited to daylight operating hours in respect to the local community. Dredging does not create significant noise and is frequently conducted 24-hours a day. Therefore, we request that this SC be amended accordingly.

2-8

Page 1-128, Mitigation Measure TR-1: Alternative Transportation

Comment: BAE Systems is currently evaluating plans to increase trolley ridership and employee subsidy for van pool (working with SANDAG and vRide). Additionally, BAE Systems will be establishing a private bussing alternative for employees. This alternative is expected to provide substantial reductions in parking and local traffic demands associated with our existing operation, as well as the Proposed Project.

2-9

Page 2-2, last paragraph.

There are 36, vice 31, storm drains and 9 outfalls (SW1-SW9)

2-10

Page 2-3, Top of page.

Comment: The current Oder (R9-2009-0080) is expired and is planned for renewal on June 24. Should read Regional Board Order R9-2015-0034 (Tentative) and footnote should also be updated.

2-11

Page 2-26, last paragraph.

Comment: Replace "metal halide bulbs" with "LED lamps"

2-12

Page 3-19, fourth bullet.

Comment: Delete the words "...treatment and...", as no treatment of sediment is anticipated. It is anticipated that cement *may* be added if required to obtain necessary moisture content for landfill disposal.

2-13

Page 3-27, 2nd full paragraph

Comment: Redundant with partial paragraph above on same page.

2-14

Page 3-38, first bullet.

Comment: Ramp wharves are 134 feet, vice 125 feet. Also, although the North Ramp will not be constructed until the SDG&E cooling water tunnels are removed (by others), the Project does anticipate a temporary pedestrian-only access to the north side of the drydock from shore.

2-15

Page 4.4-10, first paragraph.

Comment: Sentence with reads "The elevation of the project site is essentially *at sea level*,... is incorrect. Site is currently approximately +12/13 ft. MLLW, as is correctly described elsewhere.

2-16

Thank you for the opportunity to comment and BAE Systems looks forward to working with the Port on this important project. Please let us know if there is any additional information that is required or desired.

2-17

Yours truly,



Shaun Halvax
Manager Environmental Programs
BAE Systems
(619) 557-4210
sandor.halvax@baesystems.com

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BAE SYSTEMS

LETTER CODE: 2

DATE: May 18, 2015

COMMENT 2-1

BAE Systems San Diego Ship Repair Inc. (BAE Systems) has reviewed the Draft EIR and finds that it, with minor exceptions, correctly describes the existing conditions of the site and proposed Project. The documents were well prepared and understood. We are pleased to provide comments on the above referenced EIR for your consideration.

RESPONSE 2-1

This comment is introductory and indicates that BAE Systems finds that, with minor corrections, the Draft EIR correctly describes the existing conditions on the project site and the proposed project. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 2-2

Page 1-24, Mitigation Measure BIO-2: Biological Monitoring of Impact Hammer and Pile Driving. Comment: This measure relates to pile driving and reference to dredging should be stricken.

RESPONSE 2-2

This comment refers to page 1-24 of the Draft EIR, and indicates that Mitigation Measure BIO-2 relates specifically to pile driving, and therefore, references to dredging should be deleted.

The text of Mitigation Measure BIO-2 in the Executive Summary and Section 4.2, Biological Resources, has been revised in the Errata as indicated below to remove references to dredging because Mitigation Measure BIO-2 is specific to pile driving rather than dredging activities. Please refer to Mitigation Measure BIO-1 for mitigation associated with biological monitoring during active dredging activities. This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

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 ~~dredging or~~ 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 ~~or dredging~~. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of ~~dredging or~~ pile-driving activities, the construction contractor shall halt

the ~~dredging or piling-driving activities~~ 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 ~~or dredging activities~~ shall not be conducted until conditions change to allow for visual detection.

COMMENT 2-3

Page 1-67, Mitigation Measure HAZ-4: Health and Safety Plan (HASP) for Dredging. Comment: It is recommended that this measure be revised to require the preparation of a HASP for submission to the Port for review and approval only, as is the case with many other plans prepared for the Project. While the development and implementation of a HASP is an important element in any construction project, by requiring the Port to select the Industrial Hygienist the Port may become liable for the details of that plan or any deficiencies therein.

RESPONSE 2-3

This comment refers to page 1-67 through 1-69 of the Draft EIR, and suggests that Mitigation Measure HAZ-4 be revised to require the preparation of a Health and Safety Plan (HASP) for submission to the Port for review and approval only, and to not require the Port to select the Industrial Hygienist.

As correctly noted in the comment, the applicant (BAE Systems), not the District, would select and retain the Certified Industrial Hygienist. However, the District would approve the selected Certified Industrial Hygienist and would review and approve the required HASP submitted by the applicant. The text of Mitigation Measure HAZ-4 in the Executive Summary and Section 4.5, Hazards and Hazardous Materials, has been revised accordingly in the Errata to clarify the responsibility of each party identified in the Mitigation Measure. This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Mitigation Measure 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 ~~chosen by the District and at the contractor's 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 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.

COMMENT 2-4

Page 1-88, Issues/Impacts:

Comment: POSD is "Pride of San Diego", not "Port Operations, Security, and Defense".

RESPONSE 2-4

This comment refers to page 1-88 of the Draft EIR, and states that the acronym POSD stands for "Pride of San Diego," not "Port Operations, Security, and Defense."

The comment is correct and the text on page 1-88 has been revised accordingly in the Errata. This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Therefore, it is anticipated that the operational phase of the proposed project would not create any new conditions at the site that would result in significant impairments to water quality. In addition, the new drydock would be designed to capture all storm water runoff and wastewater, and to monitor flows in a manner similar to the method currently used at the ~~Port Operations, Security, and Defense~~ Pride of San Diego (POSD) drydock at BAE Systems (i.e., via the similar NPDES monitoring program).

COMMENT 2-5

Page 1-89, Mitigation Measure HYD-3: Dredging Operations and Containment.

Comment: Bullet 5 should be clarified to read "The contractor shall not use weirs during dredging of any material not deemed suitable for unconfined aquatic disposal (SUAD)..."

Page 1-90, Mitigation Measure HYD-3: Dredging Operations and Containment. Comment: The term debris "scalper"(?) should be replaced with "screen".

RESPONSE 2-5

This comment refers to page 1-89 of the Draft EIR, and states that bullet five of Mitigation Measure HYD-3 should be clarified to read "The contractor shall not use weirs *during dredging of any material not deemed suitable for unconfined aquatic disposal (SUAD)...*" This comment also refers to page 1-90 of the Draft EIR, and states that the term debris "scalper" should be replaced with "screen" in Mitigation Measure HYD-3.

The text of Mitigation Measure HYD-3 in the Executive Summary and Section 4.6, Hydrology and Water Quality, has been revised in the Errata as indicated below to clarify the use of weirs and also to refer to a debris "screen" rather than a debris "scalper". The use of weirs is a technique used to separate decant water from the sediment and is accomplished by placing sediment from the scow into the weir and allowing the water to settle out. The term "screen" is more accurate than "scalper" to describe debris containment feature. The use of weirs shall only be authorized for sediment that has been determined suitable for unconfined aquatic disposal. The use of weirs for sediment that is not deemed suitable for unconfined aquatic disposal shall be prohibited. These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Mitigation Measure 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 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 contaminated sediment removal, 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.
- ~~The contractor shall not use weirs as a means to dewater the scow and shall allow additional room for sediment placement. Preventing this action shall minimize the introduction of turbidity to the water column.~~ 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 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 ~~scalper~~ 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.

COMMENT 2-6

Page 1-91, Mitigation Measure HYD-4: Dredge Site Water Quality Monitoring.

Comment: Water quality monitoring is under the purview of the San Diego Water Board and will be detailed in Waste Discharge Requirements (WDR) issued under a 401 Water Quality Certification. Water quality monitoring, as well as many other monitoring requirements under that prospective WDR, will require coordination with construction activity. That coordination cannot feasibly be accomplished by and between the Port and Regional Board, as it is unlikely that either agency can be on site full time or on call to coordinate monitoring in support of construction. The WDR will detail all monitoring requirements for the work and BAE Systems and the contractor will be required to conduct and report all required monitoring, as is usual in these construction projects.

RESPONSE 2-6

This comment refers to page 1-91 of the Draft EIR, and states that the Water Discharge Requirements (WDR) will detail all monitoring requirements for construction and operation of BAE Systems, and that the contractor will be required to conduct and report all required monitoring. The comment indicates that the coordination required for this monitoring will be conducted by the contractor and the Regional Board, not the Port and Regional Board.

As correctly noted in the comment, the required water quality monitoring shall be coordinated between the BAE Systems contractor (not the District) and the Regional Board. In order to facilitate this coordination process, the text of Mitigation Measure HYD-3 in the Executive Summary and Section 4.6, Hydrology and Water Quality, has been revised in the Errata to correct the responsible parties. These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Mitigation Measure HYD-4: Dredge Site Water Quality Monitoring. ~~The San Diego Unified Port District (District's) Engineering Construction Director, or designee, 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 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.

COMMENT 2-7

Page 1-97, Project Design Feature HYD-7: Waste Discharge Requirements for Southwest Marine, Inc.
Comment: This should read "BAE Systems San Diego Ship Repair Inc., not Southwest Marine, Inc. Also, this WDR (Site NPDES Permit for discharges associated with the shipyard operations) is not applicable to the proposed Project contractors, as the Project would be regulated under the Statewide Construction General Stormwater Permit program. The appropriate WDR (NPDES Permit) to regulate operations from the Proposed new drydock would be regulated under Tentative Order R9-2015-0034, which is currently scheduled for adoption by the San Diego Water Board on June 24, 2015.

RESPONSE 2-7

This comment refers to page 1-97 of the Draft EIR, and states that the following sentence from Project Design Feature HYD-7 should read "BAE Systems San Diego Ship Repair Inc.," not "Southwest Marine Inc." The comment further suggests that the WDR is not applicable to the project contractors as project construction would be regulated under the Statewide Construction General Storm Water Permit program and operations would be regulated under Tentative Order R9-2015-0034 which was adopted by the San Diego Regional Water Quality Control Board on June 24, 2015.

Project Design Feature HYD-7 in both the Executive Summary and in Section 4.6, Hydrology and Water Quality has been revised in the Errata to read "BAE Systems San Diego Ship Repair Inc."

COMMENT 2-8

Page 1-115, Standard Condition NOI-1: Adherence to Construction Hours
Comment: It is recognized that certain noise-generating construction activity should be limited to daylight operating hours in respect to the local community. Dredging does not create significant noise and is frequently conducted 24-hours a day. Therefore, we request that this SC be amended accordingly.

RESPONSE 2-8

This comment refers to page 1-115 of the Draft EIR, and requests that Standard Condition NOI-1 be amended to clarify the applicable procedure and responsible party for monitoring construction activity that may occur outside of the dates and hours specified in the City of San Diego Municipal

Code and to identify the requirement to obtain the applicable transportation permits from the City of San Diego for project-related trucking activity.

The City's Municipal Code regulates the hours of operation for construction activities and the District does not have the authority to waive or modify these requirements. As noted in the Standard Condition NOI-1, however, an applicant can apply to the Noise Abatement and Control Administrator for a permit to modify specific dates and/or hours when construction activity is prohibited.

Standard Condition NOI-1: Adherence to Construction Hours. Construction activities must comply with the hours set by the City's Municipal Code. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75 dB during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.

Transportation permits from the City of San Diego will be required and obtained prior to any trucking activities.

COMMENT 2-9

Page 1-128, Mitigation Measure TR-1: Alternative Transportation

Comment: BAE Systems is currently evaluating plans to increase trolley ridership and employee subsidy for van pool (working with SANDAG and vRide). Additionally, BAE Systems will be establishing a private bussing alternative for employees. This alternative is expected to provide substantial reductions in parking and local traffic demands associated with our existing operation, as well as the Proposed Project.

RESPONSE 2-9

This comment refers to page 1-28 of the Draft EIR, and indicates that BAE Systems is currently evaluating ways to reduce parking and local traffic demands associated with the existing conditions and the proposed project.

Please refer to Section 4.9, Transportation and Traffic, for an evaluation of existing parking and local traffic demands as a result of the proposed project. Construction and operation of the proposed project is not anticipated to exceed the capacity of an existing circulation system. Page 4.9-34 of the Draft EIR discusses alternative transportation options provided to personnel by BAE Systems, including subsidized vanpools, a shuttle service, secured bicycle parking areas, and dedicated motorcycle parking areas. In addition, Mitigation Measure TR-1 requires additional alternative transportation methods to be implemented to ensure that parking-related impacts as a result of the proposed project are less than significant.

Subsequent to publication of the Draft EIR, BAE Systems provided information on additional bus services to/from the U.S. – Mexico border. BAE Systems currently has 50 persons registered for this bus service and started operating this service on July 1, 2015. A second bus started mid-July, for a

total of 100 employees to/from the U.S. – Mexico border. On August 6, 2015, BAE Systems entered into a two year agreement with the District and Ace Parking for 300 parking spaces on top of the Hilton garage (located approximately 1.1 miles from the shipyard), where it provides shuttle service to/from the shipyard. Although the program is new, approximately 150 employees have already started to take advantage of this parking and shuttle service. BAE Systems is also working with the District to explore other off-site parking arrangements; however, in order to provide a worst case scenario, the Draft EIR does not assume either of these items in its impact analysis.

COMMENT 2-10

Page 2-2, last paragraph.

There are 36, vice 31, storm drains and 9 outfalls (SW1-SW9)

RESPONSE 2-10

This comment refers to page 2-2 of the Draft EIR, and indicates that there are 36 storm drains, not 31 and there are 9 outfalls, not 6.

The number of storm drains and outfalls on page 2-2 of the Draft EIR has been corrected in the Errata as indicated in the comment. The correction to 36 catch basins does not change the analysis or conclusions in the EIR because more catch basins results in better coverage of the site to collect stormwater. Similarly, the corrected increase to nine outfalls does not mean that there is more stormwater than discussed in the Draft EIR, but rather that there are more outfall locations distributing the stormwater. The overall ability of BAE Systems Storm Water Diversion System (SWDS) to eliminate and/or reduce the volume of pollutants discharged into San Diego Bay remains intact. The system is currently designed with 36 catch basins to catch at least the first 1.0 inch of storm water that has fallen upon the facility. The collected stormwater is held in 11 tank systems in accordance with BAE Systems Industrial User Discharge (IUD) Permit issued by the RWQCB. Once stormwater is determined to meet IUD permit parameters, it is discharged to the sewer. The remaining stormwater that occurs after the first 1.0 inch of stormwater has been collected, is redirected to San Diego Bay through 9 outfalls. Therefore, these revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

BAE Systems operates and maintains a Storm Water Diversion System (SWDS) to eliminate and/or reduce the volume of pollutants discharged to receiving waters (San Diego Bay). This system consists of ~~31~~ 36 catch basins (drains) and associated piping, as well as secondary containment. The system is designed to capture at least the first 1.0 inch of storm water that has fallen upon the facility. Rain gauges are utilized to determine when 1.0 inch of rainfall has been achieved. Following the first 1.0 inch of storm water recovery to the SWDS, remaining storm water may be redirected to San Diego Bay through ~~six~~ nine outfalls enumerated SW1 through SW~~6~~ 9 (currently located at the foot of Pier 4).

COMMENT 2-11

Page 2-3, Top of page.

Comment: The current Oder (R9-2009-0080) is expired and is planned for renewal on June 24. Should read Regional Board Order R9-2015-0034 (Tentative) and footnote should also be updated.

RESPONSE 2-11

This comment refers to page 2-3 of the Draft EIR, and indicates that the current Regional Board Order (R9-2009-0080) has expired, and is planned for renewal on June 24, 2015. The comment further notes that the correct order is Regional Board Order R9-2015-0034 (Tentative). The comment requests that the footnote corresponding to this Order should be updated accordingly.

The reference to the Regional Board Order on page 2-3 of the Draft EIR has been updated in the Errata to indicate that the current Regional Board Order has expired, and an updated version of this Regional Board Order has been renewed on June 24, 2015. This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 2-12

Page 2-26, last paragraph.

Comment: Replace "metal halide bulbs" with "LED lamps"

RESPONSE 2-12

This comment refers to page 2-26 of the Draft EIR, and requests that "metal halide bulbs" be replaced with "LED Lamps."

The text on page 2-26 of the Draft EIR has been corrected in the Errata to refer to "LED Lamps" instead of "metal halide bulbs." This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 2-13

Page 3-19, fourth bullet.

Comment: Delete the words "...treatment and...", as no treatment of sediment is anticipated. It is anticipated that cement may be added if required to obtain necessary moisture content for landfill disposal.

RESPONSE 2-13

This comment refers to page 3-19 of the Draft EIR, and suggests that the words "...treatment and..." be deleted as no treatment of sediment is anticipated.

As indicated in the Draft EIR Project Description, any sediment not approved for ocean disposal or beneficial reuse will be disposed of outside of tidelands (upland) at an appropriately permitted landfill. Any sediment designated for upland disposal will be tested, characterized, and profiled for

disposal approval. As described in the Draft EIR, the sediment would be sampled by the removal contractor for landfill profiling in accordance with the landfill's acceptance criteria. Once it is determined that the sediment has met the analytical and water content requirements of the disposal facility, the material would be certified for disposal (by the landfill operator), manifested, loaded into on-road trucks, transported, and deposited at the selected disposal facility. In the unlikely event that any portion of the dredged materials is classified as hazardous waste, those materials would require transport to a hazardous waste disposal facility (a Class I facility). Although cement may be added to sediment to obtain the necessary moisture content for disposal, the addition of this cement is not considered a "treatment" to remove contaminants. Although no treatment of the sediment is anticipated, the District has revised the text to clarify that sediment would only be treated if necessary, based on testing.

The text on page 3-19 and 3-27 of the Draft EIR has been corrected in the Errata as shown below to indicate that treatment of dredge material would occur, if necessary. This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact. Redundant information presented on page 3-27 has been stricken from the text.

Any sediment not approved for ocean disposal or beneficial reuse will be disposed of outside of tidelands (upland) at an appropriately permitted landfill. Any sediment designated for upland disposal will be tested, characterized, ~~and~~ profiled for disposal approval, and treated if necessary. For purposes of this analysis, it is anticipated that between 2,500 and 10,000 cy (3,500–14,000 tons) of dredge material would require ~~treatment and~~ upland disposal.

COMMENT 2-14

Page 3-27, 2nd full paragraph

Comment: Redundant with partial paragraph above on same page.

RESPONSE 2-14

This comment refers to page 3-27 of the Draft EIR, and states that the second full paragraph is redundant and should be deleted.

The comment correctly notes that the second full paragraph on page 3-27 of the Draft EIR is a repeat of a previous paragraph. Therefore, this paragraph has been deleted in the Errata. This deletion or redundant text does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 2-15

Page 3-38, first bullet.

Comment: Ramp wharves are 134 feet, vice 125 feet. Also, although the North Ramp will not be constructed until the SDG&E cooling water tunnels are removed (by others), the Project does anticipate a temporary pedestrian-only access to the north side of the drydock from shore.

RESPONSE 2-15

This comment refers to page 3-38, and indicates that the ramp wharves are 134 feet (ft), not 125 ft, and indicates that the project anticipates a temporary pedestrian-only access to the north side of the dry dock from the shore.

The commenter has incorrectly identified the page number where this typographical error occurs. The reference to the dimensions of the ramp wharves are provided on page 3-28 of the Draft EIR. The text on page 3-28 of the Draft EIR has been updated to indicate that the ramp wharves are 134 ft, and to add a discussion of a temporary pedestrian-only access to the north side of the dry dock from shore. This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 2-16

Page 4.4-10, first paragraph.

Comment: Sentence with reads "The elevation of the project site is essentially at sea level,... is incorrect. Site is currently approximately +12/13 ft. MLLW, as is correctly described elsewhere.

RESPONSE 2-16

This comment refers to page 4.4-10 of the Draft EIR, and states that statement that "*The elevation of the project site is essentially at sea level,*" should be revised to state that the project site is currently at approximately +12/13 ft. Mean Lower Low Water (MLLW), as correctly stated elsewhere in the document.

The text page 4.4-10 of the Draft EIR has been revised in the Errata to indicate the precise elevation of the existing project site at +12/13 ft. MLLW. This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 2-17

Thank you for the opportunity to comment and BAE Systems looks forward to working with the Port on this important project. Please let us know if there is any additional information that is required or desired.

RESPONSE 2-17

This comment expresses appreciation for the opportunity to comment on the Draft EIR, and indicates that BAE Systems will provide additional information if necessary. This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.



San Diego Unified Port District
Environmental & Land Use Management Department
Attn: Larry Hofreiter
Via email to: lhofreiter@portofsandiego.org

May 20, 2015

Re: EHC Comments on BAE Systems Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31, SCH #2014041071)

Dear Mr. Hofreiter:

Environmental Health Coalition (EHC) – a 35-year-old nonprofit organization that fights toxic pollution, discriminatory land use, and unsustainable energy policies in the San Diego/Tijuana region– appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the BAE Systems Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project. Unfortunately we must object to the findings of “Less than Significant” and “No Mitigation Required” pertaining to Greenhouse Gas Emissions, Criteria Pollutants, Exposure of Substantial Pollutant Concentrations to Sensitive Receptors, conflict with applicable air quality plans, greenhouse gas plans, land use plans, and other issues.

3-1

We offer comments to ensure the project’s impacts are fully analyzed and mitigated, and we offer recommendations to resolve some of these issues.

I. PROJECT DESCRIPTION

A. FAILURE TO IDENTIFY AND QUANTIFY A MAJOR IMPACT: POTENTIAL INCREASE IN SHIP CALLS, SIZE OF SHIPS, AND CORRESPONDING ENVIRONMENTAL IMPACTS

The DEIR fails to acknowledge that the project will create the potential for increased ship numbers, to enumerate or estimate those numbers, and to include their impacts in any of the DEIR sections. **This is a major shortcoming of the DEIR that affects all areas of the analysis**, but particularly the air quality and greenhouse gas analyses.

3-2

While the DEIR includes an estimate of the *current* number of ships per year that are repaired at BAE,¹ the report does not include clear information on the *future* number and size of ships that will visit BAE each year as a result of this project and through the lease term, even though it is the clear intention of the project to increase business. For example, the project objectives state: “Retain and **expand** current ship repair business operations by BAE Systems, in order to provide

¹ DEIR Table 3A, p. 3-14

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EMPODERANDO A LA GENTE. ORGANIZANDO A LAS COMUNIDADES. LOGRANDO LA JUSTICIA.**

economic and employment benefits to the District and the San Diego region"². Expansion of the ship repair business cannot occur unless more ships come to BAE for repair.

3-2

The DEIR also estimates the project will generate up to 93 new employees³. This estimate reinforces our conclusion that significant new work will be generated by the project – work whose impacts must be identified and analyzed in the EIR. The estimate even appears to be an underestimation, as we further explain below.

Further reinforcing our conclusions that the project intends to increase the number of ships and number of employees at BAE, and that the DEIR fails to include all the relevant and knowable facts about the project's potential magnitude, is a recent *U-T San Diego* article titled "BAE to add 500 ship yard jobs".⁴ Bob Koerber, general manager of BAE Systems San Diego Ship Repair, is quoted as saying, "Having only two dry docks for close to 80 ships doesn't meet the needs of the Navy." As is clear from this news story, the new dry dock is intended to position BAE to serve additional Navy ships that will be based in San Diego as a result of the Navy's Pacific Pivot – a plan to base more ships on the West Coast. Mr. Koerber's quote accompanies an article describing BAE's plans to hire **as many as 500 workers** to "enable the company to handle an expected boom in business during the next five years as the Navy shifts more warships to San Diego Bay." The article further describes the new dry dock as enabling BAE to bid on overhaul of amphibious assault ships, and adds that BAE will be increasing its ship capacity from four to seven. It is noted also that private cruise ships will also fit into the new dry dock – raising the possibility that BAE will increase its commercial ship repair business as well. This information is clearly relevant to a description of the setting and conditions under which this project is being undertaken, and should be included. This information also suggests that the magnitude of the project is understated in the DEIR. The DEIR anticipates up to 93 new employees, whereas Mr. Koerber and UT San Diego anticipate up to 500 new employees. The EIR must accurately analyze the maximum capacity to be generated by the project.

3-3

The DEIR does include an estimate that 1 additional hull will be painted in the new drydock compared to the average over the previous 5 years (DEIR, p.4.1-37). However, no basis for this estimation is provided. No estimate is given for the maximum potential *number* of new ship business created by the project. Likewise, no estimate is included of the specific *size* or *type* of future ships that may be coming, which is relevant because commercial ships are increasing in size and have correspondingly larger emissions. The DEIR notes that BAE provides services to commercial ships but does not address the numbers or sizes of these ships now or throughout the lease term.

3-4

Additionally, the Project Description fails to clearly state whether the existing dry dock will also continue to be used. BAE's capacity for dry docking appears to be at least doubled.

² DEIR, p. 3-18

³ DEIR p. 2-13, pdf page 170

⁴ "BAE to add 500 ship yard jobs", *UT San Diego*, March 27, 2015, page C-1 and online: <http://www.utsandiego.com/news/2015/mar/26/bae-jobs-sandiego/>.

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B. FAILURE TO IDENTIFY CHANGE OF LAND USE AND NEED FOR PORT MASTER PLAN AMENDMENT AND CALIFORNIA COASTAL COMMISSION APPROVAL

The project proposes a “future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel (2.0 acre landside and 4.0 acre waterside)”.⁵

Table 1.A explains, “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. This project component itself would result in the continued operation of existing uses at the project sites.”⁶ However, it also admits “physical activities associated with the drydock and cooling tunnel components would be permitted by these lease amendments”⁷.

It is our understanding that the TUOP parcel, currently leased by SDG&E, is currently used only for parking and storage of materials. We understand the TUOP language may be read to *permit* certain additional activities; however, we believe the *actual* current usage to be parking and storage. Will the lease and “future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel” restrict BAE in the binding language to only the actual current use (parking and storage) or will other shipbuilding activities be permitted? If it is permissible in the TUOP and lease that the property could be used in the future for ship repair activities, this would be a major change in land use from the actual current use, accompanied by potential environmental impacts. Such a change would need to be identified and analyzed. Such a change in land use would also require a Port Master Plan amendment, and therefore also approval from the California Coastal Commission.

3-5

We also note that in a conversation EHC staff had with Port staff on October 23, 2014 regarding the TUOP parcel that is now a part of this project, Port staff indicated this DEIR would analyze the long-term impacts of the proposed activities on the TUOP parcel. The DEIR fails to meet this promise.

C. FAILURE TO IDENTIFY IF THE AMOUNT OF EQUIPMENT AND SUPPLIES TO BE STORED WILL INCREASE, WHERE SUCH STORAGE WILL OCCUR, AND WHAT ARE THE ASSOCIATED IMPACTS

It is logical that an increase in businesses at BAE as a result of the project would be accompanied by an increased need for storage of supporting equipment and supplies. The DEIR should explain if the project will, in fact, necessitate additional storage of equipment and supplies and, if so, how much and where that will occur. Will additional supplies and equipment be stored at BAE’s warehouse under its TUOP at the National City Distribution Center? Somewhere else? How many additional trucks will that result in and what would be the impacts of these trucks? Was the possibility of using cleaner trucks examined? The EIR must answer these questions, analyze the impacts, and require mitigation.

3-6

⁵ DEIR p1-2, pdf p.17

⁶ DEIR p.1-6, pdf p. 21

⁷ DEIR p1-6, pdf p.21

II. AIR QUALITY

A. PROJECT DESCRIPTION FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ESTIMATE POTENTIAL INCREASES IN EMISSIONS

The project description fails to indicate whether additional ships, bigger ships, or both, would be coming to BAE as a result of the project. This is a major gap in the air quality analysis, as new ship emissions would clearly add to the estimates of criteria pollutants and TACs emitted pursuant to the project.

3-7

The emissions of commercial ships are not addressed at all in this analysis, and must be included. The issue of potential increases in emissions is especially important to include given that health risks, as analyzed in the Health Risk Assessment, are very close to significant for the MEIW (9.11/million cancer risk) and for the acute HHI for both workers and residents (0.94), Table 4.1.1.

3-8

B. SENSITIVE RECEPTORS LIST FAILS TO IDENTIFY THE CLOSEST POSSIBLE RESIDENCES

We disagree with the conclusion that “the nearest sensitive receptor to the project site is located approximately 1,600 feet away”.⁸ To the contrary, the nearest potential sensitive receptor is approximately 785 feet away. This is the distance between the project site boundary bordering Belt Street and the Barrio Logan transition zone area between Harbor and Main Streets.

3-9

The Air Quality (AQ) analysis states it was done to ensure consistency with the BL CPU adopted by San Diego City Council in 2013⁹; however, that plan was overturned in a referendum in June 2014. At this point, the land use plan in effect is the 1978 version, which conditionally permits child care centers, hospitals, and other sensitive land uses in all areas of Barrio Logan, including the transition zone area where new sensitive receptors would have been disallowed under the new plan. The analysis must assume that sensitive receptors may be located in the blocks between Harbor and Main, less than 1,000 feet from the BAE project.

Additionally, the EIR should analyze the impacts on sensitive receptors not only near the stationary project site, but also near the project’s directly related mobile activities, such as trucking of goods to/from the project site, storage facilities, and other supporting facilities.

3-10

Additional sensitive receptors that are currently not included and analyzed in the EIR, but should be included:

- Children and adults using Cesar Chavez Park.
- Perkins Elementary School, including the property across Main Street from the current Perkins parcel. The San Diego Unified School District has already made a clear

3-11

⁸ DEIR Table 1.A. 1-10, pdf p.25

⁹ DEIR Appendix B, section 2.3

- commitment to purchase this property and use it to expand the school footprint, and the analysis must include evaluation of impacts to schoolchildren and school staff at this site.
- Residences, schools, and childcare and healthcare facilities within 500 feet of the truck routes that would be used by the additional trucks entering and leaving BAE.
- The San Diego Continuing Education Center
- The Mercado Apartments
- Mercado Head Start Preschool

3-11

C. COOLING TUNNEL EMISSIONS NOT ADDED TO DRY DOCK OPERATIONAL EMISSIONS

The Air Quality section fails to quantify the additional criteria and HAPs pollutants that would be emitted from removal of the cooling tunnel. It does not add them to the emissions from the operational drydock emissions— even though these activities could be happening at the same time, given that the drydock will be operational by June 2017, and the cooling tunnel removal will happen at some time afterwards. As the acute HHI is already close to 1.0, it is important to assess the acute health hazard of the combined emissions of both activities.

3-12

D. ESTIMATES OF TUG BOAT AND SHIP EMISSIONS APPEAR TO BE FAULTY

Assumptions used for tug boat emissions estimates are not well explained. Emission factors and other modeling inputs are not included to explain how the two scenarios that involve tugboats with greater horsepower, running for a longer period of time,¹⁰ generate fewer emissions than Scenario 1.

3-13

Further, the math appears to be wrong in Table P of Appendix B.¹¹ For example, the incremental increase in ROG emissions would be ((future wet berth + future drydock) – (existing conditions)), or ((26.9 + 40.3) – (45.6)), or 21.6. lbs per day, rather than 13.4. Added to the regional total of 72 and subtracting 13.2 for the Navy ship reductions expected with the new drydock operation, the total is 80.4 lbs per day, an amount over the significance threshold of 75.

3-14

Diesel PM emissions from the additional tug boat operations are not added in to the Health Risk Assessment for dry dock operations. The potential for additional tug boat operations should be stated and the additional emissions analyzed in the EIR.

3-15

The number of Navy ships that will be utilizing the new facility is not stated. As noted above, the objective of the project is to increase business, and it may be assumed that the number of Navy ships will be increasing. The analysis must be based on the maximum capacity for new Navy and commercial ships. Pollution from additional ships traversing San Diego Bay to reach BAE is not estimated or added in to this analysis, and may in fact outweigh the reductions – which themselves seem speculative – from running the engines for shorter periods during the docking operation. The analysis must clearly enumerate the additional Navy and commercial ships that

3-16

¹⁰ DEIR Scenarios 2 and 3, p. 140 of Appendix B

¹¹ DEIR Appendix B p. 47, or pdf page 142

could come to BAE as a result of this project, and include their emissions while traveling in San Diego Bay as well as during docking.

↑ 3-16

Finally, these estimates of diesel emissions do not correlate well with existing data on emissions from BAE. Current BAE annual emissions, from the CARB Facility Emissions search engine¹² include 21.8 tons of total organic gases; 7.3 tons of NOx; 1.3 tons of PM2.5; and 700 lbs of diesel exhaust emissions. However, the current diesel PM emissions from Pier 1 are given as 18.83 lbs per year,¹³ and the expected increase in diesel due to the project is estimated at 115.32 lbs per year (106.61 from small engine use and 8.71 from drydock engines, Appendix, pdf page 421). It appears that throughout the analysis, the full range of current emissions has not been taken into account, and likewise the full range of potential increases has not been quantified.

3-17

E. HAZARDOUS AIR POLLUTANTS ANALYSIS INCOMPLETE

The DEIR’s analysis on hazardous air pollutants is incomplete and inadequate. For example, it concludes: “The anticipated level of diesel-powered equipment use will, on the peak day for the entire construction period, emit approximately **1.5 lbs** per day of diesel exhaust particulate.”¹⁴ This conclusion is not verifiable, as it is not possible to check this figure against Tables K and L,¹⁵ which do not include diesel emission factors or indicate the proportion of PM2.5 that is diesel. These should be included. The appendices to Appendix B likewise do not include emission factors for construction equipment.

3-18

F. DEIR USES INAPPROPRIATE SCREENING-LEVEL AND CUMULATIVE THRESHOLDS OF SIGNIFICANCE FOR AIR QUALITY

1. Port Thresholds Should Be Specific to the Local Conditions, Per CEQA Guidelines; County Guidelines Are Not Location Specific and are Inadequate

We disagree with the use of the County of San Diego’s CEQA Significance Thresholds for determination of the significance of air quality impacts from this project. The DEIR fails to provide substantial evidence as to the appropriateness of the County Guidelines for this project and fails to consider members of the public in all areas affected. The County’s Guidelines would not, in fact, be appropriate for this project, as they bear no relationship to this project’s location or surrounding conditions, as we explained in the prior section.

3-19

We also disagree with the DEIR’s assertion that the Port cannot use new thresholds of significance for air quality and greenhouse gas emission for this project. While it is true that adoption of significance thresholds for general application would require CEQA be conducted on that decision itself, it is not true the Port must use the City of San Diego’s or APCD’s thresholds. A lead agency may use any threshold as long as there is substantial evidence for that use.

3-20

¹² <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>

¹³ DEIR Appendix, pdf page 419

¹⁴ DEIR Table 1.A, 1-11, pdf p.26, emphasis added

¹⁵ DEIR Appendix B, pp. 136-137

The Lead Agency for a project has the legal authority and, in fact, is encouraged under CEQA Guidelines §15064.7 to develop and publish its own thresholds of significance. In determining whether an effect will be adverse or beneficial, **the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency.** (§ 15064.7(c)) Lead agencies may also consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, **provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.** (§15064.7(b))

3-20

Further, CEQA Guidelines allow and encourage consideration of location-specific factors in analysis of impacts. CEQA Guidelines recognize that the level of impacts and their significance depends upon a multitude of factors such as **project setting**, design, construction, etc. CEQA Guidelines also call for careful judgment based on scientific and factual data to the extent possible and explain, “For example, an activity which may not be significant in an urban area may be significant in a rural area.” (§ 15064(b)) Similarly, emissions of 100 lbs per day of particulate matter in the middle of Barrio Logan—an urban low-income community of color already determined by the California Environmental Protection Agency (CalEPA) to be among the worst 5% in the state for cumulative pollution burden¹⁶ — could potentially be more significant than 100 lbs per day of particulate matter in the middle of the desert with no nearby sensitive receptors.

3-21

To the contrary, location-specific conditions are not taken into account in the County of San Diego Guidelines for Determining Significance,¹⁷ which the DEIR inappropriately uses for criteria pollutants to determine significance of incremental emissions increase due to the project. The DEIR also inappropriately chooses to use the County of San Diego Department of Planning and Land Use’s significance threshold for *cumulative* air quality impacts, which says a project would result in a significant cumulatively considerable contribution to air quality impacts if the proposed project has a significant direct impact to air quality or does not conform to the San Diego Air Pollution Control District’s (SDAPCD)’s Regional Air Quality Strategy (RAQS), which aims to bring the basin into attainment with all NAAQS and CAAQS, yet is failing to do so.

3-22

Both sets of thresholds are inappropriate as they fail to consider that (a) the entire air basin is already out of attainment with multiple state and federal air quality standards; (b) the project location is in an area with particularly high cumulative pollution burden as identified by CalEPA;¹⁸ (c) the project location is in an area with particularly high levels of PM; and (d) respiratory health impacts in the community adjacent to the project would be exacerbated, resulting in additional significant impacts.

3-23

¹⁶ <http://www.oehha.ca.gov/ej/ces2.html>

¹⁷ County of San Diego, 2007

¹⁸ <http://www.oehha.ca.gov/ej/ces2.html>

Accordingly, the EIR must acknowledge that the project location sits directly adjacent to an area (Barrio Logan) identified by CalEPA as having a cumulative pollution burden that is among the worst 5% of census tracts in the state.¹⁹

3-23

Further, available monitoring data indicate ambient air in the Barrio Logan area is more impacted by diesel particulate matter than is air in other communities. The following table compares the percentage of elemental carbon (EC) in total carbon fine particulate matter in three areas of the region. Because diesel exhaust, compared to gasoline, has relatively more EC as a percentage of total carbon, the higher percentages of EC indicate that more of the particulate matter in Barrio Logan originated from diesel engines. All three of these communities are traffic-impacted areas, with levels of PM2.5 higher than background levels²⁰; however, the PM2.5 in Barrio Logan may be more harmful to health.

Table 1. Elemental Carbon (EC) as a Percentage of Total PM2.5 Carbon, 2012

3-24

Air Monitor	Average EC Percent	Maximum EC Percent
Barrio Logan (Beardsley)	21.9	44.3
El Cajon	14.6	24.5
Escondido	15.2	24.7

Source of data: US EPA, Air Data, from monitoring data submitted by SD APCD. Percentages compiled by EHC.

US EPA Air Data website: <https://ofmext.epa.gov/AQDMRS/aqdmrs.html>

Finally, on top of the many other public health and safety consequences of this pollution, children in Barrio Logan visit the ER for asthma-related incidents almost three times as often as children in the rest of the County.²¹ The evidence is undeniable and substantial.

The EIR air quality analysis must account for these local adverse conditions in assessing the impacts of additional emissions and the fact that any increase in air pollution would result in a cumulatively significant impact to the adjacent community and region.

2. Inaccurate Determination of “Less-Than-Significant” for Thresholds of Significance for Criteria, Toxic, or Diesel Pollutants

We disagree that for criteria air pollutants, “construction emissions impacts to nearby sensitive receptors are less than significant”.²² As explained in our discussion of sensitive receptors, the

3-25

¹⁹ <http://www.oehha.ca.gov/ej/ces2.html>

²⁰ Average annual PM2.5 levels in Barrio Logan (“Downtown San Diego”), El Cajon, and Escondido in 2013 were 10.3, 10.6, and 10.3 micrograms per cubic meter, respectively, versus 8.3 ug/m3 at the Kearny Mesa monitor. <http://www.sdapcd.org/info/reports/5-year-summary.pdf>.

²¹ Data on children’s Emergency Department visits with diagnoses of asthma are from the California Office of Statewide Health Planning and Development. Rates are generated using SANDAG current estimates of population by age for zipcodes in San Diego County. The most current data year is 2013.

²² DEIR Table 1.A, 1-9-1-10, pdf24-25

DEIR does not adequately analyze sensitive receptors in the vicinity of the project and its induced activities. Further, this determination is inappropriate given that the project *would* contribute to existing air quality violations and the non-attainment status of federal and state standards. San Diego County has basic non-attainment status for the federal (NAAQS) 8-hour ozone standard and non-attainment status for the state (CAAQS) standards for ozone, PM10 and PM2.5.²³ Therefore the thresholds of significance for criteria, toxic, or diesel pollutants should be set at No Net Increase, and mitigation measures should be taken.

3-25

The DEIR states multiple times, “The health effects will not occur unless the standards are exceeded by a large margin or for a prolonged period of time.”²⁴ Standards and thresholds of significance are science-based numbers designed to indicate thresholds over which exposure is harmful to the surrounding environment or human health. Standards and thresholds of significance are not designed to be a flexible range, nor are they designed to be violated. The legal weight of legal standards and thresholds of significance must be fully appreciated in the EIR, and any impact above thresholds of significance must be mitigated.

3-26

3. The Threshold of Significance Should Be Zero for All Criteria Air Pollutants, Especially Non-Attainment Pollutants PM and Ozone

The very least the Port should do and is required to do under CEQA is to **not let current conditions become even worse** in this already overburdened area. As any increase in emissions is significant in this community, the threshold of significance for this project for criteria air pollutants should be **zero**.

Substantial evidence already significantly demonstrates the unacceptable environmental health conditions in the vicinity of the project location. The evidence is undeniable and substantial.

3-27

Other ports are already taking steps in this direction. The Ports of Los Angeles and Long Beach have already adopted a No Net Increase Policy and, in fact, clean freight advocates in that area are now saying No Net Increase is outdated and have argued for greater mitigations. Clearly, the Port of San Diego has no reason to fear being out in front alone on this issue. Others have already led the way and it’s time for the Port of San Diego to catch up.

G. SUMMARY OF HEALTH RISK ASSESSMENT OVERLOOKS MOST EXPOSED RECEPTORS

As noted above, we believe that several of the inputs to the health risk assessment are faulty – the proximity of the closest sensitive receptors, the estimates of emissions from ships and tugboats, and the omission of criteria pollutants and HAPs from Cooling Tunnel removal. Even aside from all these flaws, which individually and together would increase the estimates of health risks from the project, the health risks appear to be understated.

3-28

²³ IS-76, pdfp123

²⁴ DEIR Table 1.A

The MEIW cancer risk given in Table 4.1.1 may not be the highest risk location. The HARP runs in Appendix B indicate that there are at least three receptors with higher cancer risks (Receptor 023 at 9.92/million; Receptor 250 at 9.86 per million; and Receptor 638 at 9.91 per million). Any reasonable rounding of these risk numbers would indicate that the cancer risk is at 10 per million, a significant level that must be mitigated.

3-28

Additionally, whereas the DEIR states the health risk assessment follows the current OEHHA guidance, including assessment of early life exposures,²⁵ it is not clear if the HARP model used is the March 2015 version, which incorporates the latest methodology.

3-29

II. GREENHOUSE GASES

A. DEIR USES AN INAPPROPRIATE THRESHOLD OF SIGNIFICANCE FOR GREENHOUSE GAS EMISSIONS

We disagree with the finding that the project has less than a significant impact on Greenhouse Gases (4.4-27, pdf 398). The DEIR fails to provide substantial evidence of the appropriateness of using the City of San Diego's *Draft Significance Thresholds for Greenhouse Gas Emissions, California Environmental Quality Act*, City of San Diego Development Services Department (March 2013). This is an inappropriate set of thresholds to use, as it was never formally adopted by the City of San Diego.

3-30

We also disagree with the DEIR's assertion that the Port cannot use new thresholds of significance for air quality and greenhouse gas emission for this project. While it is true that adoption of significance thresholds for general application would require CEQA be conducted on that decision itself, it is not true the Port must use the City of San Diego's or APCD's thresholds. A lead agency may use any threshold as long as there is substantial evidence for that use.

3-31

The Lead Agency for a project has the legal authority and, in fact, is encouraged under CEQA Guidelines §15064.7 to develop and publish its own thresholds of significance. In determining whether an effect will be adverse or beneficial, **the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency.** (§ 15064.7(c)) Lead agencies may also consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, **provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.** (§15064.7(b))

Further, CEQA Guidelines allow and encourage consideration of location-specific factors in analysis of impacts. CEQA Guidelines recognize that the level of impacts and their significance depends upon a multitude of factors such as **project setting**, design, construction, etc, and such factors must be considered in setting thresholds and requiring mitigations.

3-32

²⁵ DEIR Appendix B, pdf page 418

B. DEIR FAILS TO APPLY APPROPRIATE BASELINE

The project cannot rely on an improper baseline and analysis in order to obscure the Project’s impacts. The Port must comply with foundational CEQA requirements, including an appropriate description of the baseline for purposes assessing the significance of the project’s impacts and the appropriate level of mitigation. It is inappropriate to use a hypothetical projection of future emissions as a measure of a project setting’s baseline.

3-33

The DEIR looks at GHG significance using a Business As Usual (BAU) projection, claiming that because the “proposed project would exceed the target of 20 percent below the business-as-usual that has been established for the purpose of assessing operational GHG emissions of projects in the City of San Diego, and this reduction would be consistent with the goals of AB32.”²⁶ We again note that such thresholds have never formally adopted by the City of San Diego. We also stress it is inappropriate to set a goal of reducing emissions by any percent below a BAU projection—a hypothetical projection of the future— rather than below the actual existing physical environment as the baseline conditions.

3-34

In applying the BAU threshold, the Port has failed to measure the significance of the Project’s GHG emissions against the baseline existing conditions (Guideline §15125(a)), and because of this failure, the Port’s GHG impacts analysis is unlawful. (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca1.4th 310, 322 (“*CBE v. SCAQMD*”)). Further, the California Supreme Court is currently reviewing a challenge to the often-used and inappropriate “business as usual” approach. (*Center For Biological Diversity V. Department Of Fish And Wildlife (Newhall Land And Farming Company)*, Case: S217763, Supreme Court of California).

CEQA GHG analysis is governed by Guideline section 15064.4, which states a lead agency should consider three factors, among others, when assessing the significance of impacts from GHG emissions on the environment, including the “extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.” (Guideline §15064.4(b)(1), emphasis added). The environmental setting (the existing physical environment) will “normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (Guideline §15125(a)).

3-35

As the California Supreme Court held in *CBE v. SCAQMD*, “using hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” (*CBE v. SCAQMD* (2010) 48 Ca1.4th 310, 322 [citation omitted]).

If the EIR *were*, hypothetically, to use a future projection of GHG emissions as baseline from which to reduce, that future projection would need to assume no activity is occurring on the TUOP parcel land after 2019 (when the TUOP expires) and no activity is occurring on the main

3-36

²⁶ DEIR Appendix, Air Quality and Global Climate Change Impact Analysis, p1
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BAE parcels after 2034 (when the current lease expires), and all activities proposed beyond the current expiration of the TUOP would need to be analyzed as new uses and new impacts.



3-36

C. SIGNIFICANCE THRESHOLDS FAILS TO CONSIDER IMPACTS AFTER 2020, INCONSISTENT WITH EXECUTIVE ORDER S-3-05

We disagree with the DEIR’s claims that the “proposed project does not conflict with, or impede implementation of, reduction goals identified in Assembly Bill AB32, Executive Order (EO) S-3-05, and other strategies to help reduce GHGs”²⁷ and that the “proposed project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions”.²⁸ To the contrary, continually allowing new projects to add GHG emissions is inconsistent with the Port CAP, S-3-05, and AB32 as the intention of these policies is to *reduce* emissions, not just keep them steady or let them grow. The CAP’s intent is to ensure growth is efficient and sustainable, but allowing GHGs to continually increase is *not* efficient and sustainable.

3-37

While the DEIR *mentions* long term plans, policies and regulations pertaining to Greenhouse Gases and Climate Change, it fails to actually analyze the project’s consistency with relevant GHG plans, policies and regulations beyond the year 2020, which is a huge oversight given that the proposed lease would last 38 years longer than that, through 2058.

The DEIR fails to fully analyze the project’s compliance with state laws after 2020, including compliance with the state’s 2050 goal outlined in state law S-3-05. Given that the project would likely *increase* GHG emissions, the threshold proposed in the DEIR, and the amount of emissions the project would create, would be inconsistent with S-3-05 as well as the Port’s CAP goal to reduce port-wide GHGs by 25% below 2006 levels by 2035²⁹. Further, in light of the project’s long timeline (to 2058), compliance with AB 32 or the CARB Scoping Plan to 2020 will not address the full extent of the project’s emissions (i.e. beyond 2020). The project’s thresholds and emissions would also be inconsistent with Governor Brown’s Executive Order B-30-15, issued April 29, 2015, ordering a new interim statewide GHG reduction target to reduce GHG emissions to 40% below 1990 levels by 2030.

3-38

The failure to comply with S-3-05 should be of particular legal concern given the precedent set in the SANDAG RTP lawsuit and the San Diego County Climate Action Plan lawsuit affirming S-3-05 as state law. (See, *Sierra Club v. County of San Diego*, Case No. D064243; see also, Cal Health & Saf Code § 38551(b) [“It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020.”]).

²⁷ DEIR p1-57, pdf 72

²⁸ DEIR p1-58, pdf 73 and 4.4.5.2, pdf p.402

²⁹ Port of San Diego, Climate Action Plan, 2013, GHG Reduction Goals, p4 (does *NOT* state goal is for “new projects” anywhere)

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D. FAILURE TO FULLY ANALYZE GHG EMISSIONS FOR LIFE OF PROJECT

The DEIR explains BAE’s existing lease is scheduled to expire on August 31, 2034, and the project would include an extension of that existing lease term by 24 years, extending to 2058.³⁰ The project also includes a separate lease amendment between BAE Systems and the District for the neighboring TUOP parcels, which would include terminating the TUOP and adding an amendment to the existing lease term by 43 years, extending to 2058.³¹

We therefore question how “an increase in GHG emissions is not anticipated”³² especially when the purpose of the project is to allow BAE to procure more business? Will that additional business not require additional electricity and fuel resources? Further, as we explain in our comments on land use, while the *permitted* use may not be proposed to be changed, it is apparent the *actual* practical use of the property may change, and all impact of that change must be analyzed and mitigated.

3-39

The GHG emissions, air pollutants, and other impacts of the parcel currently under the TUOP should not be considered “existing” uses for the duration of the project, as the TUOP is set to expire soon. Any activities proposed beyond the current expiration of the TUOP should be analyzed as new uses and new impacts.

E. DEIR FAILS TO EXPLAIN SPECIFIC ACTIONS FOR PROJECT TO COMPLY WITH PORT CAP

Further, the DEIR Appendices appear to *assume* compliance with the Port CAP’s 2020 goal by simply reducing the project’s projected emissions by the percentage recommended in the CAP for 2020, without actually explaining how these reductions would occur (Appendix, Air Quality and Global Climate Change Impact Analysis, p51).

3-40

F. PROJECT SHOULD USE THRESHOLDS CONSISTENT WITH S-3-05 THROUGH THE LIFE OF THE PROJECT

The Port should set its own thresholds of significance for this project for GHGs through the expected life of the project as any level that would be inconsistent with the best available science codified in state laws AB32, SB375, and Executive Order S-3-05: 80% below 2006 levels by 2050.

3-41

We urge the Port to set its GHG threshold for this project review using a method recommended by CAPCOA to use a zero emissions threshold, which the CAPCOA explains “has merit” because:

“Both large and small GHG generators cause the impact. While it may be true that many GHG sources are individually too small to make any noticeable difference to

³⁰ DEIR 4.4-27, pdf 398

³¹ DEIR 4.4-27, pdf 398

³² DEIR 4.4-27, pdf 398

climate changes, it is also true that the countless small sources around the globe combine to produce a very substantial portion of the total GHG emissions.

A zero threshold approach is based on a belief that, 1) all GHG emissions contribute to global climate change and could be considered significant, and 2) not controlling emissions from smaller sources would neglect a major portion of the GHG inventory.”³³

3-41

GHG emissions should be calculated as both an annual summation and a cumulative total because GHGs are persistent in the environment for decades.

III. POTENTIAL MITIGATIONS FOR AIR QUALITY AND GHG IMPACTS

In order to ensure compliance with the MMRP, BAE’s lease should explicitly include language agreeing to the mitigation measures. For example, use of an electric crane should be specifically committed to, as well as installing renewable energy on or near the project site to off-set the indirect emissions of the electricity use, and other recommendations in bullets below. As the DEIR notes, the Port’s CAP component includes a goal to use renewable energy to reduce GHG emissions on Tidelands by 22,203 MT (0.022 MMT) of CO₂e/yr.

3-42

Additionally, penalties for noncompliance should be included in the MMRP and lease language, including but not limited to eviction and payment into a mitigation fund for projects to reduce air and greenhouse gas pollution at or near the project site. Because all mitigation measures must be enforceable, the mitigation measures must be made an explicit condition of the Lease and CDP. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2)).

3-43

Potential mitigations recommended for inclusion in MMRP and Lease:

- Hybrid tugboats
- Enforcement of California’s On-Road, Heavy-Duty Truck and Bus Rule
- Subsidize alternative transportation for workers
- Realignment infrastructure on Harbor Drive to support truck route
- Vessel speed reduction for all ships coming to or leaving BAE
- Electrification of BAE’s diesel equipment, such as cranes and small diesel engines
- Consider use of an electric dredge for the dredging portion of the project
- Require electric or hybrid trucks for all project-related truck trips
- Require electric or hybrid construction equipment in all cases where such equipment is commercially available

3-44

³³ CA Air Pollution Control Officers Association (CAPCOA), *CEQA and Climate Change- Evaluating and Addressing Greenhouse Gas Emissions From Projects Subject to the California Environmental Quality Act*, January 2008, p27

EHC Comments on BAE Pier 1 North Drydock Project & Real Estate Agreements (5/20/15) p.14

- Require compliance with Barrio Logan truck routes
- Any off-site storage of ship equipment, materials, parts, or other BAE materials should occur on the Tidelands or in industrial zones and be no closer than 500 feet to the nearest sensitive receptor.
- Solar PV on-site or nearby
- Compliance with energy and fuel audit immediately upon certification of the EIR, consistent with the intention of the Sustainable Leasing Program, and implementation of audit recommendations
- Periodic lease re-opener to ensure BAE’s technology is the cleanest available
- The Project Proponent and/or Port should set aside funding that could be used, potentially as part of a larger pool of funding, for Harbor Drive realignment and pedestrian and bicycling improvements
- We support Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools.³⁴ We urge the Port to be more specific in the final EIR about how and when this plan will be monitored and enforced, and what the penalties are for noncompliance. This commitment for encouraging and facilitating transit should also be specified to continue both before and after the 184 additional parking spaces are added.

3-44

IV. HAZARDOUS MATERIALS

A. INCLUDE ANALYSIS OF SEA LEVEL RISE, STORM SURGES, AND TSUNAMIS

An additional impact that was not adequately analyzed and mitigated in the DEIR is the potential for release of toxic and hazardous materials from the project site into the bay and adjacent communities under future conditions of higher sea levels, storm surges, and tsunamis. The DEIR’s response seems to be that “elevations of the wharves associate with the proposed project have been designed to be 12 inches higher than the existing piers at BAE Systems and are designed to account for some rise in sea level.” Twelve inches is not enough to account for the amount of sea level rise and storm surge projected to occur over the life of the project through 2058. A 2012 draft map commissioned and published by the Port of San Diego predicts that, by 2050, San Diego Bay will experience 1.27 meters (50 inches) of sea level rise (0.5m of global sea level rise + 0.77m adjusted local mean sea level rise). On top of mean sea levels rising, the Bay experiences and will continue to experience storm surge events that could require the Port to plan for an *additional* 1.58 meters, for a total of 2.85 meters (112.2 inches) in 2050.

3-45

B. MONITOR AND MITIGATE NONCOMPLIANCE WITH HAZARDOUS MATERIALS REGULATIONS

3-46

³⁴ DEIR p1-128-9, pdf143-144

EHC Comments on BAE Pier 1 North Drydock Project & Real Estate Agreements (5/20/15) p.15

The DEIR explains that toxic substances will be used on site, including “welding gases and other non-inflammable liquids” (1-14, pdf 29) and “risk-driving HAPs at the facility include hexavalent chromium, manganese, and nickel from welding activities; diesel particulate from small engine use; and minor amounts of toxics from paint and solvent use” (1-15, pdf 30). The DEIR dismisses the impact of these chemicals by stating, “BAE Systems is required to comply with stringent State and federal handling regulations” (1-14, pdf 29). However, a public records act search of County of San Diego Environmental Health Department’s inspection files for BAE for recent years indicates that BAE has significant noncompliance with hazardous materials regulations. In an inspection conducted on July 9 of 2012, four violations were noted, including “Facility not maintained and operated to minimize possibility of release or fire.” This 2012 citation was followed by a fire at BAE in November of 2013 that created toxic smoke and sent 17 workers to the hospital (<http://www.utsandiego.com/news/2013/nov/21/fire-rescue-southwest-marine-barrio-logan/>)

3-46

The Port should not assume compliance with state and federal regulations. The Port must do its own due diligence to ensure its tenants comply with the law, and that penalties are administered for non-compliance. The Port should include such provisions in any lease and TUOP agreements.

V. LAND USE

A. FAILURE TO IDENTIFY CHANGE OF LAND USE AND NEED FOR PORT MASTER PLAN AMENDMENT AND CALIFORNIA COASTAL COMMISSION APPROVAL

We disagree with the finding that the project is consistent with relevant land use plans. As we noted in section I.B. of our comments, it is our understanding that the TUOP parcel, currently leased by SDG&E, is currently used only for parking and storage of materials. We understand the TUOP language *permits* certain additional activities; however, we believe the *actual* current usage to be parking and storage, where as it is implied that the “future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel” may allow for more activities beyond this.

3-47

Please describe if the future real estate agreements would restrict BAE in the binding language to only the actual current use (parking and storage) or will other shipbuilding activities be permitted? If it is permissible in the TUOP and lease that the property could be used in the future for ship repair activities where such activities are currently not taking place, this would be a major change in land use from the actual current use, accompanied by potential environmental impacts. Such a change would need to be identified and analyzed. Such a change in land use would also require a Port Master Plan amendment, and therefore also approval from the California Coastal Commission.

We also note that in a conversation EHC staff had with Port staff on October 23, 2014 regarding the TUOP parcel that now a part of this project, Port staff indicated this DEIR would analyze the

3-48

EHC Comments on BAE Pier 1 North Drydock Project & Real Estate Agreements (5/20/15) p.16

long-term impacts of the proposed activities on the TUOP parcel. The DEIR fails to meet this promise.

↑ 3-48

VI. NOISE

The EIR should analyze noise impacts on the additional sensitive receptors, closer to the project site, as we noted above.

3-49

The City noise standard for residential land uses is different in Table 4.8.O (40-50 dBA) than in Table 4.8.K (75 dBA). Please clarify which is correct.

3-50

Approximate residential noise levels as estimated in Table 4.8.K could exceed a standard of 40 dbA, and would need to be mitigated.

It is important to consider night time noise as well as daytime noise, and impacts to workers as well as to residents. Assessment of noise should consider cumulative noise impacts, including truck traffic noise on surface streets and train noise, as well as noise generated by operations on the terminal. Residential noise standards should be used as the threshold of significance for noise impacts, not industrial or commercial levels, given that the impacted community is predominantly a residential neighborhood that includes schools, parks, and residences.

3-51

VII. TRANSPORTATION & TRAFFIC

A. AIR IMPACTS: INAPPROPRIATE CONCLUSION OF INSIGNIFICANT IMPACTS

Given that the project is expected to increase trips as a result in an increase in workforce at the facility,³⁵ which will likely increase diesel emissions in an overburdened and sensitive neighborhood that has high rates of asthma—a chronic respiratory disease—and diesel emissions aggravates chronic respiratory disease—we disagree with the DEIR’s conclusion “the operational air quality impacts of the proposed project are less than significant, and no mitigation measures are required.”³⁶

3-52

As noted in the DEIR, “short-term acute exposure to diesel exhaust can have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. **Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.**”³⁷

³⁵ Table 1.A, 1-12, pdf27

³⁶ Table 1.A, 1-12, pdf27

³⁷ DEIR Table 1.A, 1-14, pdf29

Additionally, as we previously stated, we disagree with the conclusion that “the nearest sensitive receptor to the project site is located approximately 1,600 feet away.”³⁸ To the contrary, the nearest potential resident is approximately 785 feet away. The EIR should analyze the impacts on these sensitive receptors as well as those near the project’s directly related mobile activities, such as trucking from construction and operational activities.

3-53

B. PARKING

The DEIR acknowledge the project will create a parking supply shortage of 57 spaces,³⁹ at least temporarily. We note that this 57 space shortage is *in addition to* the shortage identified in the Port’s 2011 study examining parking needs in the Barrio Logan for BAE, NASSCO, CMSD, and CP Kelco.⁴⁰ While the DEIR notes the intention to create 184 new parking spaces on the TUOP site, we urge the EIR to be more specific about the timeline for completing this project.

3-54

C. MITIGATION SUGGESTIONS FOR TRANSPORTATION IMPACTS

- We support Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools (1-128-9, pdf143-144). We urge the Port to be more specific in the final EIR about how and when this plan will be monitored and enforced, and what the penalties are for non-compliance. This commitment for encouraging and facilitating transit should also be specified to continue both before and after the 184 additional parking spaces are added.
- A City of San Diego ordinance bans trucks of over 5 tons from surface streets in Barrio Logan. Construction vehicles for the BAE project, as well as ongoing operations, must be required to utilize the approved truck routes.
- We also recommend an additional mitigation measure for BAE to commit funding to help build a joint-use parking structure in Barrio Logan.
- The Project Proponent and/or Port should set aside funding that could be used, potentially as part of a larger pool of funding, for Harbor Drive realignment and pedestrian and bicycling improvements

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3-58

VII. UTILITIES

A. INADEQUATE ANALYSIS OF ELECTRIC AND GAS UTILITY IMPACTS

The DEIR appears not to consider the project’s impacts on electric and gas utilities. These impacts must be analyzed and mitigated.

3-59

³⁸ DEIR Table 1.A. 1-10, pdf 25

³⁹ DEIR p.1-128, pdf143.

⁴⁰ “Shipyard District Parking Structure Feasibility Study”. Prepared for San Diego Unified Port District. Prepared by Kimley-Horn and Associates, Inc. November 2011.

EHC Comments on BAE Pier 1 North Drydock Project & Real Estate Agreements (5/20/15) p.18

The DEIR dismisses the impact of the project's non-renewable energy use by saying that "such use is standard for similar industrial development."⁴¹ Just because a harmful activity is "standard" among an industry does not mean such an activity does not need to be analyzed for impacts and mitigated. Such a dismissal is unacceptable under CEQA. "In preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect." (*Protect the Historic Amador Waterways v. Amador Water Agency*, (2004) 116 Cal. App. 4th 1099, 1109). The final EIR must fully analyze and mitigate the project's energy impacts.

3-60

The DEIR also explains, "shore-provided electricity will be used to operate the drydock eliminating the need to run the standby engines for extended periods of time."⁴² However, the DEIR lacks details explaining how much time engine use would be reduced by, how much fuel and emissions that would reduce, and for how much time shore power electricity would be provided and the associated indirect emissions. The DEIR does acknowledge impacts on a general level: "Operational emissions would be emitted via project-related vehicular trips and stationary source emissions, such as electricity used for ship repair operations...the project would also result in an indirect increase in CO₂e, as it would result in an increased energy demand. The project's amortized annual GHG emissions would be 570 CO₂e."⁴³ But, again, calculations are unclear and, as we explain below, the carbon intensity of electricity assumed in the DEIR appears to be an underestimate.

3-61

B. LACK OF CLARITY IN ESTIMATING PEAK AND OPERATIONAL ENERGY USE

The DEIR claims that overall energy consumption will be reduced by the project⁴⁴ but it does not clearly explain how energy consumption is reduced and by precisely how much. For example, the DEIR explains the electric crane use will offset (reduce) the use of a mobile diesel crane currently, without explaining the details. The DEIR doesn't explain how many kilowatts and kilowatt-hours of electricity the electric crane would use versus how much fuel is used currently (and will not be in the future) for the diesel crane, and resulting emissions are. Please clarify.

3-62

The DEIR also explains that peak load is currently 3,000-4,000 kW for all ships power and production equipment to support that work and there is a 2,200 kW load estimate for the new drydock.⁴⁵ Please clarify if two loads are additive, for a new total peak load for the whole area 5,200kw- 6,200kw or is the new total peak load for the whole area being reduced from 3,000-4,000kw to 2,200 kw.

3-63

⁴¹ DEIR 5-2, pdf657

⁴² DEIR 1-15, pdf 30

⁴³ DEIR pdfpp70-71

⁴⁴ DEIR Table 5.C, pdf pp662-666

⁴⁵ DEIR Table 5.C, pdf pp662-666

While the DEIR loosely explains what the peak load is in kW, as well as the continuous load (150-200kw), it does not explain the total electricity use in kilowatt-hours (kWh), which is necessary to estimate the project's GHG emissions over time. Multiplying a carbon emissions factor by the kW number instead of a kWh number—a mistake made in previous Port CEQA analyses— would result in a gross underestimation of the total GHG emissions. Please clarify both the total kWh the project would use as well as the method used to calculate the GHG emissions of energy use.

3-64

C. UNDERESTIMATION OF GHG INTENSITY OF ELECTRICITY

The DEIR does not clearly explain the carbon emissions factor, or GHG intensity, assumed per kWh of electricity. It appears the DEIR may have used an intensity of 720.49 lb CO₂/MWh,⁴⁶ with no reference cited for how this number was calculated. This would be an inappropriate GHG intensity for electricity for two reasons:

- (1) It fails to recognize the difference between CO₂ and CO₂e, which is important because CO₂ is only one component of greenhouse gases or CO₂e; and
- (2) For both CO₂ or CO₂e, 720.49 lb /MWh is an underestimation of the GHG intensity of electricity. A publicly available comment letter from an SDG&E expert witness to the California Public Utilities Commission states that the ARB default emission rate is 0.428 metric tons of CO₂e per MWh⁴⁷ (or 943.58 lbs CO₂e/MWh).

3-65

VIII. MITIGATION MEASURES AND PENALTIES FOR NON-COMPLIANCE SHOULD BE INTEGRATED INTO LEASE

In order to ensure compliance with the MMRP, BAE's lease should explicitly include language agreeing to the mitigation measures. For example, use of an electric crane should be specifically committed to in the MMRP and lease, as well as installing renewable energy on or near the project site to off-set the indirect emissions of the electricity use, and other mitigation measures we suggested in section III and VII of these comments, in addition to the DEIR's proposed measures such as Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools.

3-66

Additionally, penalties for noncompliance should be included in the MMRP and lease language, including but not limited to eviction and payment into a mitigation fund for projects to reduce air and greenhouse gas pollution at or near the project site. Because all mitigation measures must be enforceable, the mitigation measures must be made an explicit condition of the Lease and CDP.

⁴⁶ DEIR Appendix, CalEEMod Version: CalEEMod.2013.2.2

⁴⁷ Prepared Testimony of Benjamin A. Montoya on Behalf of San Diego Gas & Electric Company before the Public Utilities Commission of the State of California, April 15, 2014, Proceeding A12-04-.
<https://www.sdge.com/sites/default/files/regulatory/Montoya%202015%20GHG%20Forecast%20Testimony%20PUBLIC.pdf>

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Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. (Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2)).

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3-66

IX. PROJECT ALTERNATIVES

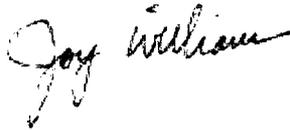
We disagree with the conclusion that a shorter lease extension is not a feasible alternative. The DEIR does not include any analysis that supports this finding. The project is, after all, intended to increase BAE’s profits; it is not a capital improvement project to benefit the general public. We find it implausible that it will require 24 years beyond 2034 -- a full 43 years beyond the current year -- for this project to pay for itself and become financially feasible for BAE. Some analysis must be provided to justify this “black box” conclusion, and provide information on the actual payback time for these improvements.

3-67

Thank you for the opportunity to comment on this DEIR. We look forward to seeing your responses to our questions and recommendations.

3-68

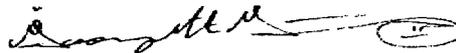
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ENVIRONMENTAL HEALTH COALITION**LETTER CODE: 3****DATE: May 20, 2015****COMMENT 3-1**

Environmental Health Coalition (EHC) – a 35-year-old nonprofit organization that fights toxic pollution, discriminatory land use, and unsustainable energy policies in the San Diego/Tijuana region– appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the BAE Systems Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project. Unfortunately we must object to the findings of “Less than Significant” and “No Mitigation Required” pertaining to Greenhouse Gas Emissions, Criteria Pollutants, Exposure of Substantial Pollutant Concentrations to Sensitive Receptors, conflict with applicable air quality plans, greenhouse gas plans, land use plans, and other issues.

We offer comments to ensure the project’s impacts are fully analyzed and mitigated, and we offer recommendations to resolve some of these issues.

RESPONSE 3-1

This comment is introductory, and provides background on the Environmental Health Coalition (EHC). The comment expresses appreciation for the opportunity to comment on the Draft EIR, but asserts that the EHC objects to the findings of “Less than Significant” and “No Mitigation Required” concerning greenhouse gas (GHG) emissions, criteria pollutants, exposure of substantial pollutant concentrations to sensitive receptors, and conflicts with applicable air quality, greenhouse gas, and land use plans. The comment states that the EHC has offered comments to ensure that the proposed project impacts will be fully analyzed and mitigated from the EHC’s perspective.

This comment introduces the comments contained in the remainder of the letter, which are addressed in detail below. Therefore, no further response is required.

COMMENT 3-2***A. FAILURE TO IDENTIFY AND QUANTIFY A MAJOR IMPACT: POTENTIAL INCREASE IN SHIP CALLS, SIZE OF SHIPS, AND CORRESPONDING ENVIRONMENTAL IMPACTS***

The DEIR fails to acknowledge that the project will create the potential for increased ship numbers, to enumerate or estimate those numbers, and to include their impacts in any of the DEIR sections. This is a major shortcoming of the DEIR that affects all areas of the analysis, but particularly the air quality and greenhouse gas analyses.

While the DEIR includes an estimate of the current number of ships per year that are repaired at BAE,²⁴ the report does not include clear information on the future number and size of ships that will visit BAE each year as a result of this project and through the lease term, even though it is the clear intention of the

²⁴ DEIR Table 3A, page 3-14

project to increase business. For example, the project objectives state: “Retain and **expand** current ship repair business operations by BAE Systems, in order to provide economic and employment benefits to the District and the San Diego region”². Expansion of the ship repair business cannot occur unless more ships come to BAE for repair.

RESPONSE 3-2

This comment asserts that the Draft EIR does not address impacts as a result of a potential increase in ship numbers, and suggests that this a major shortcoming of the Draft EIR, especially as it pertains to the air quality and GHG analysis. This comment suggests that the Draft EIR should include a future estimate of the number and size of ships that will visit the project site each year as a result of the proposed project throughout the entire lease term.

The Draft EIR and the analysis therein estimates that the project would result in five (5) additional drydockings per year, and discloses the type of ships that were assumed in the analysis. This statement is included on page 3-29, which states “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 may use the drydock”.

However, to further clarify that the analysis assumed a worst-case scenario of five additional drydockings per year, a clarifying statement will be added to the Site Operations discussion on page 3-13 of the Draft EIR and documented in the Errata as shown below.

Existing Text:

BAE Systems is currently the primary contractor for five classes of US Navy vessels: CGs (Cruisers), DDGs (Destroyers), LPD-17 (Amphibious Transport Docks), LSD-41/49 (Dock Landing Ships), and MCMs (Mine Countermeasures). BAE Systems maintain Multi-ship, Multi-option (MSMO) contracts that include vessel berthing and drydocking. These contracts may include pier-side repair, drydock repair, or both. The average number of ships moored and/or serviced at BAE Systems facility typically ranges from 10 to 20 vessels per year. As shown on Table 3.A, the vessel stay at the facility ranges from 11 days to 294 days, with an average stay of 89 days for drydock vessel and 104 days for berthed vessels. To a lesser extent, BAE Systems performs pier-side and drydock repairs for commercial customers as well. Over the past three years, BAE Systems has accomplished an average of four drydockings per year.

Added Text:

Based on the historical average of four drydockings per year, the Draft EIR evaluated five drydockings at the new drydock. Although there would normally be only four drydockings per year, the Draft EIR analyzes five, to account for one additional drydocking as a result of potential growth. It is important to note that the assumption of five additional drydockings per year is a conservative, or a worst-case scenario. Based on historical data in the Table 3.A, BAE System’s current drydock facility had vessels stays for an average of 89-days. It is likely that the future vessels utilizing BAE Systems new Pier 1 drydock will be larger, and therefore, will result in longer stays. In order to realize the five vessels that are assumed annually, the average stay of each vessel would have to be less than or equal to 73 days, which is substantially less than the historical average of 89 days.

² DEIR, page 3-18

Although the new Pier 1 N. Drydock will have the capability of servicing commercial (or non-military including cruise ships) vessels, environmental impacts, including emissions associated with these repairs are similar to the environmental impacts associated with repairing Navy vessels as the processes would be similar. Navy vessels often-times have an artillery component, as well as more crew members, more machinery and more advanced technology which requires more time and generally more intense repair and maintenance processes. To account for the "worst-case" scenario, the Draft EIR assumed that the five additional drydockings per year would all be naval vessels.

The five additional drydocking assumption is a reasonably foreseeable forecast based on past practices and capacity of the drydock. This assumption is also made clear in the Air Quality analysis section of the Draft EIR. On page 4.1-37 of the Draft EIR, the text states "to estimate emissions from the new drydock operations, it was assumed that five hulls per year would require the same type of welding currently conducted within the existing drydock based on information provided by BAE Systems". Page 4.1-38 also states that "Estimated VOC emissions increases were based on the conservative assumption that 5 hulls could be painted in the new drydock annually." Furthermore, Tables M, N, O, and P in Appendix B - Air Quality, Climate Change and Health Risk Assessment, all reported daily emission levels of criteria pollutants associated with new dry docking operations being added to BAE Systems' existing facilities. The analysis utilizes the historical emissions average of the existing BAE Systems drydock in order to estimate the proposed drydock's daily emissions. It is important to note that the Air Quality analysis identifies project-related emissions measured against daily thresholds to determine significance. This method of analysis is based upon the most intense day of activity, which is not correlated to the number of ships that could potentially be serviced at the site on an annual basis. The analysis only accounts for changes in processes that can be done at a drydock but not at a wet berth. A drydock (versus a wet berth) allows for work below the water line of a vessel (i.e., exterior hull repair, preservation [abrasive blasting and/or hydroblasting and painting], shaft repair, propeller and rudder repair, and repair/replacement of valves and fittings). This is because the drydock will replace the existing wet berth but can continue the same wet berth repair and maintenance activities as that occurring at the existing Pier 1 North location. Therefore, the continued wet berth repair and maintenance activities will not add to the existing emission levels because they are already part of the existing conditions. However, the analysis included an additional five vessels over baseline. This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-3

The DEIR also estimates the project will generate up to 93 new employees³. This estimate reinforces our conclusion that significant new work will be generated by the project – work whose impacts must be identified and analyzed in the EIR. The estimate even appears to be an underestimation, as we further explain below.

Further reinforcing our conclusions that the project intends to increase the number of ships and number of employees at BAE, and that the DEIR fails to include all the relevant and knowable facts about the project's potential magnitude, is a recent U-T San Diego article titled "BAE to add 500 ship yard jobs".⁴ Bob

³ DEIR, page 2-13 or PDF page 170

⁴ "BAE to add 500 ship yard jobs", UT San Diego, March 27, 2015, page C-1 and online: <http://www.utsandiego.com/news/2015/mar/26/bae-jobs-sandiego/>.

Koerber, general manager of BAE Systems San Diego Ship Repair, is quoted as saying, "Having only two dry docks for close to 80 ships doesn't meet the needs of the Navy." As is clear from this news story, the new dry dock is intended to position BAE to serve additional Navy ships that will be based in San Diego as a result of the Navy's Pacific Pivot – a plan to base more ships on the West Coast. Mr. Koerber's quote accompanies an article describing BAE's plans to hire as many as 500 workers to "enable the company to handle an expected boom in business during the next five years as the Navy shifts more warships to San Diego Bay." The article further describes the new dry dock as enabling BAE to bid on overhaul of amphibious assault ships, and adds that BAE will be increasing its ship capacity from four to seven. It is noted also that private cruise ships will also fit into the new dry dock – raising the possibility that BAE will increase its commercial ship repair business as well. This information is clearly relevant to a description of the setting and conditions under which this project is being undertaken, and should be included. This information also suggests that the magnitude of the project is understated in the DEIR. The DEIR anticipates up to 93 new employees, whereas Mr. Koerber and UT San Diego anticipate up to 500 new employees. The EIR must accurately analyze the maximum capacity to be generated by the project.

RESPONSE 3-3

This comment asserts that the proposed project's generation of up to 93 additional jobs reinforces the commenter's assumption that additional work will be generated by the project, which was not evaluated in the Draft EIR. This comment suggests that the Draft EIR underestimates the number of jobs that would be generated as a result of the proposed project, and cites an interview with Bob Koerber, General Manager of BAE Systems San Diego Ship Repair, from an article entitled "BAE to add 500 ship yard jobs," indicating that the proposed project would result in as many as 500 additional jobs. The comment claims that the new dry dock capabilities associated with the proposed project would expand and increase BAE's ship repair business allowing BAE to increase its ship capacity from four to seven, and that the Draft EIR should assume more employees and a higher capacity, as alleged in the article. Finally, the comment asserts that private cruise ships will also fit into the new dry dock, and that this information should be included in the Draft EIR.

The commenter incorrectly identifies that the General Manager of BAE Systems indicated that the proposed project would result in the addition of up to 500 additional jobs. Rather, the article identifies that BAE Systems has made plans to hire up to 500 additional personnel over the next five years. If the addition of 500 personnel does occur, it is not exclusively attributable to the proposed project or to BAE Systems Leasehold on District tidelands. Many of the projected employment estimates consist of subcontractors that will not be located onsite, such as Navy personnel reporting to the BAE Systems facility that are unassociated with the proposed project, and NASSCO employees. The reference to 500 additional jobs would generally include 200 direct-hire employees (production and administrative), 100 temporary labor employees, 100 subcontractors, and 100 Navy and government employees. Approximately 50 of these additional employees would be associated with the Pier 4 Replacement Project, that was analyzed and included in that Project's EIR which was previously certified by the District in 2012.

The number of additional employees directly attributable to the Proposed Project (e.g. new floating drydock and associated Real Estate Agreements) is 93 employees. The remaining estimates of new employees would occur with or without the project. Table 3.H Drydock Employment Distribution on page 3-37 of the Draft EIR shows the following:

- 25-30 new employees would be associated with Hull Preservation
- 40-50 employees would be associated with Welding, Machinery and Other Drydock Operations

- 2-3 employees would be associated with Project Management
- 10 additional customer visits may be associated with the new drydock

The 93 additional employees identified in the Draft EIR relate specifically to the increased work associated with drydock-related activities from the proposed project, and correctly presumes all other existing activity that occurs when a ship is pierside remains the same. In the existing condition, BAE Systems has the capacity to service a total of seven vessels simultaneously, at the 3 working piers (2 vessels at each pier) and at the one drydock (the comment incorrectly states that the total is four). The maximum vessel capacity at BAE Systems at any given time does not change, and with or without the proposed project the capacity remains at seven as the proposed project would replace an existing wet berth. The reference to 500 shipyard jobs is a general statement reflecting the expectation of future work associated with both the Project-related increase of 93 employees and that employment growth as it relates to the Navy's intention of relocating additional ships to the San Diego region. BAE Systems operates under a 5-year business plan to project revenue which also plays a substantial role in estimating job growth. The Pier 1 N. Drydock project and associated Real Estate Agreements contain just a portion of the employment projections associated with the 5-year employment projections BAE Systems reported to the San Diego Union Tribune.

Page 3-13 of the Draft EIR acknowledges that BAE Systems performs pier-side and drydock repairs for commercial customers, as well. Although the proposed drydock will have the capability of servicing commercial (or non-military, including cruise ships) vessels, emissions associated with these repairs are similar to the environmental impacts associated with repairing Navy vessels as the processes would be similar. Navy vessels often times have an artillery component, as well as more crew members, more machinery and more advanced technology. Additionally, a cruise ship that is scheduled for maintenance and or repair activities would not be carrying customers and therefore, would not require the same crew (food service, hospitality service, etc.) while the vessel is in drydock. In addition BAE Systems San Diego Ship Repair has not serviced a cruise ship since the 1980's. To account for the "worst-case" scenario, the Draft EIR assumed that the five additional drydockings per year would all be naval vessels.

To further clarify that the analysis assumed a worst-case scenario, the following clarifying statement will be added to the following sections (Chapter 3.0 Project Description, page 3-13; Air Quality, Climate Change, and Health Risk Assessment, Technical Studies Project Description Section 1.2.1.3, page 14) of the Draft EIR and Errata:

Existing Text:

To a lesser extent, BAE Systems performs pier-side and drydock repairs for commercial customers, as well.

Added Text:

Although the new Pier 1 N. Drydock will have the capability of servicing commercial (or non-military including cruise ships) vessels, environmental impacts, including emissions associated with these repairs are similar to the environmental impacts associated with repairing Navy vessels as the processes would be similar. Navy vessels often-times have an artillery component, as well as more crew members, more machinery and more advanced technology which requires more time and generally more intense repair and maintenance processes. To account for the "worst-case" scenario, the Draft EIR assumed that the five additional drydockings per year would all be naval vessels.

This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-4

The DEIR does include an estimate that 1 additional hull will be painted in the new drydock compared to the average over the previous 5 years (DEIR, p.4.1-37). However, no basis for this estimation is provided. No estimate is given for the maximum potential number of new ship business created by the project. Likewise, no estimate is included of the specific size or type of future ships that may be coming, which is relevant because commercial ships are increasing in size and have correspondingly larger emissions. The DEIR notes that BAE provides services to commercial ships but does not address the numbers or sizes of these ships now or throughout the lease term.

Additionally, the Project Description fails to clearly state whether the existing dry dock will also continue to be used. BAE's capacity for dry docking appears to be at least doubled.

RESPONSE 3-4

This comment asserts that the Draft EIR does not provide any basis for the estimate that one additional hull will be painted in the new drydock compared to the average over the previous five years, and states that there is no estimate as to the number, size, or type of future ship business that would be generated as a result of the proposed project. This comment also states that this information is relevant because commercial ships are increasing in size and have correspondingly larger emissions. This comment claims that the project description does not indicate whether the existing drydock on the project site will continue to be used.

As identified in Response 3-2 above, the Draft EIR estimates that the project would result in five (5) additional drydockings per year, and discloses the type of ships that were assumed in the analysis. This statement is included on page 3-29, which states *"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 may use the drydock"*. As noted in Response 3-2 above, a clarifying statement will be added to the Site Operations discussion on page 3-13 of the Draft EIR and documented in the Errata to further clarify that the analysis assumed a worst-case scenario of five additional drydockings per year.

Response 3-3 explains that emissions associated with repairing non-military vessels are similar to emissions associated with military vessels. A clarifying statement will be added to the Draft EIR and documented in the Errata to clarify that the analysis assumed a worst-case scenario.

Page 3-4 of the Draft EIR clearly identifies that *"BAE Systems currently operates one floating drydock at the project site. This floating drydock ("Pride of San Diego" or "POSD") has been operating at the site since 1984."* While the proposed drydock will replace an existing wet berth, the proposed project will not change or alter the existing POSD drydock.

These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-5**B. FAILURE TO IDENTIFY CHANGE OF LAND USE AND NEED FOR PORT MASTER PLAN AMENDMENT AND CALIFORNIA COASTAL COMMISSION APPROVAL**

*The project proposes a “future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel (2.0 acre landside and 4.0 acre waterside)”.*⁵

Table 1.A explains, “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. This project component itself would result in the continued operation of existing uses at the project sites.”⁶ However, it also admits “physical activities associated with the drydock and cooling tunnel components would be permitted by these lease amendments”⁷.

It is our understanding that the TUOP parcel, currently leased by SDG&E, is currently used only for parking and storage of materials. We understand the TUOP language may be read to permit certain additional activities; however, we believe the actual current usage to be parking and storage. Will the lease and “future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel” restrict BAE in the binding language to only the actual current use (parking and storage) or will other shipbuilding activities be permitted? If it is permissible in the TUOP and lease that the property could be used in the future for ship repair activities, this would be a major change in land use from the actual current use, accompanied by potential environmental impacts. Such a change would need to be identified and analyzed. Such a change in land use would also require a Port Master Plan amendment, and therefore also approval from the California Coastal Commission.

We also note that in a conversation EHC staff had with Port staff on October 23, 2014 regarding the TUOP parcel that is now a part of this project, Port staff indicated this DEIR would analyze the long-term impacts of the proposed activities on the TUOP parcel. The DEIR fails to meet this promise.

RESPONSE 3-5

This comment states that the proposed project proposes a “future Real Estate Agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel (2.0 acre landside and 4.0 acre waterside), and indicates that Table 1.A is not consistent in its discussion of permitted uses. This comment discusses the commenter’s current understanding of the usage of the TUOP parcel, and requests clarification of the lease and future Real Estate Agreement permitted uses, including whether or not only parking or storage will be permitted on the TUOP parcel, or if additional ship repair activities will be permitted. The comment indicates that if additional ship repair activities would be permitted, this would result in a major change in use from the current use on the parcel, and associated environmental impacts would need to be identified and analyzed. The comment states that this change in use would also require a Port Master Plan amendment, and approval from the California Coastal Commission. This comment also asserts that the Draft EIR does not discuss the long-term impacts of the proposed project on the TUOP parcel, as was stated in a conversation on October 23, 2014 with Port staff.

⁵ DEIR, page 1-2 or PDF page 17

⁶ DEIR, page 1-6 or PDF page 21

⁷ DEIR, PDF page 21

The TUOP parcel is currently leased to BAE Systems by the District, not SDG&E. The current November 1, 2014 TUOP, as well as the former November 26, 2013 sublease between SDG&E and BAE Systems, both allow for parking, temporary storage of materials, as well as related activities in support of ship repair and maintenance operations. Although parking and storage of materials are the predominant uses at this time, both Real Estate documents also allow for the 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. Please note that a separate EIR was prepared for the Shipyard Sediment Remediation Project to analyze impacts associated with the RAP, which was certified by the SDEWQCB as the CEQA Lead Agency on March 14, 2012.

The proposed Real Estate Agreement, which includes rolling the existing TUOP parcel (i.e. 2-acre landside and 4-acre waterside areas) into the BAE Systems leasehold, will continue to allow the existing or baseline uses and activities in on the TUOP parcel,, including 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. No changes in these activities are anticipated and the Real Estate Agreement proposes to restrict the activities in this area to those that are existing. Therefore, the Draft EIR correctly assumed that operational landside activities associated with the TUOP parcel would be the same as existing conditions²⁵. Additionally, no reasonably foreseeable additional activities or improvements are proposed on the existing TUOP site. However, if any improvements or activities are proposed on the TUOP parcel that triggers a subsequent discretionary action from the District, BAE Systems will submit another independent application to the District for its review and the District would conduct the necessary CEQA review at that time.

To further clarify the existing baseline conditions of the TUOP parcel, the following revisions will be made to the second paragraph of the Existing Site Conditions section on page 3-2 of the Draft EIR and documented in the Errata, as shown in cross-out/underline text below. Please note that these revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR. The revisions are a clarification to Existing Conditions (e.g. the environmental baseline condition) and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Existing Text:

BAE Systems currently leases the neighboring, northwestern 2-acre (landside) parcel from the District ~~for parking and storage of materials.~~

Added Text:

primarily for parking and storage of materials, but also for ship repair activities associated with BAE System's operations, and for activities that support the Remedial Action Plan (RAP) that is associated with the San Diego Shipyard and Sediment Remediation Project. In November 2013, the TUOP agreement was amended to allow for the implementation of the RAP that was approved by the San Diego Regional Water Quality Control Board (Regional

²⁵ Please note that the only physical landside change contemplated on the TUOP parcel is removal of the underground cooling tunnels, which has been thoroughly analyzed in the Draft EIR.

Board) in December 2012 for compliance with the Clean-Up and Abatement Order (CAO) No. R9-2012-0024. Environmental impacts associated with the RAP were analyzed in a separate EIR, and certified by the Regional Board in March 2012. While the 2-acre TUOP parcel has been primarily used for parking and storage, it has also supported ship repair activities, as well as a staging area to support the RAP associated with the Regional Board's CAO. These ship repair activities include 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, and staging areas in support of pierside activities.

The 2-acre TUOP parcel currently has two subsurface intake/discharge water tunnels that were installed by SDG&E and previously used for intake/discharge of cooling water for the SDG&E Silvergate Power Plant. The intake/discharge tunnels consist of two tunnels for intake water and two tunnels for outbound water.

The District's Port Master Plan (PMP) establishes allowable uses for properties within District tidelands, not the implementing Real Estate Agreements. The PMP designates the land portion of the TUOP as Marine Related Industrial, which acknowledges the primary users of these areas "are dependent on large ships, deep water and specialized loading and unloading facilities, typically associated with shipbuilding and repair, processing plants and marine terminal operations". The ongoing parking, storage and ship repair (current and future) uses are consistent with this designation and are necessary to support BAE Systems' ship repair and maintenance operations. As analyzed in the Draft EIR, the existing uses will continue to occur with the proposed Real Estate Agreement. Although the PMP establishes allowable land uses for properties within District tidelands, the implementing Real Estate Agreements establish a contractual relationship between the District and tenant and also specify allowable uses for a property from a contractual stand point. Because the proposed project is consistent with the Port Master Plan, a Port Master Plan Amendment is not required.

The Draft EIR analyzes the continuance of the existing uses on the TUOP site as part of the Real Estate Agreements component of the proposed project, which are the same as the existing baseline. Accordingly, there are no significant environmental impacts associated with the Real Estate Agreement including the continued use in BAE Systems long-term lease because the uses and intensity of uses will not change. No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-6

It is logical that an increase in businesses at BAE as a result of the project would be accompanied by an increased need for storage of supporting equipment and supplies. The DEIR should explain if the project will, in fact, necessitate additional storage of equipment and supplies and, if so, how much and where that will occur. Will additional supplies and equipment be stored at BAE's warehouse under its TUOP at the National City Distribution Center? Somewhere else? How many additional trucks will that result in and what would be the impacts of these trucks? Was the possibility of using cleaner trucks examined? The EIR must answer these questions, analyze the impacts, and require mitigation.

RESPONSE 3-6

This comment asserts that the Draft EIR should analyze whether the proposed project would require additional storage, and if so, where this storage would occur, as well as the amount and type of trucks that will be needed to accommodate the storage.

The primary increase of project-related work is associated with hull preservation and shaft and mechanical repair. While the equipment utilized for preservation (blasting and painting) would not increase significantly, the total volume of blast media (grit) and paint would increase. The majority of these materials are delivered to the site directly from the vendor, and therefore, are not expected to increase the on-site storage or movement of materials from the BAE Systems warehouse. As documented in the project's Traffic Impact Study (page 39 of the Technical Studies Project Description [Appendix A of the Traffic Impact Study]), it was estimated that an additional 1-2 delivery trucks trips per week from the warehouse to the project site may be required. It is important to note that these trips only add 1-2 trips per week which is approximately 0.2 trips per day which does not change the average daily trips of 149 identified in the Draft EIR. Therefore, the additional truck trips associated with an increase in materials have been accounted for in the analysis. Additionally, because the proposed drydock is replacing a wet berth where ship repairs already occur, the materials to support drydock activity would not be substantially increased and would be stored in the same locations currently utilized for storage. No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-7

The project description fails to indicate whether additional ships, bigger ships, or both, would be coming to BAE as a result of the project. This is a major gap in the air quality analysis, as new ship emissions would clearly add to the estimates of criteria pollutants and TACs emitted pursuant to the project.

RESPONSE 3-7

This comment asserts that the proposed project does not indicate whether additional or larger ships or both would visit BAE as a result of the proposed project, and therefore creates a gap in the air quality analysis.

Please refer to Response 3-2 above. The Draft EIR assumed a worst-case scenario that the project would result in five (5) additional drydockings per year. Additionally, it discloses the type of ships that are anticipated. More specifically, it is reasonably foreseeable that the drydock would service two DDG-class vessels, one LPD-class vessel, one CG-class vessel and one LCS-class vessel annually. Accordingly, these types of ships were analyzed in the Draft EIR. As correctly noted in the comment some classes of vessels may be larger than the existing POSD drydock can accommodate; however, the processes expected to occur within the proposed drydock would be similar and the estimated duration within the drydock would be similar. Furthermore, the air quality analysis is measured against daily threshold for determining significance. The Air Quality analysis assumes the worst case, which is the peak daily emissions of processes that would occur within the drydock. This method of analysis is based upon the most intense day of activity, which is not correlated to the number of ships that could potentially be serviced at the site on an

annual basis. As previously identified, although the proposed drydock will have the capability of servicing commercial (or non-military, including cruise ships) vessels, emissions associated with these repairs are similar to the emissions associated with repairing Navy vessels as the processes would be similar. However, it is important to note that the installation of the new drydock would not induce additional vessels and/or ships traveling through San Diego Bay on a daily basis. Unlike an expanded cargo terminal or an expansion of storage space associated with cargo terminals, implementation of the proposed project would not result in an increase in the number of berths. The proposed project will not change the maximum vessel capacity at BAE Systems. BAE Systems is currently capable of servicing seven vessels at one time (6 wet berths and 1 dry dock). The proposed project will continue to allow BAE Systems the ability to service no more than seven vessels at one time (5 wet berths and 2 dry docks) as the project is exchanging one wet berth for a dry dock.

Refer to Response 3-2 for a discussion of the analysis of project-related vessel activities and their associated emissions. No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-8

The emissions of commercial ships are not addressed at all in this analysis, and must be included. The issue of potential increases in emissions is especially important to include given that health risks, as analyzed in the Health Risk Assessment, are very close to significant for the MEIW (9.11/million cancer risk) and for the acute HHI for both workers and residents (0.94), Table 4.1.1.

RESPONSE 3-8

This comment states that commercial ship emissions are not discussed in the Draft EIR, and should be included for the purposes of the Health Risk Assessment.

BAE Systems currently does not provide substantial services to commercial customers and does not currently have a specific commercial customer focus in San Diego. The Port of San Diego is not a commercial port similar in size and scale as the Ports of Long Beach and Los Angeles. BAE Systems San Diego Ship Repair has not conducted work on cruise ships since the 1980's. It is not anticipated that BAE Systems will service commercial vessels regularly. Additionally, BAE Systems facilities in the Ports of Long Beach and Los Angeles, which primarily provided commercial vessel repair services, were closed in 2006. However, they will retain the ability to service commercial vessels when berths are available.

As previously noted in Response 3-3 above, additional text will be added to the Final EIR and Errata to further clarify that non-military vessels are assumed to result impacts that are the same as the five additional navy vessels assumed in the analysis. Therefore the analysis of health risks, which assume up to 5 naval vessels placed within the drydock annually, represent the worst-case condition. The additional text will be added to the Draft EIR.

(Chapter 3.0 Project Description, page 3-13; Air Quality, Climate Change, and Health Risk Assessment, Technical Studies Project Description Section 1.2.1.3, page 14) of the Draft EIR and the Errata:

Existing Text:

To a lesser extent, BAE Systems performs pier-side and drydock repairs for commercial customers, as well.

Added Text:

Although the new Pier 1 N. Drydock will have the capability of servicing commercial (or non-military including cruise ships) vessels, environmental impacts, including emissions associated with these repairs are the same as those associated with repairing Navy vessels. Navy vessels often-times have an artillery component, as well as more crew members, more machinery and more advanced technology. To account for the "worst-case" scenario, the Draft EIR assumed that the five additional drydockings per year would all be naval vessels.

This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-9

B. SENSITIVE RECEPTORS LIST FAILS TO IDENTIFY THE CLOSEST POSSIBLE RESIDENCES

We disagree with the conclusion that "the nearest sensitive receptor to the project site is located approximately 1,600 feet away".⁸ To the contrary, the nearest potential sensitive receptor is approximately 785 feet away. This is the distance between the project site boundary bordering Belt Street and the Barrio Logan transition zone area between Harbor and Main Streets.

The Air Quality (AQ) analysis states it was done to ensure consistency with the BL CPU adopted by San Diego City Council in 2013⁹; however, that plan was overturned in a referendum in June 2014. At this point, the land use plan in effect is the 1978 version, which conditionally permits child care centers, hospitals, and other sensitive land uses in all areas of Barrio Logan, including the transition zone area where new sensitive receptors would have been disallowed under the new plan. The analysis must assume that sensitive receptors may be located in the blocks between Harbor and Main, less than 1,000 feet from the BAE project.

RESPONSE 3-9

This comment suggests that the nearest potential sensitive receptor is approximately 785 feet away rather than 1,600 feet away as stated in the Draft EIR. This comment correctly identifies that the Barrio Logan Community Plan Update adopted by San Diego City Council in 2013 was overturned in a referendum in June 2014, and therefore, the land use plan currently in effect is the 1978 version. The comment indicates that the Air Quality analysis must assume that sensitive receptors may be located in the blocks between Harbor and Main, approximately 785 feet from

⁸ DEIR Table 1.A, page 1-10 or PDFpage 25

⁹ DEIR Appendix B, section 2.3

the project site, due to the land uses conditionally permitted in the area by the 1978 Barrio Logan Community Plan.

The commenter has identified the nearest *potential* sensitive receptor to be approximately 785 feet away from the project boundaries. As noted in that response, this distance assumes the potential development of sensitive uses (e.g., conditionally permitted child care centers, hospitals, residential uses, etc.) within 785 feet of the project boundary under the currently adopted Barrio Logan Community Plan (1978) and its associated Land Use Map (<http://www.sandiego.gov/planning/community/cpu/barriologan/pdf/blplannedlanduseadoptedmap.pdf>, last visited on June 30, 2015, and incorporated by reference). However, no sensitive receptors or sensitive uses currently exist within this distance. CEQA requires analysis of a proposed project against the existing environment, which is defined by CEQA as what exists on the ground as of the date the Notice of Preparation is issued (CEQA Guidelines Section 15125 [environmental setting is a description of the physical environment as it exists on the date the Notice of Preparation is issued and should be used to determine whether environmental impacts would occur from a proposed project]; See also *Towards Responsibility in Planning v. City Council*, 200 Cal. App. 3d 671 (1988) and *Sacramento Old City Assn. v. City Council*, 229 Cal. App. 3d 1011 (1991) (an EIR need not analyze environmental impacts of future facilities whose scope are uncertain and which will be subject to their own environmental review). There are no existing sensitive receptors at a distance of 785 feet from the project boundary adjacent to Belt Street and no applications for such uses exist as of the date of the Notice of Preparation issuance. Please refer to the discussion of cumulative projects in Chapter 4.0, page 4-3.

Furthermore, at a distance of 785 feet the Barrio Logan Community Plan Land Use Map identifies areas adjacent to this location to be “Exclusively Industrial.” The adopted Barrio Logan Zoning Map (<http://www.sandiego.gov/planning/community/cpu/barriologan/pdf/mapzoning.pdf>, last visited on June 30, 2015, and incorporated by reference) identifies areas adjacent to this location to be “Subdistrict D – Uses Permitted in IH-2-1.” The current City of San Diego Zoning Code (Municipal Code Chapter 13, Article 01, Division 05) identifies the IH Base Zone as “Industrial-Heavy.” Industrial-Heavy Zones provides for land-intensive industrial activities emphasizing base-sector manufacturing. The Zoning Code goes on to state that “*it is the intent of these zones to limit the presence of nonindustrial uses in order to preserve land that is appropriate for large-scale industrial users.*” More specifically, this chapter defines the IH-2-1 Zone to allow for manufacturing uses with some office.

The commenter is accurate in identifying that this area (785 feet north of Belt Street along Sampson Street) does allow for conditionally permitted sensitive uses (e.g., child care centers and hospitals); however, none of these uses currently exist and no residential uses are permitted with the exception of Watch Keepers Quarters which based on research and review of aerial photography also do not currently exist at this location. Moreover, these types of uses are only conditionally permitted and are not permitted by right. In order to determine if these types of uses could be built within 785 feet of the project limits, an application for development would have to go through the City’s entitlement process and a discretionary action on that development proposal would be required. Furthermore and as shown in the Draft EIR’s cumulative impact analysis, there are no current proposals for such uses within this area (refer to Figure 4.0.1 of the Draft EIR) and no substantial evidence exists that supports an assumption that any such sensitive uses will foreseeably be developed within 785 feet of the project limits. Therefore, the nearest existing sensitive receptor as identified in the Draft EIR, located

approximately 1,600 feet from the project limits remains the nearest sensitive receptor that could potentially be affected by project-related activities.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-10

Additionally, the EIR should analyze the impacts on sensitive receptors not only near the stationary project site, but also near the project's directly related mobile activities, such as trucking of goods to/from the project site, storage facilities, and other supporting facilities.

RESPONSE 3-10

This comment suggests that the Draft EIR should analyze the impacts on sensitive receptors near the project's directly related mobile activities in addition to stationary sensitive receptors.

As noted on page 9 of the Health Risk Assessment (Appendix B of the Draft EIR), the only significant amount of hazardous air pollutant emissions that would be emitted in any significant quantity from project-related mobile activity is from exhaust of project-related vehicles. While there may be other toxic air pollutants in use on site, compliance with City, State, and federal handling regulations will keep those emissions below a level of significance. The Office of Environmental Health Hazard Assessment (OEHHA) currently describes the health risk from diesel exhaust entirely in terms of the amount of particulates, or PM₁₀, that are emitted. Currently, the health risk associated with diesel exhaust PM₁₀ has only a carcinogenic and chronic effect; no short-term acute effect is recognized.

Based on the comment, LSA conducted additional analysis to determine whether construction trucks (mobile activities) would impact residences along the haul routes. Haul routes are identified on page 4.9-23 of the Draft EIR and indicate that haul trucks would access the I-5 south via the designated truck route of E. Harbor Drive. No project-related trucks would be traveling north of Harbor Drive within the community. Harbor Drive is a designated truck route and trucks will turn south on Harbor Drive to get to I-5 south of the BAE Systems site and will not travel through the community. Therefore, the closest residences that could potentially be affected by project-related mobile activities would be the residences along South 28th Street near the Interstate 5 entrance ramps. Because these residences are located farther away than the closest residences considered and analyzed in the Draft EIR, the level of criteria pollutant emissions would be less than than disclosed in the Draft EIR due to a reduced amount of emissions sources (i.e., only truck activity and not stationary source emissions) at this location. As a result, criteria pollutant emissions at this particular location remain less than significant and no mitigation is required.

The construction truck analysis used an extremely conservative worst-case assumption of 80 trucks per day operating 8 hours/day, 5 days/week for 18 months steady. The results are included in the table below and indicate that the health risk is below the cancer threshold of 10 in 1 million and the chronic threshold of 1.0; therefore, construction-related health risks due to

mobile activities would be less than significant. No mitigation measures are required. This analysis does not change the conclusions or analysis in the Draft EIR.

Construction Haul Truck Health Risks

Sensitive Receptor	PM ₁₀ Concentrations		Inhalation Cancer Risk # in a million	Inhalation Chronic Risk Factor
	1-hour $\mu\text{g}/\text{m}^3$	Annual $\mu\text{g}/\text{m}^3$		
Residences along S. 28th Street north of Main Street	0.023	0.00043	0.0021	0.000085
Health Risk Thresholds			10	1.0

PM₁₀ = particulate matter less than 10 microns in size
 $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

COMMENT 3-11

Additional sensitive receptors that are currently not included and analyzed in the EIR, but should be included:

- *Children and adults using Cesar Chavez Park.*
- *Perkins Elementary School, including the property across Main Street from the current Perkins parcel. The San Diego Unified School District has already made a clear commitment to purchase this property and use it to expand the school footprint, and the analysis must include evaluation of impacts to schoolchildren and school staff at this site.*
- *Residences, schools, and childcare and healthcare facilities within 500 feet of the truck routes that would be used by the additional trucks entering and leaving BAE.*
- *The San Diego Continuing Education Center*
- *The Mercado Apartments*
- *Mercado Head Start Preschool*

RESPONSE 3-11

This comment suggests additional sensitive receptors should be included in the EIR.

As identified on page 4.1-22 and 4.1-23 of the Draft EIR, the following CEQA significance thresholds for construction and operational emissions have been established by the County of San Diego:

- 75 pounds per day of ROC
- 550 pounds per day of CO
- 250 pounds per day of NO_x
- 250 pounds per day of SO_x
- 100 pounds per day of PM₁₀
- 55 pounds per day of PM_{2.5}

- 3.2 pounds per day of lead

All of the identified sensitive receptors noted in this comment are beyond 1,600 feet from the project site. The Woodbury School of Architecture is the nearest sensitive receptor to the project site at 1,600 feet (Refer to Response 3-9 above). As determined in the analysis in Section 4.1 of the Draft EIR, there are no significant impacts identified at this distance for both construction and operational emissions associated with the proposed project. The analysis evaluated potential air quality emissions from construction and operation for both mobile and stationary sources of emissions (refer to the discussion provided in Section 4.1.4.3, beginning on page 4.1-28 of the Draft EIR). Because these sensitive receptors are located beyond the project's designated haul route (Harbor Drive), project-related mobile activity would not expose any sensitive receptors to substantial concentrations of criteria pollutants from the project's mobile sources above that already disclosed in the Draft EIR. Because all of the other sensitive receptors noted in this comment are beyond 1,600 feet, impacts at these other sensitive receptors would also be less than significant.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-12

C. COOLING TUNNEL EMISSIONS NOT ADDED TO DRY DOCK OPERATIONAL EMISSIONS

The Air Quality section fails to quantify the additional criteria and HAPs pollutants that would be emitted from removal of the cooling tunnel. It does not add them to the emissions from the operational drydock emissions— even though these activities could be happening at the same time, given that the drydock will be operational by June 2017, and the cooling tunnel removal will happen at some time afterwards. As the acute HHI is already close to 1.0, it is important to assess the acute health hazard of the combined emissions of both activities.

RESPONSE 3-12

This comment asserts that the Air Quality section of the Draft EIR does not quantify the criteria and hazardous air pollutants (HAPS) associated with removal of the cooling tunnel, and recommends that these pollutants be included in the Health Risk Assessment.

As noted on page 4.1-34 of the Draft EIR, the health risk assessment and associated risks identified in Table 4.1.F account for both the construction of the drydock and the removal of the cooling tunnels. Referring back to Table 4.1.E of the Draft EIR, the cooling tunnel component of the proposed project was modeled to occur simultaneously with Construction Phase 1 of the proposed project. As described in Section 5.1 of the Air Quality technical report: *"If the removal of the cooling tunnels occurs at the same time, emissions from the additional demolition activity would not increase substantially due to the use of the same equipment as is used for other demolition activities and the balance of workload such that on any given day the equipment used would not be any greater than if no cooling tunnel demolition occurred."* In other words, doubling of the equipment would not be necessary to remove the cooling tunnels at the same time as the

drydock construction. The same equipment can be used for both activities. Therefore, emissions would not increase substantially.

As noted in the Draft EIR Project Description, there is the potential for the cooling tunnel removal to occur concurrently with operation of the drydock as the timing of removal of the cooling tunnels is unknown. As noted above, the same equipment would be used for both drydock construction and cooling tunnel removal. Table 4.1.E of the Draft EIR identifies that Phase 1 of the drydock component (construction), which accounts for both Phase 1 of the drydock and removal of cooling tunnels, would produce up to 4.6 lbs/day of ROG (the only pollutant with combined construction [Table 4.1.E] and operational emissions [Table 4.1.G] close to the threshold of 75 pounds per day). The combination of the cooling tunnel removal emissions alone (less than 4.6 lbs/day of ROG as the construction of the submerged cantilever wall associated with Phase 1 of drydock construction would not occur simultaneously and the amount of equipment used daily would be substantially reduced from that considered in the concurrent construction scenario) with the drydock operational emissions (72 lbs/day of ROG ; refer to Table 4.1.G) would still not exceed any emissions thresholds for all criteria pollutants.

Similarly, the only HAP that the cooling tunnel removal would release would be diesel particulate or PM₁₀. Table 4.1.E shows that the full set of equipment used for Phase 1 (construction) would release at most 0.95 lbs/day of PM₁₀. Table 4.1.H shows that the drydock operational emissions would include approximately 115 lbs/year of diesel particulate. The combination of the cooling tunnel removal emissions alone (less than 0.95 lbs/day of PM₁₀ as the construction of the submerged cantilever wall associated with Phase 1 of drydock construction would not occur simultaneously and the amount of equipment used daily would be substantially reduced from that considered in the concurrent construction scenario) with the drydock operational emissions (115 lbs/day of PM₁₀; refer to Table 4.1.H) would still not exceed any emissions thresholds for diesel particulate matter. Therefore, the scenario in which the removal of cooling tunnels would occur simultaneously with drydock operation would not substantially change the health risk assessment results shown in Table 4.1.I.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-13

Assumptions used for tug boat emissions estimates are not well explained. Emission factors and other modeling inputs are not included to explain how the two scenarios that involve tugboats with greater horsepower, running for a longer period of time,¹⁰ generate fewer emissions than Scenario 1.

RESPONSE 3-13

This comment requests additional explanation for the tug boat emissions estimates and indicates that emission factors and other modeling inputs are not included to explain how the tug boat

¹⁰ DEIR Scenarios 2 and 3, page 140 of Appendix B

emissions analysis was conducted, as well as requests an explanation of how tug boat emissions would generate fewer emissions when compared to the existing conditions.

The assumptions for tug boat emissions are contained in Appendix B, Air Quality and Global Climate Change Analysis. Please refer to pages 45 through 47 and Tables O and P of the Air Quality and Global Climate Change Analysis. The emission calculations are included in Appendix B of the Air Quality and Global Climate Change Analysis. Reduced emissions from the future scenario (Scenario C), when compared to the current scenarios (i.e., Scenarios A and B), despite greater horsepower ratings and engines that would run for a longer duration, are attributable to the use of newer engine technologies consistent with the California Air Resources Board (ARB) Regulation to Reduce Emissions from Diesel Engines on Commercial Harbor Craft. While the future tug boat operations associated with the proposed project would require additional time to maneuver a vessel into and out of a drydock when compared to a wet berth, the new fleet of tugs will be available when the proposed project is operational and would be fitted with higher tier engines (Tiers 2 and 3 for the future drydock scenario as opposed to Tier 0 for the existing condition). These advancements in engine technology would substantially reduce tug boat emissions.

Table O of the Air Quality and Global Climate Change Impact Analysis lists the tugboat emissions associated with each of the three scenarios. As shown in Table O, the emissions from both the future wet berth and drydock tugboat operations would be lower than the emissions from the existing wet berth operations.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-14

Further, the math appears to be wrong in Table P of Appendix B.¹¹ For example, the incremental increase in ROG emissions would be ((future wet berth + future drydock) – (existing conditions)), or ((26.9 + 40.3) – (45.6)), or 21.6 lbs per day, rather than 13.4. Added to the regional total of 72 and subtracting 13.2 for the Navy ship reductions expected with the new drydock operation, the total is 80.4 lbs per day, an amount over the significance threshold of 75.

RESPONSE 3-14

This comment asserts that the calculation for the increase in reactive organic gas (ROG) emissions in Table P of Appendix B is incorrect.

The commenter is correct in that the data for the increase in ROG emissions in Table P of the Air Quality and Global Climate Change Impact Analysis is incorrect for project-related emissions of ROG. The correct value for the Total Increase Row should be 72.2 pounds per day rather than 72.6 pounds per day. As shown in the ROG column in Table P of Appendix B, the Change in Tugboat Emissions value for ROG is 13.4 lbs/day, meaning future drydock tug boat activity would

¹¹ DEIR Appendix B, page 47 or PDF page 142

add net ROG emissions of 13.4 lbs/day when compared to the ROG emissions that would be associated with a wet berth if the drydock component was not implemented. Adding 13.4 lbs/day to the Regional Emissions value of 72 lbs/day (originating from Table N of Appendix B) results in 85.4 lbs/day. However, generator use during wet berthing as compared to the lack of generators used with drydocking results in a reduction of 13.2 lbs/day of ROG emissions under project conditions. Therefore, subtracting 13.2 lbs/day from 85.4 lbs/day results in a total project-related emission of ROG of 72.2 lbs/day. This level of emissions remains below the thresholds. This change has been incorporated into the Errata section of the Final EIR. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-15

Diesel PM emissions from the additional tug boat operations are not added in to the Health Risk Assessment for dry dock operations. The potential for additional tug boat operations should be stated and the additional emissions analyzed in the EIR.

RESPONSE 3-15

This comment suggests that diesel particulate matter (DPM) emissions from additional tug boat operations should be included in the health risk assessment and analyzed in the Draft EIR.

As shown in Table O of the Air Quality and Global Climate Change Impact Analysis, the future wet berth (Scenario B) and future drydock (Scenario C) tug boat DPM emissions are lower than the existing tug boat (Scenario A) DPM emissions. The health risk assessment uses the existing operational emissions as the baseline, including the tugboat emissions in the existing condition. While the future tug boat operations associated with the proposed project would require additional time to maneuver a vessel into and out of a drydock when compared to a wet berth, the new fleet of tugs, which will be used when the proposed project is operational, would be fitted with higher tier engines (Tiers 2 and 3 for the future drydock scenario as opposed to Tier 0 for the existing condition). These advancements in engine technology would substantially reduce tug boat emissions; therefore, there is a corresponding reduction in DPM emissions. As shown in Table O the change in tug boat operations associated with the proposed project would result in a reduction of DPM emissions from the existing condition and would have no contribution of increased DPM emissions. Therefore, there is no project-related contribution of DPM emissions from tug boat activity and it was not included in the health risk assessment. As noted in the health risk assessment, while tug boat emissions would be lower than the existing condition, no credit was taken for the reduction to ensure an analysis of the worst-case scenario.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-16

The number of Navy ships that will be utilizing the new facility is not stated. As noted above, the objective of the project is to increase business, and it may be assumed that the number of Navy ships will be increasing. The analysis must be based on the maximum capacity for new Navy and commercial ships. Pollution from additional ships traversing San Diego Bay to reach BAE is not estimated or added in to this analysis, and may in fact outweigh the reductions – which themselves seem speculative – from running the engines for shorter periods during the docking operation. The analysis must clearly enumerate the additional Navy and commercial ships that could come to BAE as a result of this project, and include their emissions while traveling in San Diego Bay as well as during docking.

RESPONSE 3-16

This comment asserts that the EIR must discuss and analyze the number of additional Navy and commercial ships that could utilize BAE systems as a result of the proposed project, and the associated impacts on air quality, including potential air emissions from the vessels traversing the Bay to get to the to reach the drydock, as well as during docking.

Please refer to Response 3-2 above. The Draft EIR estimates that the project would result in five (5) additional drydockings per year, which provides a worst-case assumption for the analysis of air quality emissions. The determination of significance as it relates to air quality is based upon a daily threshold and is not correlated to the number of total ships that could be serviced annually at the proposed drydock. In other words, only one vessel can be serviced at any one time at the proposed drydock, which is what was analyzed. This one vessel would replace any vessel serviced by the existing wet berth and therefore, no daily increases from vessels traversing the Bay would occur.

Please refer to Response 3-3 above, which explains that emissions associated with non-military (or commercial) vessel repair would be the same as emissions associated with repairing Navy vessels.

Finally, please refer to Response 3-13 for additional clarification regarding tug boat operations, which explains the assumptions used to estimate tug boat emissions that guide vessels into the drydock facility.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-17

Finally, these estimates of diesel emissions do not correlate well with existing data on emissions from BAE. Current BAE annual emissions, from the CARB Facility Emissions search engine¹² include 21.8 tons of total organic gases; 7.3 tons of NOx; 1.3 tons of PM2.5; and 700 lbs of diesel exhaust emissions. However, the

¹² <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>

current diesel PM emissions from Pier 1 are given as 18.83 lbs per year,¹³ and the expected increase in diesel due to the project is estimated at 115.32 lbs per year (106.61 from small engine use and 8.71 from drydock engines, Appendix, pdf page 421). It appears that throughout the analysis, the full range of current emissions has not been taken into account, and likewise the full range of potential increases has not been quantified.

RESPONSE 3-17

This comment states that the diesel emissions estimates do not correlate with existing emissions data from the ARB Facility Emissions search engine at the BAE Systems facility, and that the full range of current and potential emissions has not been considered in the Draft EIR.

The ARB Facility Emissions search engine provides data on emissions of the entire BAE Systems facility and are not representative of specific project-related emissions. The emissions estimates identified in the Draft EIR are project-specific and therefore, will not correlate to emissions data provided on the ARB Facility Emissions search engine, which account for the entire facility. The San Diego Air Pollution Control District (SDAPCD) has recently updated emissions estimates for the BAE Systems Facility for Year 2013. As identified in the SDAPCD 2013 Emissions Inventory, BAE Systems emissions of DPM decreased 74% when compared to the 2009 emission inventory. This is attributable to the reduction of emissions from onsite diesel engines. In 2009 many engines used by subcontractors were Tier 0 engines, but engines have now been replaced with Tier 3 engines and Tier 4, where available. In addition, BAE Systems replaced the gantry crane Tier 1 engine with a Tier 4 engine and the heavy-lift barge crane from a Tier 0 engine to a Tier 4 engine.

Although the overall number of berths at BAE Systems does not change, the Draft EIR analysis assumed that five additional drydockings would occur annually as a result of the proposed project. The Air Quality Technical Report analyzed and assessed the amount of diesel emission estimates associated with five additional dry dockings per year. The environmental baseline condition assumed an average of 12 existing wet berths and four existing dry dockings annually. Analysis of the proposed project added five additional dry dockings annually to the existing environmental baseline condition. The proposed lease amendment, which would increase BAE Systems lease term from August 2034 to 2058, and which would integrate the 2-acre (landside) and 4-acre (waterside) parcel into BAE Systems its larger overall leasehold, assumed the same operating characteristics as the proposed project. Namely, an average of twelve wet berths annually and an average of nine dry dockings annually.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-18

The DEIR's analysis on hazardous air pollutants is incomplete and inadequate. For example, it concludes: "The anticipated level of diesel-powered equipment use will, on the peak day for the entire construction

¹³ DEIR Appendix, PDF page 419

period, emit approximately 1.5 lbs per day of diesel exhaust particulate.”¹⁴ This conclusion is not verifiable, as it is not possible to check this figure against Tables K and L,¹⁵ which do not include diesel emission factors or indicate the proportion of PM_{2.5} that is diesel. These should be included. The appendices to Appendix B likewise do not include emission factors for construction equipment.

RESPONSE 3-18

This comment asserts that the Draft EIR’s analysis of hazardous air pollutants is incomplete and inadequate and requests that it be verified, by providing emission factors, that the project will emit 1.5 lbs per day of diesel exhaust particulate on the peak day of construction.

The maximum construction emissions rates of PM₁₀ and PM_{2.5} are shown in Table 4.1.H of Section 4.1 of the Draft EIR and Table L of the Air Quality and Global Climate Change Impact Analysis. The CalEEMod output included in Appendix B of the Air Quality and Global Climate Change Impact Analysis does fully document the emissions rates that CalEEMod produced and what is used in the Draft EIR analysis, however, it does not show the diesel emissions factors. For these emission rates, please refer to “Appendix D – Default Data Tables” (September 2013) available online at: <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf>.

For the health risk assessment it was conservatively assumed that 100% of the PM₁₀ and PM_{2.5} that is listed as exhaust emissions from CalEEMod were from diesel equipment.

No changes were made to the Draft EIR as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-19

We disagree with the use of the County of San Diego’s CEQA Significance Thresholds for determination of the significance of air quality impacts from this project. The DEIR fails to provide substantial evidence as to the appropriateness of the County Guidelines for this project and fails to consider members of the public in all areas affected. The County’s Guidelines would not, in fact, be appropriate for this project, as they bear no relationship to this project’s location or surrounding conditions, as we explained in the prior section.

RESPONSE 3-19

This comment expresses disagreement with use of the County of San Diego’s CEQA Significance Thresholds for determining the significance of air quality impacts for the proposed project, and claims that the Draft EIR fails to provide substantial evidence as to the appropriateness of the County Guidelines for this project.

A lead agency has the discretion to develop and use thresholds of significance on a project-by-project basis and may decide what thresholds of significance may apply. (See e.g. *Save Cuyama*

¹⁴ DEIR Table 1.A, page 1-11, PDF page 26, emphasis added

¹⁵ DEIR Appendix B, PDF pages 136-137

Valley v. County of Santa Barbara, 213 Cal. App. 4th 1059 (2013); *Rominger v. County of Colusa*, 229 Cal. App. 4th 690 (2014); *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (“Chula Vista”), 197 Cal. App. 4th 327 (2011).) CEQA Guidelines also allows for the use of “...thresholds of significance previously adopted or recommended by other public agencies...” (§15064.7(c), emphasis added; see also *Chula Vista*, 197 Cal. App. 4th at 334).

The District has not adopted any emissions thresholds for determining significance of air quality impacts. Therefore, consistent with CEQA Guidelines Sections § 15064.7(c), the District chose to utilize thresholds developed by the County of San Diego, which were developed through extensive review and are supported by substantial evidence. As identified on the California Air Resources Board website (<http://www.arb.ca.gov/capcoa/dismap.htm>, last visited on July 8, 2015, and incorporated by reference), the State is divided into Air Pollution Control Districts (APCD) and Air Quality Management Districts (AQMD), which are also called air districts. These agencies are county or regional governing authorities that have primary responsibility for controlling air pollution from stationary sources. The County of San Diego’s CEQA Significance Thresholds for air quality mirror those utilized by the San Diego Air Pollution Control District (SDAPCD), which is a department internal to the County of San Diego. The SDAPCD develops local air quality rules and regulations to improve air quality and protect the health and welfare of San Diego County residents and their environment. These thresholds apply throughout San Diego, including various locations, such as the project site.

Furthermore as detailed within the Frequently Asked Questions document posted on the SDAPCD’s website (<http://www.sdapcd.org/info/info.html>, last visited on August 8, 2015, and incorporated by reference), the mission of the Air Pollution Control District is to protect the public from the harmful effects of air pollution, achieve and maintain air quality standards, foster community involvement, and develop and implement cost-effective programs meeting State and federal mandates, considering environmental and economic impacts. The SDAPCD has ten monitoring stations that continuously record pollution levels and manages a permit system to ensure that potentially polluting operations and industrial equipment meet the emission standards set forth in SDAPCD rules and regulations and sections of the Health and Safety Code. Regular inspections and laboratory and field tests are conducted to ensure that permit holders follow SDAPCD rules to control and reduce emissions. When public complaints are received for odors, smoke, and other emission problems, inspections are conducted immediately. If a valid complaint exists, a Notice of Violation is issued. The SDAPCD also develops long-term regional strategies to reduce unhealthful pollution levels. These plans outline specific strategies and control measures to achieve clean air standards set by federal and state governments. Therefore, use of the thresholds developed by the County of San Diego is appropriate. No changes to the Draft EIR are required as a result of this comment. These revisions are for clarification purposes only and they do not change the analysis or conclusions contained in the Draft EIR, nor are they a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-20

We also disagree with the DEIR’s assertion that the Port cannot use new thresholds of significance for air quality and greenhouse gas emission for this project. While it is true that adoption of significance thresholds for general application would require CEQA be conducted on that decision itself, it is not true

the Port must use the City of San Diego's or APCD's thresholds. A lead agency may use any threshold as long as there is substantial evidence for that use.

The Lead Agency for a project has the legal authority and, in fact, is encouraged under CEQA Guidelines §15064.7 to develop and publish its own thresholds of significance. In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. (§ 15064.7(c)) Lead agencies may also consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. (§15064.7(b))

RESPONSE 3-20

This comment expresses disagreement with the Draft EIR's assertion that the Port must use the City of San Diego's or the Air Pollution Control District's (APCD) significance thresholds, and asserts that new significance thresholds could be used instead. This comment states that a Lead Agency has the legal authority to develop and publish its own thresholds of significance.

Please refer to Response 3-19 regarding a lead agency's discretion to use thresholds of significance and the appropriateness of the air quality thresholds. With regards to greenhouse gas thresholds, CEQA Guidelines include a non-exclusive list of considerations for determining whether a project's Greenhouse Gas emissions may be significant including: "*Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*" (§15064.4(a)). As noted in the City's Draft Significance Thresholds for Greenhouse Gas Emissions, the thresholds were developed in 2013 and were based on 2020 GHG emission projections according to AB 32 and are appropriate for the proposed project. Currently, the California Air Resources Board is developing an updated Scoping Plan in response to Executive Order B-30-15 to identify the 2030 target in terms of million metric tons of carbon dioxide equivalent (CO₂e). These targets have not been published to date. Executive Order B-30-15 was issued on April 29, 2015, after the Draft EIR had been distributed for public review. However, to further acknowledge recent updated regulations pertaining to global climate change and greenhouse gas emissions objectives for post 2020 conditions, clarifying information will be added to the section 4.4.2.2 Regulatory Environment discussion on page 4.4-14 of the Draft EIR and documented in the Errata as shown below. Therefore, the following text describing Executive Order B-30-15 has been added to Section 4.4.2.2, Regulatory Environment, on page 4.4-14 of the Draft EIR and in Chapter 3, Errata and Revisions. This addition is for clarification and informational purposes only and does not change the analysis or conclusions contained in the Draft EIR, nor is it a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Existing Text

State Regulations/Standards

Added Text:

Executive Order B-30-15. On April 29, 2015, California Governor Brown issued Executive Order B-30-15. Therein, Governor Brown:

- *Established a new interim statewide reduction target to reduce GHG emissions*

to 40 percent below 1990 levels by 2030.

- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets.
- Directed CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.

CARB subsequently expressed its intention to initiate the Climate Change Scoping Plan update during the Summer of 2015, with adoption scheduled for 2016.

The comment correctly notes that a Lead Agency has the authority to develop their own thresholds of significance. Additionally, a lead agency may use existing thresholds of significance. Accordingly, the District has determined that the County of San Diego's air quality thresholds and the City of San there is not a comprehensive regulatory or legislative framework for addressing GHG emissions beyond 2020. Advances in science, new models for analysis, new mitigation, changes in the law, technological advancement, and other new information may require the City to periodically consider whether revisions to the GHG Thresholds are warranted (*Draft Significance Thresholds for Greenhouse Gas Emissions*, City of San Diego, March 2013, and incorporated by reference). Additionally, as discussed further in Response 3-38, below, a qualitative analysis was conducted related to the project's potential impacts post-2020. That analysis concludes that the project will not result in significant GHG impacts.

COMMENT 3-21

Further, CEQA Guidelines allow and encourage consideration of location-specific factors in analysis of impacts. CEQA Guidelines recognize that the level of impacts and their significance depends upon a multitude of factors such as project setting, design, construction, etc. CEQA Guidelines also call for careful judgment based on scientific and factual data to the extent possible and explain, "For example, an activity which may not be significant in an urban area may be significant in a rural area." (§ 15064(b)) Similarly, emissions of 100 lbs per day of particulate matter in the middle of Barrio Logan—an urban low-income community of color already determined by the California Environmental Protection Agency (CalEPA) to be among the worst 5% in the state for cumulative pollution burden¹⁶ — could potentially be more significant than 100 lbs per day of particulate matter in the middle of the desert with no nearby sensitive receptors.

RESPONSE 3-21

This comment states that CEQA Guidelines allow and encourage consideration of location-specific factors in analysis of impacts. The comment asserts that emissions within an urban low-income community could potentially be more significant than the same amount of emissions in the middle of the desert with no nearby sensitive receptors. The comment states that Barrio Logan is already determined by the California Environmental Protection Agency (CalEPA) to be among the worst 5% in the state for cumulative pollution burden and hence, a 100 lbs per a day of particulate matter at this location may be significant even if it wouldn't at another location.

¹⁶ <http://www.oehha.ca.gov/ej/ces2.html>

Please refer to Response 3-19 regarding a lead agency's discretion to use thresholds of significance. The District considered location-specific factors in its decision to rely on the air quality emissions thresholds developed by the County of San Diego, which are conservative and overestimate a project's contribution to health risks. Section 4.1.3 of the Draft EIR states *"In addition to the federal and State AAQS, there are daily emissions thresholds for construction and operation for projects in the SDAB [San Diego Air Basin]. The SDAB is administered by the SDAPCD [San Diego Air Pollution Control District], and guidelines and emissions thresholds established by the SDAPCD are used in this analysis. It should be noted that the emissions thresholds were established based on the attainment status of the air basin with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health with an adequate margin of safety (EPA), these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks"*. Therefore, because these thresholds are conservative, they inherently take into account the potentially sensitive nature of Barrio Logan and its localized conditions. Accordingly, the District has chosen to utilize thresholds developed by the County of San Diego, which were developed through extensive review and are supported by substantial evidence as noted above in Response 3-19.

The statement that Barrio Logan is among the worst communities for their pollution burden is referenced to be from the California Communities Environmental Health Screening Tool (CalEnviroScreen), available from the Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California CalEPA. However, it should be noted that CalEnviroScreen is a tool developed to help make funding decisions for money set aside for "environmental justice" areas. The tool developed by OEHHA takes into account more than pollution, such as social, economic and health issues. The CalEnviroScreen guidance and screening tool document states *"a lead agency must determine independently whether a proposed project's impacts may be significant under CEQA based on the evidence before it, using its own discretion and judgment. The tool's results are not a substitute for this required analysis. Also, this tool considers some social, health and economic factors that may not be relevant when doing an analysis under CEQA. Finally, []the tool's output should not be used as a focused risk assessment of a given community or site. It cannot predict or quantify specific health risks or effects associated with cumulative exposures identified for a given community or individual."* Therefore, the commenter's statement that *"the project location is in an area with particularly high cumulative pollution burden as identified by CalEPA"* is not accurate as the CalEnviroScreen guidance and screening tool includes a variety of factors – not just air pollution – that are not necessarily pertinent to a CEQA analysis and the tool is not intended to be used in risk assessments for a given community. Moreover, the tool, by the California Environmental Protection Agency's own admission, is not intended to be used to quantify cumulative health risks or impacts. Because the County of San Diego's thresholds are conservative, appropriate for the project's location and supported by substantial evidence, no changes to the EIR are required.

COMMENT 3-22

To the contrary, location-specific conditions are not taken into account in the County of San Diego Guidelines for Determining Significance,¹⁷ which the DEIR inappropriately uses for criteria pollutants to determine significance of incremental emissions increase due to the project. The DEIR also inappropriately

¹⁷ County of San Diego, 2007

chooses to use the County of San Diego Department of Planning and Land Use's significance threshold for cumulative air quality impacts, which says a project would result in a significant cumulatively considerable contribution to air quality impacts if the proposed project has a significant direct impact to air quality or does not conform to the San Diego Air Pollution Control District's (SDAPCD)'s Regional Air Quality Strategy (RAQS), which aims to bring the basin into attainment with all NAAQS and CAAQS, yet is failing to do so.

RESPONSE 3-22

This comment asserts that the County of San Diego Guidelines for Determining Significance used in the Draft EIR do not account for location-specific conditions and inappropriately uses these thresholds for determining impacts related to criteria pollutant emissions. The comment goes on to further assert that the County of San Diego Department of Planning and Land Use's significance threshold were also inappropriately used in the Draft EIR for determining cumulative air quality impacts for the proposed project.

Please refer to Response 3-19 regarding a lead agency's discretion to use thresholds of significance and the appropriateness of the air quality thresholds. There is currently substantial evidence for the use of these thresholds in analyzing such impacts, as evidenced by several environmental documents prepared for projects in the County and in the Port, including, but not limited to the following: the Draft EIR for the Lilac Hills Ranch Project (July 3, 2013) and the Draft EIR for the San Diego Convention Center Phase III Expansion and Expansion Hotel Project and Port Master Plan Amendment (May 2012).

As noted in Response 3-21 above, the air quality thresholds developed by San Diego County are location-specific and are appropriate for the proposed project for the previously stated reasons.

As noted in Section 4.1.5.2 of the Draft EIR, because the purpose of the local Regional Air Quality Strategy (RAQS) and the State Implementation Plan (SIP) is to address air quality cumulatively, projects that are consistent with the underlying jurisdiction's General Plan (or here, the Port Master Plan) designation are not expected to conflict with the RAQS because they would be included in SANDAG's 2030 growth projections. The RAQS outline the SDAPCD's plans and control measures designed to attain the State air quality standards for O₃. The SDAPCD has also developed the San Diego Air Basin's (SDAB) input to the SIP, which is required under the Clean Air Act (CAA) for pollutants that are designated as being in nonattainment for national air quality standards for the SDAB. The RAQS rely on information from the ARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then establish the strategies necessary for the reduction of emissions through regulatory controls. The ARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County as part of the development of their general plans. Therefore, San Diego County's significance threshold for cumulative air quality impacts is supported by substantial evidence, as noted in previous responses, and is appropriate for the proposed project. No changes to the EIR are required as a result of this comment.

COMMENT 3-23

Both sets of thresholds are inappropriate as they fail to consider that (a) the entire air basin is already out of attainment with multiple state and federal air quality standards; (b) the project location is in an area

with particularly high cumulative pollution burden as identified by CalEPA;¹⁸ (c) the project location is in an area with particularly high levels of PM; and (d) respiratory health impacts in the community adjacent to the project would be exacerbated, resulting in additional significant impacts.

Accordingly, the EIR must acknowledge that the project location sits directly adjacent to an area (Barrio Logan) identified by CalEPA as having a cumulative pollution burden that is among the worst 5% of census tracts in the state.¹⁹

RESPONSE 3-23

This comment asserts that the CEQA significance thresholds used for the proposed project are inappropriate, and indicates that the EIR must acknowledge that the project location is directly adjacent to an area (Barrio Logan) identified by the CalEPA as having a cumulative pollution burden that is among the worst five percent of census tracts in the state.

This comment reiterates concerns stated in the previous comments. Please see Response 3-19 through 3-22, above.

COMMENT 3-24

Further, available monitoring data indicate ambient air in the Barrio Logan area is more impacted by diesel particulate matter than is air in other communities. The following table compares the percentage of elemental carbon (EC) in total carbon fine particulate matter in three areas of the region. Because diesel exhaust, compared to gasoline, has relatively more EC as a percentage of total carbon, the higher percentages of EC indicate that more of the particulate matter in Barrio Logan originated from diesel engines. All three of these communities are traffic-impacted areas, with levels of PM2.5 higher than background levels²⁰; however, the PM2.5 in Barrio Logan may be more harmful to health.

Table 1. Elemental Carbon (EC) as a Percentage of Total PM2.5 Carbon, 2012

Air Monitor	Average EC Percent	Maximum EC Percent
Barrio Logan (Beardsley)	21.9	44.3
El Cajon	14.6	24.5
Escondido	15.2	24.7

Source of data: US EPA, Air Data, from monitoring data submitted by SD APCD. Percentages compiled by EHC.

US EPA Air Data website: <https://ofmext.epa.gov/AQDMRS/aqdmrs.html>

¹⁸ <http://www.oehha.ca.gov/ej/ces2.html>

¹⁹ <http://www.oehha.ca.gov/ej/ces2.html>

²⁰ Average annual PM2.5 levels in Barrio Logan (“Downtown San Diego”), El Cajon, and Escondido in 2013 were 10.3, 10.6, and 10.3 micrograms per cubic meter, respectively, versus 8.3 ug/m3 at the Kearny Mesa monitor. <http://www.sdapcd.org/info/reports/5-year-summary.pdf>.

Finally, on top of the many other public health and safety consequences of this pollution, children in Barrio Logan visit the ER for asthma-related incidents almost three times as often as children in the rest of the County.²¹ The evidence is undeniable and substantial.

The EIR air quality analysis must account for these local adverse conditions in assessing the impacts of additional emissions and the fact that any increase in air pollution would result in a cumulatively significant impact to the adjacent community and region.

RESPONSE 3-24

This comment suggests that the ambient air conditions in Barrio Logan are more impacted by diesel PM than air in other communities, and provides a table demonstrating elemental carbon (EC) as a percentage of Total PM_{2.5} Carbon from the United States Environmental Protection Agency (EPA). This comment asserts that children in Barrio Logan visit the emergency room for asthma-related incidents almost three times as often as children in the rest of San Diego County. This comment states that the EIR air quality analysis must evaluate local adverse conditions in assessing the impacts of additional emissions and their cumulative impacts to adjacent communities and the region.

The additional information provided in the comment does not dispute any information or analysis provided in the Draft EIR. In addition, as required by CEQA, environmental impacts analyzed are based the increases or changes to the existing conditions resulting from project implementation. The EC data included in the comment documents the existing condition. The Draft EIR in general and the health risk assessment in detail, fully disclose how the project would affect these existing conditions. Analyses of project-related air quality and health risk impacts were based on established thresholds of significance. As concluded in the Draft EIR, no significant air quality or health risk impacts have been identified as a result of project implementation. This comment will be forwarded to the decision makers for their consideration.

COMMENT 3-25

We disagree that for criteria air pollutants, “construction emissions impacts to nearby sensitive receptors are less than significant”.²² As explained in our discussion of sensitive receptors, the DEIR does not adequately analyze sensitive receptors in the vicinity of the project and its induced activities. Further, this determination is inappropriate given that the project would contribute to existing air quality violations and the non-attainment status of federal and state standards. San Diego County has basic non-attainment status for the federal (NAAQS) 8-hour ozone standard and non-attainment status for the state (CAAQS) standards for ozone, PM₁₀ and PM_{2.5}.²³ Therefore the thresholds of significance for criteria, toxic, or diesel pollutants should be set at No Net Increase, and mitigation measures should be taken.

RESPONSE 3-25

²¹ Data on children’s Emergency Department visits with diagnoses of asthma are from the California Office of Statewide Health Planning and Development. Rates are generated using SANDAG current estimates of population by age for zipcodes in San Diego County. The most current data year is 2013.

²² DEIR Table 1.A, pages 1-9 and 1-10 or PDF pages 24-25

²³ IS-76, PDF page 123

This comment indicates that the commenter disagrees with the conclusion that “construction emission impacts to nearby sensitive receptors are less than significant,” for criteria pollutants, and asserts that the Draft EIR does not adequately analyze sensitive receptors in the vicinity of the project site. The comment asserts that the “less than significant” determination is inappropriate given that the proposed project would contribute to existing air quality violations and the non-attainment status of federal and state ozone standards. The comment recommends that the thresholds of significance for criteria, toxic or diesel pollutants should be set at No Net Increase, and mitigation measures should be included.

Please refer to Response 3-9 above for a discussion pertaining to the applicable nearby sensitive receptors and the analysis of impacts to the same and Response 3-19 through 3-24 regarding thresholds of significance.

A discussion of whether or not the proposed project would result in a cumulatively considerable net increase of criteria pollutants within a non-attainment region is provided in Section 4.1.5.1 of the Draft EIR. As discussed in this section, the SDAPCD does not have thresholds for cumulative air quality impacts; therefore, thresholds from the County of San Diego are used in this analysis. The County’s cumulative impact methodology states that a project’s construction emissions would be considered cumulatively considerable if the project would result in significant direct emissions of PM₁₀, PM_{2.5}, VOCs, or NO_x, or if the proposed project’s emissions would combine with emissions from a nearby simultaneous construction project to exceed the direct impact significance thresholds for these pollutants. The project would contribute criteria pollutants to the area during project construction; however, emissions do not exceed County thresholds for each criteria pollutant. In addition, while projects have been identified within 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 project emissions are well below established thresholds and the combined emissions from other projects within 1 mile are not expected to exceed the established thresholds.

Additionally, the Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP) are intended to address cumulative impacts in the SDAB based on future growth predicted by SANDAG in the 2030 Regional Growth Forecast Update. SANDAG uses growth projections from the local jurisdictions’ adopted general plans (or the Port Master Plan for the District’s jurisdiction); therefore, development consistent with the Port Master Plan would be consistent with the growth projections in the air quality plans. Cumulative development would generally not be expected to result in a significant impact in terms of conflicting with RAQS because the cumulative projects would be required to demonstrate that the proposed development is consistent with local planning documents. The project site is located in Planning District 4 (“Tenth Avenue Marine Terminal”), Planning Subarea 43 (“Belt Street Industrial”) of the Port Master Plan. This planning area is designated for marine-related, water-dependent industrial uses. As discussed in Section 4.7, Land Use, the proposed project is the replacement and improvement of facilities within an existing shipyard repair facility and is consistent with the PMP land use designation. The proposed project does not require a PMP amendment, involves no change of land use, and is a replacement of an existing facility. Therefore, the proposed project is considered to be within the SANDAG growth projections and consistent with the RAQS and SIP.

Please refer to Response 3-27 below for a discussion pertaining to adopting a No Net Increase Policy.

COMMENT 3-26

The DEIR states multiple times, "The health effects will not occur unless the standards are exceeded by a large margin or for a prolonged period of time."²⁴ Standards and thresholds of significance are science-based numbers designed to indicate thresholds over which exposure is harmful to the surrounding environment or human health. Standards and thresholds of significance are not designed to be a flexible range, nor are they designed to be violated. The legal weight of legal standards and thresholds of significance must be fully appreciated in the EIR, and any impact above thresholds of significance must be mitigated.

RESPONSE 3-26

The comment quotes the EIR as stating that: *"The health effects will not occur unless the standards are exceeded by a large margin or for a prolonged period of time."* The comment adds that standards and thresholds of significance are science-based numbers designed to indicate thresholds over which exposure is harmful, and that they are not designed to be a flexible range, or to be violated. This comment asserts that legal standards and thresholds of significance must be fully accounted for in the EIR, and any impact above the threshold of significance must be mitigated.

Please refer to Responses 3-19 through 3-24 regarding thresholds of significance and substantial evidence supporting the use of the same. The statement correctly states that thresholds are not designed to be flexible or violated. However, the proposed project does not exceed daily thresholds for criteria pollutants. These daily thresholds are established to prevent exceedance of ambient air quality standards (AAQS). AAQS are used to establish clean air, and protect sensitive communities and even the most sensitive individuals in communities. An air quality standard defines the maximum amount of a pollutant that can be present in outdoor air without harm to the public's health. Because the AAQS are designed to protect *"even the most sensitive individuals"*, the general population would require pollutant levels to exceed standards by a large margin or for a prolonged period of time to experience health effects (<http://www.arb.ca.gov/research/aaqs/aaqs.htm>, last visited on July 8, 2015, and incorporated by reference). The region does sometimes experience ambient concentrations of ozone, PM₁₀, and PM_{2.5} that exceed these AAQS, however, as the project's emissions of these are all shown (Table 4.1.G) to be less than the emissions thresholds of significance, their contribution to these pollutant concentrations would also be less than significant.

COMMENT 3-27

The very least the Port should do and is required to do under CEQA is to not let current conditions become even worse in this already overburdened area. As any increase in emissions is significant in this community, the threshold of significance for this project for criteria air pollutants should be zero.

Substantial evidence already significantly demonstrates the unacceptable environmental health conditions in the vicinity of the project location. The evidence is undeniable and substantial.

²⁴ DEIR Table 1.A

Other ports are already taking steps in this direction. The Ports of Los Angeles and Long Beach have already adopted a No Net Increase Policy and, in fact, clean freight advocates in that area are now saying No Net Increase is outdated and have argued for greater mitigations. Clearly, the Port of San Diego has no reason to fear being out in front alone on this issue. Others have already led the way and it's time for the Port of San Diego to catch up.

RESPONSE 3-27

This comment asserts that the Port must not allow current air quality conditions to worsen, and suggests that the criteria pollutant threshold of significance should be zero. This comment asserts that substantial existing evidence already demonstrates unacceptable environmental health conditions in the vicinity of the project site. This comment states that other ports, including the Ports of Los Angeles and Long Beach, have adopted a "No Net Increase Policy," and are considering additional mitigation to reduce air quality impacts.

There are no final policies or "No net increase" (NNI) programs in place at the Port of Los Angeles and Port of Long Beach. In 2004/2005, the Port of Los Angeles appointed a task force to look into NNI and make recommendations. The report specifically discussed a NNI policy from new or modified terminals, where feasible. The report indicated that it primarily advocated for supporting California Air Resource Board and legislative activities that were reducing emissions at the Port (i.e. Airborne Toxic Control Measures [ATCMs], cold ironing, and grant funding opportunities). However, such policy is not a mandate at the Port of Los Angeles. Please refer to Responses 3-19 through 3-22 above, regarding the thresholds of significance used in the Draft EIR.

COMMENT 3-28

As noted above, we believe that several of the inputs to the health risk assessment are faulty – the proximity of the closest sensitive receptors, the estimates of emissions from ships and tugboats, and the omission of criteria pollutants and HAPs from Cooling Tunnel removal. Even aside from all these flaws, which individually and together would increase the estimates of health risks from the project, the health risks appear to be understated.

The MEIW cancer risk given in Table 4.1.1 may not be the highest risk location. The HARP runs in Appendix B indicate that there are at least three receptors with higher cancer risks (Receptor 023 at 9.92/million; Receptor 250 at 9.86 per million; and Receptor 638 at 9.91 per million). Any reasonable rounding of these risk numbers would indicate that the cancer risk is at 10 per million, a significant level that must be mitigated.

RESPONSE 3-28

This comment asserts that several inputs to the health risk assessment are faulty, and that the health risks from the proposed project are understated. This comment states that the maximum exposed individual worker (MEIW) cancer risk from Table 4.1.1 may not be the highest risk location, and that the risk numbers represent a significant level that must be mitigated.

Please refer to Responses 3-9 through 3-11 for a discussion regarding sensitive receptors. Response 3-8 for a discussion of health risks associated with commercial ship emissions

and Response 3-10 for a discussion of health risks associated with construction haul trips. Please refer to Response 3-12 above for a discussion of health risks associated with the removal of the cooling tunnels.

This maximally exposed individual worker (MEIW) receptor was conservatively assumed to be the neighboring R.E. Staite Engineering, Inc., at 2145 E. Belt Street, approximately 750 feet to the northwest of the project site. As documented in Table 4.1.I, the risks are below the significance thresholds, and the project would not expose sensitive receptors to substantial HAP concentrations.

Health risk quantifications are exact calculations and any numerical value below the threshold is not considered a significant impact and does not require mitigation.

COMMENT 3-29

Additionally, whereas the DEIR states the health risk assessment follows the current OEHHA guidance, including assessment of early life exposures,²⁵ it is not clear if the HARP model used is the March 2015 version, which incorporates the latest methodology.

RESPONSE 3-29

This comment indicates that it is unclear whether or not the HARP model was used in the health risk assessment pursuant to the most recent Office of Environmental Health Hazard Assessment (OEHHA) guidance.

The recently released HARP-2 model has not yet been adopted by any air quality District. Although the air quality and health risk assessment did not utilize the draft HARP-2 model, it did use the approved HARP-1 model modified to include some of the concepts introduced in the HARP-2 model, such as addressing the increased sensitivity of children to exposure to toxic air contaminants compared to adults. The most recently *adopted* HARP model was utilized in the analysis of potential project-related health risks.

COMMENT 3-30

We disagree with the finding that the project has less than a significant impact on Greenhouse Gases (4.4-27, pdf 398). The DEIR fails to provide substantial evidence of the appropriateness of using the City of San Diego's Draft Significance Thresholds for Greenhouse Gas Emissions, California Environmental Quality Act, City of San Diego Development Services Department (March 2013). This is an inappropriate set of thresholds to use, as it was never formally adopted by the City of San Diego.

RESPONSE 3-30

This comment expresses disagreement with the finding that the proposed project has a less than significant impact related to Greenhouse Gases, and asserts that the City of San Diego's Draft

²⁵ DEIR Appendix B, PDF page 418

Significance Thresholds for Greenhouse Gas Emissions is an inappropriate set of thresholds that were never formally adopted by the City of San Diego.

Please refer to Responses 3-19 and 3-20 regarding the use of the threshold. As an indication of how small the GHG emissions from the project would be, not only would they be less than the City's draft threshold of 2,500 MT/yr, the project would also not exceed the California Air Pollution Control Officers Association (CAPCOA) screening threshold of 900 MT of CO₂e per year (*CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (CAPCOA 2008)*). As documented in the Errata of this Final EIR, the project has also been analyzed against this CAPCOA screening threshold. As shown in Table 4.4.J of the Draft EIR, even without any of the anticipated reductions due to PDFs, total project-related GHG emissions amount to 570 MT of CO₂e per year, below the CAPCOA screening threshold 900 MT CO₂e threshold, and the City's draft 2,500 MT CO₂e threshold. Thus, GHG emission impacts from the proposed project are less than significant when considered under the City's draft 2,500 MT CO₂e threshold or the CAPCOA's more restrictive 900 MT CO₂e threshold.

It is worth noting that the project's annual emissions (including amortized construction emissions) are below other adopted or recommended GHG thresholds of significance across the state (e.g., 1,100 MT CO₂e/year for the Sacramento Metropolitan Air Quality Management District [SMAQMD] and the Bay Area Air Quality Management District [BAAQMD]; 1,150 MT CO₂e/year for the San Luis Obispo County Air Pollution Control District [SLOAPCD]). It is not the intent of the District to adopt any of the above listed mass emissions limits as a numeric threshold for this project, rather this additional information is provided to put project-generated GHG emissions in the appropriate statewide context.

These levels of emissions established by CAPCOA and air districts across the state have been substantiated through evidence to represent the magnitude of emissions that if not exceeded would not lead to a considerable contribution to the cumulative impact of climate change. These thresholds were developed based on the AB 32 reduction target, which is the only GHG target adopted by the California Legislature at this time.

As correctly noted in Comment 3-30, the City's *Draft Significance Thresholds for Greenhouse Gas Emissions* has never been formally adopted by the City. However, they are supported by substantial evidence. The City's current approach for determining significance of project-related GHG emissions is to use the screening threshold of 900 MT CO₂e per year based on the approach outlined in the California Air Pollution Control Officers Association (CAPCOA) report *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (CAPCOA 2008)*. Total project-related GHG emissions amount to 570 MT of CO₂e per year, below the more conservative 900 MT CO₂e. GHG emission impacts from the proposed project remain less than significant.

COMMENT 3-31

We also disagree with the DEIR's assertion that the Port cannot use new thresholds of significance for air quality and greenhouse gas emission for this project. While it is true that adoption of significance thresholds for general application would require CEQA be conducted on that decision itself, it is not true

the Port must use the City of San Diego's or APCD's thresholds. A lead agency may use any threshold as long as there is substantial evidence for that use.

The Lead Agency for a project has the legal authority and, in fact, is encouraged under CEQA Guidelines §15064.7 to develop and publish its own thresholds of significance. In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. (§ 15064.7(c)) Lead agencies may also consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. (§15064.7(b))

RESPONSE 3-31

This comment expresses disagreement with the Draft EIR's assertion that the Port cannot use new thresholds of significance for the proposed project, and asserts that the Port as the Lead Agency for the proposed project should adopt its own significance thresholds.

Please refer to Response 3-19 above regarding the District's discretion to select thresholds of significance and the substantial evidence that supports that selection. The District used GHG thresholds of significance consistent with *CEQA Guidelines* Section 15064.7(c). No other response is necessary.

COMMENT 3-32

Further, CEQA Guidelines allow and encourage consideration of location-specific factors in analysis of impacts. CEQA Guidelines recognize that the level of impacts and their significance depends upon a multitude of factors such as project setting, design, construction, etc., and such factors must be considered in setting thresholds and requiring mitigations.

RESPONSE 3-32

This comment states that CEQA Guidelines allow and encourage consideration of location-specific factors in analyzing impacts.

Please refer to Responses 3-19 through 3-24 above. It is worth noting that GHG emissions are dispersed throughout the atmosphere worldwide and consequently, is a cumulative impact issue without regard to specific locational effects. In other words, impacts of climate change are borne globally and therefore, it is appropriate to use a regional and/or statewide context in determining the significance of GHG emissions (e.g., AB 32).

COMMENT 3-33

The project cannot rely on an improper baseline and analysis in order to obscure the Project's impacts. The Port must comply with foundational CEQA requirements, including an appropriate description of the baseline for purposes assessing the significance of the project's impacts and the appropriate level of mitigation. It is inappropriate to use a hypothetical projection of future emissions as a measure of a project setting's baseline.

RESPONSE 3-33

This comment asserts that a hypothetical projection of future emissions cannot be used as a baseline for the proposed project, and this improper baseline cannot be used to analyze the impacts of the proposed project.

Section 4.4 of the Draft EIR (see page 4.4-10) identifies baseline GHG emissions at the global, national, State of California, County of San Diego, District, and project site levels. As identified in this section, global GHG emissions in 2010 are estimated at 30.6 billion metric tons (MT) of CO₂e per year; national GHG emissions in 2010 are estimated at 6.8 billion MT of CO₂e per year; State of California GHG emissions in 2012 are estimated at 459 million MT of CO₂e per year; County of San Diego GHG emissions in 2010 are estimated at 32 million MT of CO₂e per year; the District's GHG emissions in 2006 are estimated at 0.83 million MT of CO₂e per year; and the project site's GHG emissions from ship repair operations (paint and solvent use, blasting, and small engine use) in 2013 are estimated at 0.0000046 million MT of CO₂e per year.²⁶ Baseline GHG emissions identified in the Draft EIR are not based on a hypothetical future scenario and associated future emissions.

The Draft EIR does not include an analysis which compares project-related emissions to a future hypothetical baseline. As noted below in Response 3-34, the Draft EIR did not determine significance of the project's GHG emissions based on a business as usual (BAU) projection. The increase in emissions over baseline conditions was estimated and compared to a mass emissions threshold to determine significance.

Consistent with *CEQA Guidelines* Section 15064.4(b)(1)(2)(3), the analysis of GHG emissions and global climate change in Section 4.4.5 took into consideration the extent to which the project may increase or reduce GHG emissions compared to the existing environmental setting (i.e., baseline) as shown in Table 4.4.J with the changes to tugboat and US Navy ship related emissions, made a determination of less than significant project-related GHG emissions based on a recommended and widely accepted numeric threshold of significance for GHG emissions, and evaluated the project's consistency with regulations or requirements adopted to implement a stateside, regional, or local plan for the reduction or mitigation of GHG emissions.

COMMENT 3-34

The DEIR looks at GHG significance using a Business As Usual (BAU) projection, claiming that because the "proposed project would exceed the target of 20 percent below the business-as-usual that has been established for the purpose of assessing operational GHG emissions of projects in the City of San Diego, and this reduction would be consistent with the goals of AB32."26 We again note that such thresholds have never formally adopted by the City of San Diego. We also stress it is inappropriate to set a goal of reducing emissions by any percent below a BAU projection—a hypothetical projection of the future—rather than below the actual existing physical environment as the baseline conditions.

²⁶ This estimate is calculated by multiplying 40 pounds per day by 255 operating days and converting the product to million metric tons.

In applying the BAU threshold, the Port has failed to measure the significance of the Project's GHG emissions against the baseline existing conditions (Guideline §15125(a)), and because of this failure, the Port's GHG impacts analysis is unlawful. (Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Ca1.4th 310, 322 ("CBE v. SCAQMD")). Further, the California Supreme Court is currently reviewing a challenge to the often-used and inappropriate "business as usual" approach. (Center For Biological Diversity V. Department Of Fish And Wildlife (Newhall Land And Farming Company), Case: S217763, Supreme Court of California).

RESPONSE 3-34

This comment asserts that the "Business as Usual" (BAU) projection as the baseline condition for determining significance is inappropriate, and that in applying the BAU threshold, the Port does not measure the significance of the proposed project's GHG emissions against baseline conditions, and therefore, the GHG impacts analysis is unlawful pursuant to CEQA.

The Draft EIR did not analyze GHG emissions using a BAU projection. The Draft EIR did not determine significance of the project's GHG emissions based on the BAU projection. The increase in emissions over baseline conditions was estimated and compared to a mass emissions threshold to determine significance.

Further, recent CEQA court decisions have confirmed that analyzing a project's GHG emissions via a threshold of significance derived from California's GHG emissions reduction goals is appropriate (Friends of Oroville v. City of Oroville, 218 Cal. App. 4th 1352 (2013), Citizens for Responsible Equitable Environmental Development v. City of Chula Vista, 197 Cal.App.4th 327 (2011)). Thus, the BAU approach, while not used in this Draft EIR, is an appropriate threshold of significance for assessing GHG impacts under CEQA.

As identified in Section 4.4 of the Draft EIR, AB 32 requires the State to reduce annual GHG emissions to 1990 levels, and emissions at the State level would need to be reduced to 427 MMT of CO₂e. As such, this emissions target requires the reduction of 80 MMT of CO₂e (or 16 percent) from the State's projected "business-as-usual" 2020 emissions of 507 MMT of CO₂e. The term "business-as-usual" is a forecast of the California economy in 2020 without implementation of any of the GHG reduction measures identified in the California Air Resource Board's Scoping Plan. Emission reductions that are projected to result from the recommended measures in the 2014 Scoping Plan are sufficient to allow California to attain the emissions goal of 427 MMT of CO₂e by 2020. Business-as-usual is the basis for AB 32 goals and the metric for determining whether a project is consistent with applicable plans, policies, or regulations of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

There is no way to perform a typical CEQA analysis comparing project emissions to existing emissions. It is due to the unique climate change/GHG situation that the BAU analysis was created. BAU does not represent an existing condition baseline, but rather an imaginary condition where the proposed project would be built without any of the GHG regulations enacted since 2005.

However, there was an inaccurate statement relating to BAU in one of the supporting technical reports. On page 1 of the Air Quality and Global Climate Change Impact Analysis technical report, the Executive Summary incorrectly states that *"the proposed project would exceed the target of 20 percent below business-as-usual that has been established for the purposes of assessing the operational GHG emissions of projects in the City of San Diego, and this reduction would be*

consistent with the goals of AB 32". This statement will be removed from the Final Air Quality and Global Climate Change Impact Analysis because the report, (and Draft EIR) did not look at business-as-usual projections to determine whether or not the project would result in significant GHG emissions. See additional clarification above in the response to comment 3-33. The Final Air Quality and Global Climate Change Impact Analysis will be revised to read *"the proposed project would not exceed the City's Bright Line Threshold of 2,500 MT of CO₂e/year, and it would not exceed the threshold of 900 MT of CO₂e per year recommended by CAPCOA. Therefore, the projects contribution of 570 MT of CO₂e/year would not have a significant impact on the environment, and would be consistent with the goals of AB 32."* Revisions to further clarify why the use of the Bright Line threshold is appropriate will be added to Section 4.4.3, Methodology, on pages 4.4-24 through 4.4-26 of the Draft EIR and included in Chapter 3, Errata and Revisions. Finally, a revision of the Bright Line threshold significance will be added to Section 4.4.4, Impact Significance Criteria, on pages 4.4-27 of the Draft EIR and included in Chapter 3, Errata and Revisions. The revision will read: *As previously stated, for the purpose of this analysis, implementation of the proposed project may have a significant adverse impact on GHG emissions if it would result in the following: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance. Exceed the City's Bright Line Threshold of 2,500 MT of CO₂e/yr (for non-stationary sources). As noted, the Bright Line Threshold would capture any impacts deemed to be significant under the Stationary Source Threshold of 10,000 MT of CO₂e/yr, under the less environmentally conservative assumption that the project is a stationary source subject to the 10,000 MT of CO₂e/yr significance threshold.* These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Air Quality and Global Climate Change Impact Analysis, and are not a result of a new significant impact or a substantial increase in the severity of a significant impact. The corrections will be documented in the Errata as follows:

Climate change is a global issue and is described in the context of the cumulative environment because individual projects are unlikely to measurably affect GCC. Therefore, the project is considered in the context of multiple sectors and the combined efforts of many industries, including development. In accordance with the State CEQA Guidelines, Appendix G, the effects of the project related to GHG emissions may be considered to be cumulatively considerable if the proposed project would:

- a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Neither the State of California nor the San Diego Air Pollution Control District has adopted emission-based thresholds for GHG emissions under CEQA. The District has no adopted thresholds for determining significance; therefore, it is typical for the District to rely on underlying/adjacent city or county provisions for such analyses. As such, this section assesses climate change impacts for the proposed project using the City of San Diego's Draft Significance Thresholds for Greenhouse Gas Emissions (March 2013).

The City of San Diego (City) developed four specific GHG significance thresholds based on AB 32 GHG emission reduction goals after taking into account the emission reductions expected from the strategies outlined in ARB's Scoping Plan. The City has

prepared the GHG Thresholds using direction provided by the Natural Resources Agency in amendments to the State CEQA Guidelines to address GHG emissions. The methods and assumptions used in developing these GHG Thresholds are consistent with CEQA practice for GHG emissions analysis.

Pursuant to the City's thresholds, there are four different significance thresholds that may be used for new development. Applicants for land use projects besides heavy industrial projects²⁷ may select any of the first three thresholds in accordance with the guidance in the City's GHG Significance Thresholds document:

- 1) Bright Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions (2,500 MT/yr).
- 2) Efficiency Threshold: Value to assess the GHG efficiency of a project on a per capita basis (4.46 MT/yr/service population).
- 3) Performance Threshold: Quantitative threshold that is consistent with the level of reductions required under AB 32 (16 percent below unmitigated GHG emissions).
- 4) Stationary Source Threshold: Numerical threshold for stationary source (heavy industrial) projects (10,000 MT/yr).

Project analysis must also include analysis of construction emissions and operational emissions associated with mobile sources, electricity use, water delivery, and other non-stationary sources associated with the facility. Applicants for land use projects besides heavy industrial projects may select any of the first three thresholds in accordance with the guidance in this document. The Bright Line Threshold may be used for all land use development projects other than heavy industrial projects. The project Bright Line Threshold was developed to provide small projects with a clear threshold that is easily applied. To provide further guidance for small projects to determine when they are above the Bright Line Threshold, the City developed screening criteria for various types of land use projects. The Efficiency Threshold is appropriate for projects that are above the Bright Line Threshold but have a less than cumulatively significant impact on climate change because they accommodate growth in a GHG efficient manner. The Performance Threshold is appropriate for projects that are above the Bright Line Threshold but include design features that, in combination with mitigation measures, demonstrate the project's fair share of the reductions consistent with AB 32.

For projects that would include a stationary source of emissions, the Stationary Source Threshold must be used for assessing significance. Stationary source emissions must be analyzed separately from non-stationary source emissions. Project analysis must also include analysis of construction emissions and operational emissions associated with mobile sources, electricity use, water delivery, and other non-stationary sources associated with the facility. Nonstationary sources of emissions must

²⁷ Heavy industrial projects include those industrial projects that generally require large capital investments in machinery and industrial facilities. Examples of such projects include ship building/ship repair activities, as well as automobile, mining, and steel manufacturing.

~~be analyzed using one of the three significance thresholds, i.e., Bright Line Threshold, Efficiency Threshold, or Performance Threshold.~~

The Bright Line Threshold was developed to provide small projects with a clear threshold that is easily applied: Based on the characteristics of the proposed project as a component within an existing operating shipyard and because the proposed drydock would replace an existing wet berth, currently used for ship repair and maintenance, the Bright Line threshold will be used for the proposed project as the characteristics of the project are not representative of a stationary source of emissions.²⁸⁴ ~~Should the Bright Line threshold be exceeded, the proposed project's cumulative GHG impact will be determined using the Performance threshold, consistent with the City's guidelines. Even if the project could be construed as a stationary source of emissions, the Bright Line Threshold is appropriate. Because the Bright Line Threshold is a more restrictive significance threshold than the Stationary Source Threshold, any impact that is deemed significant under the Bright Line Threshold would also be significant under the Stationary Source Threshold. Furthermore, the Bright Line Threshold may deem an impact to be significant even if such impact would not be significant under the Stationary Source Threshold. Therefore, the Bright Line Threshold is the most conservative of the thresholds provided for in the City's Draft Significance Thresholds for Greenhouse Gas Emissions because it would tend to overestimate the significance of the project's impacts. The selection of the Bright Line Threshold therefore is consistent with CEQA's environmental protection purpose.~~

Based on Appendix G of the State CEQA Guidelines, climate change/greenhouse gas emissions impacts would occur if the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

GCC may result in significant adverse effects to the environment that will be experienced worldwide, with some specific effects observed in California. AB 32 requires statewide GHG emissions reductions to 1990 levels by 2020. Although these statewide reductions are now mandated by law, no generally applicable GHG emission threshold has yet been established.

Individual projects incrementally contribute toward the potential for GCC on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to affect GCC measurably, each of these projects incrementally contributes toward the potential for GCC on a cumulative basis, in concert with all other past, present, and probable future projects. This analysis analyzes whether the project's emissions should be considered cumulatively significant.

²⁸ Stationary sources typically include cogeneration facilities, boilers, flares, heaters, refineries, and other types of facilities that require a permit to operate from the SDAPCD.

As previously stated, for the purpose of this analysis, implementation of the proposed project may have a significant adverse impact on GHG emissions if it would result in any of the following:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance.
 - Exceed the City's Bright Line Threshold of 2,500 MT of CO₂e/yr (for non-stationary sources), ~~or~~ (As noted, the Bright Line Threshold would capture any impacts deemed significant under the
 - ~~Exceed the City's Stationary Source Threshold of 10,000 MT of CO₂e/yr, under the less environmentally conservative assumption that the project is a stationary source subject to the 10,000 MT of CO₂e/yr significance threshold.)~~
- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.
 - A potentially significant cumulative impact would occur if the proposed project fails to show consistency with District's Climate Action Plan and related measures.

COMMENT 3-35

CEQA GHG analysis is governed by Guideline section 15064.4, which states a lead agency should consider three factors, among others, when assessing the significance of impacts from GHG emissions on the environment, including the "extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting." (Guideline §15064.4(b)(1), emphasis added). The environmental setting (the existing physical environment) will "normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guideline §15125(a)).

As the California Supreme Court held in CBE v. SCAQMD, "using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with CEQA's intent." (CBE v. SCAQMD (2010) 48 Ca1.4th 310, 322 [citation omitted]).

RESPONSE 3-35

This comment provides background on CEQA GHG analysis guidelines, and refers to the ruling for California Supreme Court case CBE v. SCAQMD (2010).

Please see Responses 3-33 and 3-34 above.

COMMENT 3-36

If the EIR were, hypothetically, to use a future projection of GHG emissions as baseline from which to reduce, that future projection would need to assume no activity is occurring on the TUOP parcel land after 2019 (when the TUOP expires) and no activity is occurring on the main BAE parcels after 2034 (when the current lease expires), and all activities proposed beyond the current expiration of the TUOP would need to be analyzed as new uses and new impacts.

RESPONSE 3-36

This comment asserts that if the EIR were to use future projections of GHG emissions as a baseline from which to reduce GHG emissions, the future projection would need to assume no activity is occurring on the TUOP parcel land after 2019, and no activity is occurring on the main BAE Systems' parcels after 2034 when the current lease expires. All activities beyond the current expiration of the TUOP would need to be analyzed as new uses and new impacts.

As outlined in Response 3-5, the TUOP parcel is not changing its use and it will continue to be used for 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. The Real Estate Agreement will restrict the uses on the TUOP parcels to those existing uses. Further, as stated in Responses 3-33 and 3-34 above, the Draft EIR did not base the GHG significant conclusion on a BAU projection. Please see Responses 3-33 and 3-34 above.

COMMENT 3-37

We disagree with the DEIR's conclusion that the "proposed project does not conflict with, or impede implementation of, reduction goals identified in Assembly Bill AB32, Executive Order (EO) S-3-05, and other strategies to help reduce GHGs"²⁷ and that the "proposed project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions".²⁸ To the contrary, continually allowing new projects to add GHG emissions is inconsistent with the Port CAP, S-3-05, and AB32 as the intention of these policies is to reduce emissions, not just keep them steady or let them grow. The CAP's intent is to ensure growth is efficient and sustainable, but allowing GHGs to continually increase is not efficient and sustainable.

RESPONSE 3-37

This comment expresses disagreement with the Draft EIR's claim that the proposed project does not conflict with or impede implementation of GHG reduction goals identified in Assembly Bill (AB 32), Executive Order (EO) S-3-05, and other strategies to help reduce GHGs emissions. The comment also expresses disagreement with the Draft EIR's conclusion that the proposed project would not conflict with any applicable plan, program policy, or regulation related to the reduction of GHG emissions.

²⁷ DEIR, page 1-57 or PDF 72

²⁸ DEIR, page 1-58 or PDF 73 and section 4.4.5.2, PDF 402

Please refer to Table 4.4. of the Draft EIR. Table 4.4.K of the Draft EIR summarizes the applicable policy measures and the project's consistency with those measures. An updated Table 4.4.K provided here and in Chapter 3, Errata and Revisions adds additional information showing the project's consistency with EO S-3-05 and EO B-30-15. Text has also been added to Section 4.4.5.2, Greenhouse Gas Plan, Policy, Regulation Consistency of the Draft EIR and in Chapter 3, Errata and Revisions, to further clarify and expand on the project's consistency with Executive Order B-30-50. These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Air Quality and Global Climate Change Impact Analysis, and are not a result of a new significant impact or a substantial increase in the severity of a significant impact.

Existing Text:

Further, this GHG emissions level would be less than the Bright Line threshold of 2,500 MT of CO₂e per year.

Added Text:

At the state level, Executive Orders S-3-05 and B-30-15 are orders from the State's Executive Branch for the purpose of reducing GHG emissions. Executive Orders S-3-05's goals to reduce GHG emissions to 1990 levels by 2020 was codified by the Legislature as the 2006 Global Warming Solutions Act (AB 32). As analyzed in Table 4.4.K, above, the project is consistent with AB 32. Therefore, the project does not conflict with this component of the Executive Orders.

The Executive Orders also establish the goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

Studies have shown that, in order to meet the 2030 and 2050 targets, aggressive technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. In its Climate Change Scoping Plan (December 2008) ("Scoping Plan"), CARB acknowledged that the "measures needed to meet the 2050 goal are too far in the future to define in detail."²⁹ In the First Update to the Climate Change Scoping Plan: Building on the Framework (May 2014) ("First Update"), however, CARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately."³⁰ More recently, CARB noted that the 40 percent goal set out in Executive Order B-30-15 is achievable and that ARB was "accelerating cuts to carbon output through 2030 to reduce continued temperature rise, and shifting infrastructure priorities to protect against climate-change related impacts in the future."³¹ An emphasis on public transit and sustainable communities will be necessary to achieve the 2030 and 2050 GHG emissions reduction goals set forth in Executive Orders B-30-15 and S-3-05.³² Due to the technological shifts required and the unknown parameters of the regulatory framework in 2030 and

²⁹ CARB, *Scoping Plan*, p. 117.

³⁰ CARB, *First Update*, p. 32.

³¹ CARB, *Frequently Asked Questions About Executive Order B-30-15: 2030 Carbon Target and Adaptation*, p. 1, April 2015.

³² See CARB, *First Update*, pp. 46, 49-50.

2050, quantitatively analyzing the project's impacts further relative to the 2030 and 2050 goals currently is infeasible for purposes of CEQA. Moreover, ARB has not calculated and released the BAU emissions projections for 2030 or 2050, which are necessary data points for quantitatively analyzing a CEQA project's consistency with these targets. Although the project's emissions levels in 2030 and 2050 cannot yet be reliably quantified, statewide efforts are underway to facilitate the State's achievement of those goals. These efforts are within the control of other state agencies, including CARB. In assessing the Project's impacts, it is appropriate to consider the GHG control measures that other agencies of the State of California have adopted or which are listed for adoption in the Scoping Plan and the Scoping Plan Update. The Port believes that these agencies will implement these measures to reduce and control GHG emissions. Thus, it is reasonable to expect the project's emissions level to decline as the regulatory initiatives identified by CARB in the First Update are implemented, and other technological innovations occur. Stated differently, the project's emissions total at build-out represents the maximum emissions inventory for the project as California's emissions sources are being regulated (and foreseeably expected to continue to be regulated in the future) in furtherance of the State's environmental policy objectives. As such, given the reasonably anticipated decline in proposed project emissions once fully constructed and operational, the project is consistent with the Executive Orders' goals.

The Scoping Plan recognizes that AB 32 establishes an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the state on a path to meet the long-term 2050 goal of reducing California's greenhouse gas emissions to 80 percent below 1990 levels. This trajectory is consistent with the reductions that are needed globally to stabilize the climate."³³ Also, CARB's First Update provides that it "lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050," and many of the emission reduction strategies recommended by CARB would serve to reduce the project's post-2020 emissions level to the extent applicable by law."^{34, 35}

- Energy Sector: Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals, would serve to reduce the proposed Project's emissions level.³⁶ Additionally, further additions to California's renewable resource portfolio would favorably influence the proposed Project's emissions level.³⁷
- Transportation Sector: Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the proposed Project's emissions level.³⁸
- Waste Management Sector: Plans to further improve recycling, reuse and reduction of

³³ CARB, Scoping Plan, p. 15.

³⁴ CARB, First Update, p. 4. See also *id.* at pp. 32-33 [recent studies show that achieving the 2050 goal will require that the "electricity sector will have to be essentially zero carbon; and that electricity or hydrogen will have to power much of the transportation sector, including almost all passenger vehicles."]

³⁵ CARB, First Update, Table 6: Summary of Recommended Actions by Sector, pp. 94-99.

³⁶ CARB, First Update, pp. 37-39, 85.

³⁷ CARB, First Update, pp. 40-41.

³⁸ CARB, First Update, pp. 55-56.

solid waste will beneficially reduce the proposed Project 's emissions level.³⁹

CARB's Cap-and-Trade Program⁴⁰ is designed to reduce GHG emissions from major sources (deemed "covered entities") by setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve AB 32's emission-reduction mandate of returning to 1990 levels of emissions by 2020. Although the Cap-and-Trade Program would remain in effect in post-2020, it is not currently scheduled to extend beyond 2020 in terms of additional GHG emissions reductions.⁴¹ However, ARB has expressed its intention to extend the Cap-and-Trade Program beyond 2020 in conjunction with setting a mid-term target. The "recommended action" in the First Update for the Cap-and-Trade Program is: "Develop a plan for a post-2020 Cap-and-Trade Program, including cost containment, to provide market certainty and address a mid-term emissions target."⁴² The "expected completion date" for this recommended action is 2017.⁴³

In addition to CARB's First Update, in January 2015, during his inaugural address, Governor Jerry Brown expressed a commitment to achieve "three ambitious goals" that he would like to see accomplished by 2030 to reduce the State's GHG emissions: (1) increasing the State's Renewable Portfolio Standard from 33 percent in 2020 to 50 percent in 2030; (2) cutting the petroleum use in cars and trucks in half; and (3) doubling the efficiency of existing buildings and making heating fuels cleaner.⁴⁴ These expressions of Executive Branch policy may be manifested in adopted legislative or regulatory action through the state agencies and departments responsible for achieving the State's environmental policy objectives, particularly those relating to global climate change. Indeed, Senate Bill 350, which was passed by the Legislature on September 11, 2015, requires the State to double energy efficiency saving in electricity and natural gas by retail customers by 2030 and increases the Renewable Portfolio Standard so that half of the State's electricity must be procured by renewable sources by 2030.

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.⁴⁵ Some of these measures are likely to reduce the Project's GHG

³⁹ CARB, First Update, p. 69.

⁴⁰ Cal. Code Regs., tit. 17, §§ 95800-96023.

⁴¹ But see AB 1288 (Atkins, introduced 2015) that would eliminate the December 31, 2020, limit on the Cap-and-Trade Program.

⁴² CARB, First Update, p. 98.

⁴³ Id.

⁴⁴ Transcript: Governor Jerry Brown's January 5, 20 15, Inaugural Address, www.latimes.com/local/political/la-me-pc-brown-speech-text-20150105-story.html#page=1, accessed March 2, 2015.

⁴⁵ Energy and Environmental Economics (E3), "Summary of the California State Agencies' PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios" (April 2015); Greenblatt, Jeffrey, Energy Policy, "Modeling California Impacts on Greenhouse Gas Emissions" (Vol. 78, pp. 158-172). The California Air Resources Board, California Energy Commission, California Public Utilities Commission, and the California Independent System Operator engaged E3 to evaluate the feasibility and cost of a range of potential 2030 targets along the way to the state's goal of reducing GHG emissions to 80% below 1990 levels by 2050. With input from the agencies, E3 developed scenarios that explore the potential pace at which emission reductions can be achieved as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model.

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 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 could become electrified or transitioned to fuel cell technology. Therefore, the project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
District's Climate Action Plan	
<i>Transportation</i>	
<p><u>TA3. Implement emissions reduction strategies at loading docks through electrification of docks or idling-reduction systems for use while at loading docks.</u></p>	<p><u>Consistent. As described further in Chapter 3.0, Project Description, the project would employ a saltwater mechanical system that would allow for repair work to be done while ships are docked at the facility. This system saves electricity, and as such, would reduce project-related GHG emissions. The project also includes electric cranes that would save electricity and reduce GHG emissions. Further, as described in Section 4.1, Air Quality, of this Draft EIR, all construction equipment will comply with State regulations limiting idling to 5 minutes to reduce pollutant emissions.</u></p>
<p><u>TE9: Evaluate the feasibility of using hydraulic/electric cranes at the marine terminals and industrial waterfront businesses to reduce diesel emissions.</u></p>	<p><u>Consistent: As described further in Chapter 3.0, Project Description, the project includes electric cranes that would reduce reliance on fossil fuels and reduce GHG emissions. All cranes used on the proposed drydock will be electric.</u></p>
<p><u>TR2: Implement traffic and roadway management</u></p>	<p><u>Consistent. As described further in Section 4.9,</u></p>

Enhanced specifically for this study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation, and electricity sectors.

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
strategies to improve mobility and efficiency, and reduce associated emissions at maritime facilities.	Transportation and Traffic, BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. It is anticipated that approximately 20 percent of the 93 new employees generated by the proposed project would also use alternative forms of transit or carpool systems, thereby improving mobility and reducing transportation-related emissions associated with the proposed project.
TR3 Vehicle Idling: Enforce state idling laws for commercial vehicles, including delivery and construction vehicles.	Consistent: As described further in Section 4.1, Air Quality, of this Draft EIR, all construction equipment will comply with State regulations limiting idling to 5 minutes, thereby reducing GHG emissions associated with construction vehicles. All vehicle idling will be restricted.
TV1: <u>Implement trip reduction programs, such as ride sharing, telecommuting and alternative work schedules, commute trip reduction marketing, and employer-sponsored vanpool/shuttle.</u>	Consistent. As described further in Section 4.9, Transportation and Traffic, BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. It is anticipated that approximately 20 percent of the 93 new employees generated by the proposed project would also use alternative forms of transit or vanpool systems, thereby reducing transportation-related emissions associated with the proposed project.
EL4: <u>Replace light fixtures in Port-owned facilities with lower energy bulbs such as fluorescent, LEDs, or CFLS.</u>	Consistent. The proposed project will comply with the updated Title 24 standards, including the incorporation of energy-efficient outdoor lighting. For example, the proposed project would include the installation of LED lighting, would install a saltwater mechanical system, and would employ electric cranes on the drydock to increase energy efficiency.
SW1: <u>Increase the diversion of solid waste from landfill disposal.</u>	Consistent. As described further in Section 4.10, Utilities and Service Systems, the proposed project would generate a maximum of 930 tons for landfill disposal during dredging activities. This would represent 15.8 percent of the current permitted capacity and 32.4 percent of the daily surplus capacity of the local landfill serving the site (Otay Landfill). Dredged materials tested and approved for beneficial reuse purposes would be utilized for the creation of eelgrass habitat within the bay, thereby reducing solid waste generated during project-related dredging activities. The project would also reuse and/or recycle demolished materials (i.e., H-piles may be reused for fender systems or may be recycled as scrap metal). Therefore, because the proposed project would generate waste that could be accommodated by the

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
	<p><u>existing landfill capacity and because the project would reuse dredged material and demolished materials, the project would be consistent with the CAP's policy aimed at increasing the diversion of waste from landfills.</u></p>
SANDAG's Climate Action Strategy	
Transportation	
<p>Objective 1c. Reduce Demand for Single Occupancy Vehicle Travel. Encourage employers to institute alternative work schedules.</p>	<p>Consistent. BAE Systems currently implements off-peak hour shifts to reduce the vehicles on the roads during peak hours, and provides ridesharing/transit use incentives. Approximately 20 percent of the current BAE Systems workforce utilizes transit to get to the site. To ensure that parking-related impacts are reduced to a less than significant level, Mitigation Measure TR-1 will be implemented.</p>
California Air Resources Board Scoping Plan	
Mandatory Code	
<p>CALGreen Code. The CALGreen Code prescribes a wide array of measures that would directly and indirectly result in reduction of GHG emissions from the Business-as-Usual Scenario (California Building Code). The mandatory measures that are applicable to nonresidential projects include site selection, energy efficiency, water efficiency, materials conservation and resource efficiency, and environmental quality measures.</p>	<p>Consistent. The project would be required to adhere to the <u>applicable</u> nonresidential mandatory measures as required by the CALGreen Code. For example, <u>to promote energy and water efficiency</u> the project would include a saltwater mechanical system and would employ electric cranes on the drydock that would minimize energy usage.</p>
Energy Efficiency Measures	
<p>Energy Efficiency. Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts including new technologies, and new policy and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California (including both investor-owned and publicly owned utilities).</p> <p>Renewables Portfolio Standard. Achieve a 33 percent renewable energy mix statewide.</p> <p>Green Building Strategy. Expand the use of green building practices to reduce the carbon footprint of California's new buildings.</p>	<p>Consistent. The proposed project will comply with the updated Title 24 standards, including the incorporation of <u>energy-efficient outdoor lighting</u>. For example, the proposed project would include the installation of LED lighting <u>for all new lighting fixtures</u>, would install a saltwater mechanical system, and would employ electric cranes on the drydock to increase energy efficiency.</p>
Solid Waste Reduction Measures	
<p>Increase Waste Diversion, Composting, and Commercial Recycling, and Move Toward Zero-Waste. Increase waste diversion from landfills beyond the 50 percent mandate to provide for additional recovery of recyclable materials. Composting and commercial recycling could have substantial GHG reduction benefits. In the long term, zero-waste policies that would require manufacturers to design products to be</p>	<p>Consistent. The proposed project would reuse and/or recycle demolished materials where feasible. Reused/recycled materials may be considered for construction of an artificial reef in the San Diego Bay. In addition, H-piles that would be removed as part of the installation of an underwater wall may be reused on site for repair/maintenance of existing/replacement fender systems. If these are determined to be unusable, they will</p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
fully recyclable may be necessary.	be transported to a local scrap company and be recycled as scrap metal. The project would also comply with all existing requirements and efficiency measures (e.g., tire inflation to reduce fuel consumption) to reduce project-related GHG emissions.
Transportation and Motor Vehicle Measures	
<p>Vehicle Climate Change Standards. AB 1493 (Pavley) requires the State to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles and light-duty trucks. Regulations were adopted by the ARB in September 2004.</p> <p>Light-Duty Vehicle Efficiency Measures. Implement additional measures that could reduce light-duty GHG emissions. For example, measures to ensure that tires are properly inflated can both reduce GHG emissions and improve fuel efficiency.</p> <p>Adopt Heavy- and Medium-Duty Fuel and Engine Efficiency Measures. Regulations to require retrofits to improve the fuel efficiency of heavy-duty trucks that could include devices that reduce aerodynamic drag and rolling resistance. This measure could also include hybridization of and increased engine efficiency of vehicles.</p> <p>Low Carbon Fuel Standard. The ARB identified this measure as a Discrete Early Action Measure. This measure would reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020.</p>	Consistent. The project does not involve the manufacture of vehicles. However, vehicles that are purchased and used within the project site would comply with applicable vehicle and fuel standards adopted by ARB.
<p>Regional Transportation-related Greenhouse Gas Targets. Develop regional GHG emissions reduction targets for passenger vehicles. Local governments will play a significant role in the regional planning process to reach passenger vehicle GHG emissions reduction targets. Local governments have the ability to directly influence both the siting and design of new residential and commercial developments in a way that reduces GHGs associated with vehicle travel.</p>	Consistent. Specific regional emission targets for transportation emissions do not directly apply to this project; regional GHG reduction target development is outside the scope of this project. The project will comply with applicable plans (Section 4.4.2.2, Regulatory Environment) aimed at reducing GHG emissions.
<p>Measures to Reduce High Global Warming Potential (GWP) Gases. ARB has identified Discrete Early Action measures to reduce GHG emissions from the refrigerants used in car air conditioners, semiconductor manufacturing, and consumer products. ARB has also identified potential reduction opportunities for future commercial and industrial refrigeration, changing the refrigerants used in auto air conditioning systems, and ensuring that existing car air conditioning systems do not leak.</p>	Consistent. New products used or serviced on the project site (after implementation of the reduction of GHG gases) would comply with future ARB rules and regulations.
Executive Order S-3-05	

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
<p><u>That the following greenhouse gas emission reduction targets are hereby established for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels</u></p>	<p><u>Consistent. This project is designed to comply with all existing regulations and would comply with any applicable new regulations, such as the Port's Green Business Network, in which the Port's tenant businesses learn sustainable business practices with help from San Diego Gas & Electric; shore power for vessels also reduces diesel emissions; and solar panels and retrofitted lighting around port facilities, that are adopted throughout the lease period. As the majority of the project-related GHG emissions are from the Drydock Engine sources (see Table 4.4.J) that can be readily updated and/or replaced as new emissions control technologies become available, the overall GHG emissions would be continuously reduced over time, thus maintaining project consistency with these future goals.</u></p>
<p><u>City of San Diego General Plan Conservation Element</u></p>	
<p><u>CE-A.2. Reduce the City's carbon footprint. Develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth in the General Plan to:</u></p> <ul style="list-style-type: none"> <u>• Create sustainable and efficient land use patterns to reduce vehicular trips and preserve open space;</u> <u>• Reduce fuel emission levels by encouraging alternative modes of transportation and increasing fuel efficiency;</u> <u>• Improve energy efficiency, especially in the transportation sector and buildings and appliances;</u> <u>• Reduce the Urban Heat Island effect through sustainable design and building practices, as well as planting trees (consistent with habitat and water conservation policies) for their many environmental benefits, including natural carbon sequestration;</u> <u>• Reduce waste by improving management and recycling programs;</u> <u>• Plan for water supply and emergency reserves.</u> 	<p><u>Consistent. The project would be required to adhere to the applicable nonresidential mandatory measures as required by the CALGreen Code. The project will incorporate energy-efficient outdoor lighting fixtures. The proposed project would also reuse and/or recycle demolished materials where feasible.</u></p> <p><u>Urban heat islands occur when a city or metropolitan area is significantly warmer than surrounding areas due to the modification of land uses that effectively store heat. The proposed project primarily consists of the construction of a drydock within the water-side portion of the project site. No buildings are proposed on the land-side portion of the project site that could contribute to the urban heat island effect. Further, activities associated with the construction of the drydock would not require the installation of new potable water facilities or necessitate an increased demand for water. As such, goals and policies aimed at creating sustainable land use patterns, reducing the urban heat island effect, and planning for water supply are not applicable to the proposed project.</u></p>
<p><u>CE-A.5. Employ sustainable or "green" building techniques for the construction and operation of buildings.</u></p> <p><u>a. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings. This can be accomplished through factors including, but not limited to the following:</u></p> <ul style="list-style-type: none"> <u>• Designing mechanical and electrical systems that achieve greater energy efficiency with currently</u> 	<p><u>Consistent. The project would be required to adhere to the applicable nonresidential mandatory measures as required by the CALGreen Code. The project will incorporate energy-efficient outdoor lighting fixtures and would utilize electric cranes to reduce on-site energy consumption.</u></p> <p><u>Goals and policies aimed at providing technical services for "green buildings" are not applicable to the proposed project because no new or remodeled residential or commercial buildings are proposed.</u></p>

Table 4.4.K: Project Compliance with Greenhouse Gas Emission Reduction Policy Measures

Implementation Measures	Project Compliance
<p><u>available technology:</u></p> <ul style="list-style-type: none"> • <u>Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens;</u> • <u>Employing self-generation of energy using renewable technologies;</u> • <u>Combining energy-efficient measures that have longer payback periods with measures that have shorter payback periods;</u> • <u>Reducing levels of non-essential lighting, heating and cooling; and</u> • <u>Using energy efficient appliances and lighting.</u> <p><u>b. Provide technical services for “green” buildings in partnership with other agencies and organizations.</u></p>	
<p><u>CE-A.9. Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:</u></p> <ul style="list-style-type: none"> • <u>Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;</u> • <u>Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life of a particular product, technology, or system;</u> • <u>Removing code obstacles to using recycled materials in buildings and for construction; and</u> • <u>Implementing effective economic incentives to recycle construction and demolition debris (see also Public Facilities Element, Policy PF-1.2).</u> 	<p><u>Consistent. The proposed project would reuse and/or recycle demolished materials where feasible. For example, H-piles that would be removed as part of the installation of an underwater wall may be reused on site for repair/maintenance of existing/replacement fender systems. If these are determined to be unusable, they will be transported to a local scrap company and be recycled as scrap metal.</u></p> <p><u>Goals and policies aimed at using life cycle costs in decision-making, removing code obstacles to using recycled materials, and implementing effective economic incentives to recycle are District-wide planning goals and policies to be implemented by District staff and District decision-makers. Therefore, these goals and policies are not set by the Applicant of the proposed project.</u></p>

Source: LSA Associates, Inc. (February 2015); Port of San Diego Climate Action Plan (2013); City of San Diego General Plan Conservation Element (March 2008).

AB = Assembly Bill

ARB = California Air Resources Board

Cal Green Code = California Green Building Standards Code

District = San Diego Unified Port District

GHG = greenhouse gas

LED = light-emitting diode

Additionally, and as identified on page 4.4-35 of the Draft EIR, the project would include Project Design Features (PDFs) GHG-1 and GHG-2, which include the installation of light-emitting diode (LED) lighting throughout the proposed new drydock, electric crane use, and the utilization of a zero-discharge saltwater pump system that would reduce the project’s GHG emissions. Further, the GHG emissions level of 570 MT of CO₂e per year would be less than the screening threshold of 900 MT of CO₂e per year recommended by CAPCOA and the significance threshold of 2,500

MT of CO₂e per year according to the City's draft thresholds. As noted in Response 3-30 above, the thresholds were developed based on 2020 GHG emission projections according to AB 32 and are appropriate for the proposed project. These thresholds are designed to ensure that no project within the applicable region will prevent that region from achieving the goals of AB 32 and related executive orders. As noted in the *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (CAPCOA 2008)*, a single quantitative threshold was developed in order to ensure capture of 90 percent or more of likely future discretionary developments. The objective was to set the emission threshold low enough to capture a substantial fraction of future residential and nonresidential development that will be constructed to accommodate future statewide population and job growth, while setting the emission threshold high enough to exclude small development projects that will contribute a relatively small fraction of the cumulative statewide GHG emissions. As evaluated in Table 5 of the CAPCOA Report, the 900 metric ton screening threshold is effective at reducing GHG emissions due to high market capture (>90% of diverse sources) and shows consistency with AB 32.

The project would also be subject to all applicable regulatory requirements, which would also reduce the GHG emissions of the project. The proposed project would result in construction and operational GHG emissions that would be below the thresholds of significance. Additionally, as shown in Table 4.4.K, the proposed project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions.

Further, as stated in Response 3-30, the project's annual GHG emissions would be below adopted and/or recommended thresholds of significant from the SMAQMD, the BAAQMD, and the SLOAPCD. From the standpoint of CEQA, GHG impacts to global climate change are inherently cumulative. While it is true that no single project is large enough to meaningfully affect climate change (caused by many years of cumulative global GHG emissions), air districts and public agencies across California have established mass emissions thresholds to determine the level of GHG emissions that could be considered cumulatively considerable. Public agencies across California, through the establishment of mass emissions thresholds for GHGs, acknowledge that some projects are sufficiently small such that it is highly unlikely they would generate a level of GHGs that would be cumulatively considerable.

As stated above, these thresholds were derived based on AB 32 goals which represent the only GHG reduction targets adopted by the California Legislature at the time the thresholds were developed. In addition, the project is consistent with Executive Orders S-03-05 and B-30-15, as well as other policies and directives regarding the reduction of GHG emission across the state.

In summary, the proposed project's annual GHG emissions would be below all adopted and/or recommended mass emissions thresholds. The project's emissions would be further reduced as additional regulations are adopted for reducing GHG emissions to meet statewide goals.

COMMENT 3-38

While the DEIR mentions long term plans, policies and regulations pertaining to Greenhouse Gases and Climate Change, it fails to actually analyze the project's consistency with relevant GHG plans, policies and regulations beyond the year 2020, which is a huge oversight given that the proposed lease would last 38 years longer than that, through 2058.

The DEIR fails to fully analyze the project's compliance with state laws after 2020, including compliance with the state's 2050 goal outlined in state law S-3-05. Given that the project would likely increase GHG emissions, the threshold proposed in the DEIR, and the amount of emissions the project would create, would be inconsistent with S-3-05 as well as the Port's CAP goal to reduce port-wide GHGs by 25% below 2006 levels by 2035.⁴⁶ Further, in light of the project's long timeline (to 2058), compliance with AB 32 or the CARB Scoping Plan to 2020 will not address the full extent of the project's emissions (i.e. beyond 2020). The project's thresholds and emissions would also be inconsistent with Governor Brown's Executive Order B-30-15, issued April 29, 2015, ordering a new interim statewide GHG reduction target to reduce GHG emissions to 40% below 1990 levels by 2030.

The failure to comply with S-3-05 should be of particular legal concern given the precedent set in the SANDAG RTP lawsuit and the San Diego County Climate Action Plan lawsuit affirming S-3-05 as state law. (See, Sierra Club v. County of San Diego, Case No. D064243; see also, Cal Health & Saf Code § 38551(b) ["It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020."]).

RESPONSE 3-38

This comment asserts that the Draft EIR fails to analyze the proposed project's consistency with relevant long term plans, policies, and regulations pertaining to GHG and climate change beyond the year 2020, and claims that the Draft EIR does not fully analyze the proposed project's compliance with California's GHG emission reduction targets after 2020, including compliance with the State's 2050 goal outlined in Executive Order (EO) S-03-05. The comment asserts that the proposed project would be inconsistent with S-03-05, the Port's Climate Action Plan (CAP), and Governor Brown's EO B-30-15, and indicates that failure to comply with EO S-3-05 should be of concern given recent lawsuits regarding EO S-3-05.

As noted in the comment, EOs B-30-15 and S-3-05 set targets of reducing emissions to 40 and 80 percent below 1990 levels by 2030 and 2050, respectively. New legislation – Senate Bill 32 – was proposed to establish post-2020 goals, but was withdrawn in the California Legislature due to the lack of support by Governor Brown. Accordingly, post-2020 goals have not been codified into law by the California Legislature.

The California Air Resources Board (ARB) acknowledges in its Scoping Plan update (Scoping Plan Update) that California will develop a mid-term target to frame the next suite of emission reduction measures and ensure continued progress toward scientifically based targets. The ARB states that this level of reduction is achievable in California. In fact, if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts [MW] of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under Assembly Bill (AB) 758, and others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80 percent below 1990 levels by 2050. Additional measures, including locally driven measures and those necessary to meet federal air quality standards in 2032, could lead to even greater GHG emission reductions.⁴⁷

⁴⁶ Port of San Diego, Climate Action Plan, 2013, GHG Reduction Goals, p. 4 (does NOT state goal is for "new projects" anywhere).

⁴⁷ California Air Resources Board. 2014 (May). *First Update to the Climate Change Scoping Plan*. Website: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>, p. 34.

The reduction target embodied in AB 32 for 2020 is the most common thread among the significance thresholds developed to date. AB 32 and ARB's 2008 AB 32 Scoping Plan provides a state-level plan for achieving the statewide GHG emissions target for 2020. Additional GHG reduction targets for post-2020 have not been adopted and codified as law by the California Legislature. Therefore, the ability of the individual projects – like the proposed project – to meet GHG targets beyond 2020 would at least be partially reliant on new state-adopted targets and potential new regulations that would be adopted in the future. However, the Governor's Office has provided some specific direction in the form of EOs S-03-05 and B-30-15.

Statewide efforts are underway to facilitate the State's achievement of the EOs' goals. These efforts, in turn, will create a downward trajectory for the project's GHG emissions. For example, the project will use electricity for ship repair operations. California'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 could become electrified or transitioned into to fuel cell technology through adoption of measures or regulations. Therefore, the project's post-2020 emission trajectory is expected to follow a declining GHG emission trajectory consistent with the 2030 and 2050 targets. However, these statewide efforts are within the control of other state agencies, such as the ARB.

In assessing the project's impacts, it is also appropriate to consider the GHG control measures that other State agencies have adopted or which are listed for adoption in the ARB Scoping Plan and Scoping Plan Update. These measures include, without limitation, items such as the Renewable Portfolio Standard (Scoping Measure E-3) and Vehicle Efficient Measures (Scoping Plan Measure T-4). It is reasonable to presume that these agencies will implement these measures and future measures to reduce or control GHG emissions. See e.g., *Neighborhood for Smart Rail v. Exposition Metro Line Construction Authority*, 57 Cal. 4th 439, 465-466 (2013); California Evidence Code Section 664. This implementation will then reduce the project's GHG emissions over time. 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 ARB. ARB is also responsible for developing regulations for off-road mobile sources, including commercial waterborne vessels and future regulations may decrease GHG emissions associated with these commercial vessel. Consequently, it is reasonable to expect the project's emissions level to decline and continue a downward trajectory in the future, as the regulatory initiative identified by the ARB in the Scoping Plan Update are implemented and other technological innovation occur.⁴⁸ Stated differently, the project's emissions total at build-out represents the maximum GHG emission inventory for the project and as California's emission sources are being regulated (and foreseeably

⁴⁸ Recent studies show that the State's existing and proposed regulatory framework will allow California to reduce its GHG emissions levels 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 California's GHG emission levels to remain very low through 2050, suggesting that the combination of technologies and other regulations could allow the State to meet the 2030 and 2050 targets. Energy and Environmental Economics (E3), "Summary of the California State Agencies' PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios" (April 2015); Greenblatt, Jefferey, Energy Policy, "Modeling California Impacts on Greenhouse Gas Emissions" (Vol. 78, pp. 158-172). The ARB, California Energy Commission, California Public Utilities Commission, and the California Independent System Operator engaged E3 to evaluate the feasibility and cost of a range of potential 2030 targets and to eventually achieve California's goal of 80 percent below 1990 levels by 2050. With input from the agencies, E3 developed scenarios that explored the potential pace at which emissions reductions can be achieved, as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model. Enhanced specifically for the study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation and electricity sectors. It is reasonable for the District to rely on the expertise of other governmental agencies and experts in evaluating the potential impacts of the project.

expected to continue to be regulated in the future) in furtherance of California’s environmental policy objectives, the project’s emissions will decrease over this maximum. As such, given the reasonably anticipated decline and downward trajectory in the project’s GHG emissions once fully constructed and operational, the project is consistent with the EOs’ goals.

Local regulations could also reduce the project’s future GHG emissions. Those regulations could include those adopted through the Port’s proposed sustainable leasing policy, future regulations regarding shore power for vessels, reduction of diesel emissions, and solar panels and retrofitted lighting. As the majority of the project-related GHG emissions are from the Drydock Engine sources (see Table 4.4.J) that can be readily updated and/or replaced as new emissions control technologies become available and required through law or regulation, the overall GHG emissions would be continuously reduced over time, thus maintaining project consistency with these future goals.

In addition, this project is designed to comply with all existing regulations and any applicable new regulations adopted during the term of the Real Estate Agreement, as the proposed agreement will include the standard District-language that requires compliance with all existing and future laws and regulations, as well as District policies.

GHG analyses and mitigation for discretionary projects reviewed under CEQA has been conducted under the rubric of thresholds that are based on consistency with the AB 32 reduction target for 2020. The long-term goal of reducing 2050 emissions to a level 80 percent below 1990 levels is reflected in Governor Schwarzenegger’s EO S-03-05, although not adopted through legislation to date. There are no true GHG reduction plans anywhere in the world that have adopted enforceable measures to meet the ambitious 2050 target. This is primarily due to the challenges in long-term emissions forecasting, regulatory uncertainty, reduction target determinations, fair-share mitigation determination, and feasibility. However, analyses are being conducted, such as *Scenarios For Meeting California’s 2050 Climate Goals*⁴⁹ (Energy Technologies Area, Sept. 2013), show that through “aggressive energy efficiency; clean electricity; widespread electrification of passenger vehicles, building heating, and industry heating; and large-scale production of low-carbon footprint biofuels to largely replace petroleum-based liquid fuels” the 2050 emissions goals would be achievable. The proposed project will not conflict with any of these elements.

The District’s Climate Action Plan (CAP) is set up to be monitored and updated over time. The CAP establishes an iterative process of implementation, evaluation, and strategic updating. This iterative monitoring process will ensure the CAP remains current and effective at reducing GHG emissions. In brief, the implementation process anticipates the possible need to adjust to unforeseen circumstances, incorporate innovative new technologies, and evolve with the advancing science of climate change. The GHG reduction measure performance tracking process includes annual and triennial assessments. These assessments may result in modifications or updates to the CAP due to changes to the Port-wide GHG projections, changes in climate policy or GHG regulations, development of new GHG reduction strategies or technologies, or Port operational changes. All measures in the CAP will be further developed and approved by the Board of Port Commissioners prior to implementation. All new policies and measures will be evaluated by the Board of Port Commissioners based on established Board policy.

The project is consistent with the District’s CAP which includes GHG reduction targets and measures that go beyond 2020. Because the Draft EIR demonstrates compliance with applicable plans,

⁴⁹ Berkeley Lab. Website: <http://eetd.lbl.gov/publications/scenarios-for-meeting-californias-205> (accessed July 1, 2015).

programs, policies, or regulation, would not exceed the 2,500 MT of CO₂e per year threshold or the screening threshold of 900 MT of CO₂e per year, and would be subject to federal, State, and local regulation adopted for the purposes of reducing GHG emissions, implementation of the proposed project would not preclude achievement of GHG emissions reductions goals for 2050 as well as interim goals.

The District's CAP projects that the total GHG emissions would be reduced by about 60 percent by 2050 from 2006 levels. Of those reductions the CAP projects that GHG emission from shipbuilding activities would be reduced by 27 percent by 2020, 39 percent by 2035 and 40 percent by 2050 from 2006 emissions levels. This project's emissions from ship maintenance activities would be similar to shipbuilding activities. As described in Section 4.4.5.2, the project would not impede any of the goals of the District's CAP to achieve the identified goals.

The Draft EIR text has been revised to incorporate consideration of EO B-30-15 and clarify consistency with EO S-03-05. The inclusion of this additional analysis is not considered to be "significant new information" because the analysis did not show that there would be a new significant environmental impact from the project or from a new mitigation measure proposed to be implemented, a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, or the existence of a feasible project alternative or mitigation measure considerably different from those previously analyzed that would clearly lessen the significant environmental impacts of the project, but not adopted. The Draft EIR's discussion regarding EO S-03-05 and other policies regarding reduction of GHG emissions facilitated meaningful review and public comment on the Draft EIR's climate change analysis. The discussion of EO B-30-15 is intended to clarify and amplify this discussion. As noted, the project's post-2020 GHG emissions trajectory is expected to follow a declining trend, consistent with EOs S-03-05 and B-30-15.

As stated in Response 3-37, the project's annual GHG emissions would be below adopted and/or recommended thresholds of significance, which are designed to ensure an impact is less than cumulatively considerable. These thresholds were derived based on local and regional measures that insure the GHG emissions from all sources in these areas are maintained or reduced to levels that would not conflict with the State's AB 32, which represented the only legislatively adopted GHG reduction targets. In addition, the project is consistent with EOs S-03-05 and B-30-15, as well as other policies and directives regarding the reduction of GHG emissions, both locally and across the State.

COMMENT 3-39

The DEIR explains BAE's existing lease is scheduled to expire on August 31, 2034, and the project would include and extension of that existing lease term by 24 years, extending to 2058.⁵⁰ The project also includes a separate lease amendment between BAE Systems and the District for the neighboring TUOP parcels, which would include terminating the TUOP and adding an amendment to the existing lease term by 43 years, extending to 2058.⁵¹

⁵⁰ Draft EIR, 4.4-27, pdf p. 398.

⁵¹ Ibid.

We therefore question how “an increase in GHG emissions is not anticipated”⁵² especially when the purpose of the project is to allow BAE to procure more business? Will that additional business not require additional electricity and fuel resources? Further, as we explain in our comments on land use, while the permitted use may not be proposed to be changed, it is apparent the actual practical use of the property may change, and all impact of that change must be analyzed and mitigated.

The GHG emissions, air pollutants, and other impacts of the parcel currently under the TUOP should not be considered “existing” uses for the duration of the project, as the TUOP is set to expire soon. Any activities proposed beyond the current expiration of the TUOP should be analyzed as new uses and new impacts.

RESPONSE 3-39

This comment discusses the existing and proposed lease terms for BAE Systems, and inquires as to why an increase in GHG emissions is not anticipated despite the expected increase in business as a result of the proposed project. This comment recommends that any activities proposed beyond the current expiration of the TUOP lease should be analyzed as new uses and new impacts.

Please refer to Response 3-5 above. The proposed Real Estate Agreement, which includes rolling the existing TUOP parcel (i.e. 2-acre landside and 4-acre waterside areas) into the BAE Systems leasehold, will restrict activities on the TUOP site to those existing. There is no expectation that landside activity on the TUOP parcel will change as a result of the proposed drydock, and there are no plans to change or modify landside activities and/or structures, as a result of the proposed drydock. Therefore, the Draft EIR assumed that operational landside activities associated with the TUOP parcel, would be the same as existing conditions.⁵³

COMMENT 3-40

Further, the DEIR Appendices appear to assume compliance with the Port CAP’s 2020 goal by simply reducing the project’s projected emissions by the percentage recommended in the CAP for 2020, without actually explaining how these reductions would occur (Appendix, Air Quality and Global Climate Change Impact Analysis, p51).

RESPONSE 3-40

This comment asserts that the Draft EIR Appendices assume compliance with the Port CAP’s 2020 goal by reducing the proposed project’s emissions by the percentage recommended in the CAP for 2020, without explaining how these reductions would occur.

Please refer to Table 4.4.K of the Draft EIR. Table 4.4.K of the Draft EIR summarizes the applicable policy measures of the Port’s CAP and the project’s consistency with those measures. Table T of the *Air Quality and Global Climate Change Impact Analysis* (Appendix B) identifies the reductions that can be achieved with compliance with the CAP. As noted in the CAP, these reductions are estimates used for planning purposes only.

⁵² Ibid.

⁵³ Please note that the only landside change contemplated on the TUOP parcel is removal of the underground cooling tunnels, which has been thoroughly analyzed in the Draft EIR.

As identified in Response 3-37 above, the project would include Project Design Features (PDFs) GHG-1 and GHG-2, which include the installation of light-emitting diode (LED) lighting throughout the drydock, electric crane use, and the utilization of a zero-discharge saltwater pump system that would reduce the project's GHG emissions. Section 4.4 of the Draft EIR discloses that the unmitigated GHG emissions from all project components would be 570 MT of CO₂e per year. The GHG emissions level of 570 MT of CO₂e per year would be less than the City's Bright Line threshold of 2,500 MT of CO₂e per year and the more restrictive screening threshold of 900 MT of CO₂e per year.

Please refer to Response 3-38. The project would also be subject to all applicable regulatory requirements, which would also reduce the GHG emissions of the project. Further, the proposed project would result in construction and operational GHG emissions that would be below the thresholds of significance. Therefore, the proposed project would not conflict with any applicable plan, program, policy, or regulation related to the reduction of GHG emissions.

COMMENT 3-41

The Port should set its own thresholds of significance for this project for GHGs through the expected life of the project as any level that would be inconsistent with the best available science codified in state laws AB 32, SB 375, and Executive Order S-3-05: 80% below 2006 levels by 2050.

We urge the Port to set its GHG threshold for this project review using a method recommended by CAPCOA to use a zero emissions threshold, which the CAPCOA explains "has merit" because:

"Both large and small GHG generators cause the impact. While it may be true that many GHG sources are individually too small to make any noticeable difference to climate changes, it is also true that the countless small sources around the globe combine to produce a very substantial portion of the total GHG emissions.

A zero threshold approach is based on a belief that, 1) all GHG emissions contribute to global climate change and could be considered significant, and 2) not controlling emissions from smaller sources would neglect a major portion of the GHG inventory."⁵⁴

GHG emissions should be calculated as both an annual summation and a cumulative total because GHGs are persistent in the environment for decades.

RESPONSE 3-41

This comment recommends that the Port set its own significance thresholds for GHGs through the expected life of the proposed project as any level that would be inconsistent with the best available science codified in state laws Assembly Bill (AB) 32 and Senate Bill (SB) 375, or as directed by Executive Orders S-3-05 and B-30-15. This comment recommends that the Port set GHG significance thresholds based on the California Air Pollution Control Officer's (CAPCOA) zero emissions thresholds, and describes the zero emission thresholds set forth by CAPCOA. This

⁵⁴ CA Air Pollution Control Officers Association (CAPCOA), CEQA and Climate Change- Evaluating and Addressing Greenhouse Gas Emissions From Projects Subject to the California Environmental Quality Act, January 2008, p. 27.

comment asserts that GHG emissions should be calculated as both annual and cumulative totals due to GHG persistence in the environment.

It is important to note that CAPCOA recognized that a CEQA lead agency possesses the discretion to choose significance thresholds, explain that: "A lead agency is not prevented from adopting any significance threshold it sees as appropriate, as long as it is based on substantial evidence." In explaining the zero-emission significant threshold, CAPCPA does not purport to advance any requirement that a lead agency must use the zero-emission threshold. The CAPCOA white paper merely explains that the zero emission threshold is one option for a significance threshold and again, with the well-established caveat that "CEQA explicitly gives lead agencies the authority to choose thresholds of significance. CEQA defers to lead agency discretion when choosing thresholds." As noted, the District choose the City of San Diego's draft threshold of 2,500 MT of CO₂e per year threshold, developed in 2013, because it was designed to be consistent with the legislative mandates of AB 32. Neither the State of California, the San Diego Air Pollution Control District, nor the District have adopted GHG emission thresholds. Under such circumstances, the District has relied on the underlying city or county provision for the analysis, and, accordingly, it is appropriate to do so here, as the jurisdiction of the City of San Diego is adjacent to the project site.

Please refer to Responses 3-27 and 3-38.

Please refer to Table 4.4.A of the Draft EIR. Table 4.4.A summarizes the Global Warming Potential (GWP) of GHGs. GWP is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to CO₂, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or metric tons of "CO₂ equivalents" (CO₂e). Estimated project-related GHGs are expressed in terms of CO₂e; therefore, the annual totals presented in the Draft EIR already account for the cumulative condition (e.g., persistence in the environment).

Text will be added to Section 4.4.8, Cumulative Impacts, in the Draft EIR and in Chapter 3, Errata and Revisions, to further explain that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Air Quality and Global Climate Change Impact Analysis, and are not a result of a new significant impact or a substantial increase in the severity of a significant impact.

As defined in Section 15130 of the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for GCC. However, unlike the cumulative analysis for many topics that address the combined impacts of a proposed project in addition to related projects in a project study area, GCC is affected by a larger range of development activity. Although the State requires Metropolitan Planning Organizations and other planning agencies to

consider how region-wide planning decisions can impact GCC, there is currently no established or reasonably certain, accurate, or meaningful ~~non-speculative~~ methodology for assessing the cumulative impact of proposed independent private party development projects.

Although the proposed project is expected to emit GHGs, the emission of GHGs by any single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHGs from more than one project and many sources in the atmosphere that may result in GCC. The resultant consequences of that climate change, including sea level rise, could cause adverse environmental effects. A project's GHG emissions typically would be very small in comparison to State or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Due to the complex physical, chemical, and atmospheric mechanisms involved in GCC, it is not reasonably certain, accurate, or meaningful ~~speculative to attempt to specifically identify the particularized specific~~ impact, if any, to the global phenomenon of GCC from one project's incremental increase in global GHG emissions. As such, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis. Thus, the analysis conducted above is essentially already a cumulative analysis because it takes into consideration statewide GHG reduction targets and demonstrates that the proposed project would be consistent with those targets.

As noted, The the State Legislature has mandated a goal of reducing statewide emissions to 1990 levels by 2020, and the Governor's Office directed that statewide emissions be reduced to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050, even though statewide population and commerce are predicted to continue to expand. In order to achieve these goals, the ARB is in the process of establishing and implementing regulations to reduce statewide GHG emissions. However, there are currently no applicable significance thresholds, specific reduction targets, and or approved policy or guidance to assist in determining significance at the cumulative level. Additionally, there is currently no generally accepted methodology to determine whether GHG emissions associated with a specific project represent new emissions or existing, displaced emissions.

As shown above, the proposed project's long-term operational emissions, including the amortized construction emissions, would not exceed the City's thresholds. As previously stated, the proposed project would result in a GHG emission profile that is lower than ~~both the applicable Bright Line and Stationary Source~~ thresholds (2,500 MT/yr and ~~10,000 MT/yr~~, respectively). Additionally, since climate change is a global issue, it is unlikely that the proposed project would generate enough GHG emissions to influence GCC on its own. Because 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 GCC, project-related CO₂e emissions and their contribution to GCC 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 GCC (including sea level rise).~~

In addition, pursuant to Section 15064(h)(3) of the State CEQA Guidelines, a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with the Port of San Diego's Climate Action Plan or other regulatory scheme to reduce GHG emissions. The District formally adopted its Climate Action Plan on December 10, 2013.

As already noted, the proposed project would be consistent with applicable greenhouse gas emission reduction strategies and policies. In particular, the District's CAP specifies numerous GHG emissions reduction measures in order to ensure that future projects further the District's goal of reducing GHGs by 10 percent less than the 2006 baseline levels by 2020. The proposed project would include Project Design Features (PDFs) GHG-1 and GHG-2, which include the installation of LED lighting throughout the drydock, electric crane use, and the utilization of a zero-discharge saltwater pump system that would reduce the project's GHG emissions.

In regards to potential sea level rise, ~~As~~ as shown previously in Table 4.4.D, projected sea level rise for southern California is anticipated to be 0.39 to 2.90 feet (ft) by 2050 (NRC, 2012). The highest high tide recorded for San Diego Bay was 7.79 ft mean lower low water (MLLW), which could result in a maximum tide of ~~10.69~~ 9.79 ft (7.79 ft + 2.90 ft = ~~10.69~~ 9.79 ft) in 2050. The top of the Pier 1 deck is at an elevation of 13.0 ft from the MLLW of 0.0 ft; the planned north and south ramp wharves are also at an elevation 13.0 ft; and the planned mooring dolphins are at an elevation of 15.5 ft. In the existing condition, the bulkhead walls are at 12.0 to 13.0 ft MLLW. The drydock itself would float regardless of the sea level. Therefore, proposed improvements would be above the maximum anticipated sea level in 2050 of ~~10.69~~ 9.79 ft, and the proposed project would not be impacted by sea level rise. Sea level rise impacts in 2100 were not evaluated as the BAE lease would expire by 2058. Therefore, the proposed project would not expose people or structures to significant risk as the result of flooding, or the failure of a dam or levee, or as the result of sea level rise due to climate change.

Therefore, the proposed project would not result in a significant long-term cumulative impact on GCC (including sea level rise).

COMMENT 3-42

In order to ensure compliance with the MMRP, BAE's lease should explicitly include language agreeing to the mitigation measures. For example, use of an electric crane should be specifically committed to, as well as installing renewable energy on or near the project site to off-set the indirect emissions of the electricity use, and other recommendations in bullets below. As the DEIR notes, the Port's CAP component includes a goal to use renewable energy to reduce GHG emissions on Tidelands by 22,203 MT (0.022 MMT) of CO₂e/yr.

RESPONSE 3-42

This comment recommends that BAE Systems' lease should explicitly include language agreeing to the mitigation measures set forth in the Draft EIR. The commenter requests that use of an electric crane should be specifically committed to, as well as installing renewable energy on or near the project site to off-set the indirect emissions of the electricity use. The comment further states that the Draft EIR notes that the Port's CAP component includes a goal to use renewable energy to reduce GHG emissions on Tidelands by 22,203 metric tons (MT) (0.022 million metric tons [MMT]) of CO₂e/yr.

Comment is noted. The proposed Coastal Development Permit (CDP) will specify the project activity, including all design features as stated in the Draft EIR, and non-compliance with such would either result in an enforcement action or require an amendment to the CDP. Additionally, the District will include the Final EIR Mitigation, Monitoring and Reporting Program (MMRP) as required conditions in the CDP and Real Estate Agreements and hence, the mitigation measure will be enforceable.

Use of electric cranes is a project component and the mention of these was erroneously excluded from PDF GHG-1. Therefore, PDF GHG-1 has been revised in the Errata to include electric cranes, as indicated below. With this clarification as part of the Final EIR, the proposed Real Estate Agreements and the CDP, if adopted by the Board of Port Commissioners, will include a requirement to the use of electric cranes on the drydock, as well as LED fixtures. This correction is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

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 on the drydock.

The installation of renewable energy on or near the project site is not a mitigation measure or Project Design Feature as no significant GHG impacts were identified in the Draft EIR. Therefore, this component is not a part of the MMRP. No changes to the Draft EIR have been made in response to this comment.

The proposed project was determined to be consistent with the Port's CAP, which the commenter correctly states has a goal to reduce GHG emissions on Tidelands by 22,203 MT (0.022 MMT) of CO₂e/yr through to by meeting energy demands through renewable energy generation. See Response 3-40.

COMMENT 3-43

Additionally, penalties for noncompliance should be included in the MMRP and lease language, including but not limited to eviction and payment into a mitigation fund for projects to reduce air and greenhouse gas pollution at or near the project site. Because all mitigation measures must be enforceable, the mitigation measures must be made an explicit condition of the Lease and CDP. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2)).

RESPONSE 3-43

This comment suggests that penalties for noncompliance should be included in the mitigation, monitoring, and reporting program (MMRP) and lease language to ensure that the mitigation measures are enforceable.

Pursuant to the District's standard lease form, a tenant must comply with federal, State, and local laws, policies and permitting requirements, including those of the District. This standard language would be a part of the proposed Real Estate Agreement. Non-compliance with such may be a default and breach of a lease. Moreover, the CDP issued for the project will require BAE Systems to implement proposed project features and the MMRP. Noncompliance with these conditions or project features may result in an enforcement action against BAE Systems by the District. Therefore, all project features and the MMRP will be enforceable.

COMMENT 3-44

Potential mitigations recommended for inclusion in MMRP and Lease:

- *Hybrid tugboats*
- *Enforcement of California's On-Road, Heavy-Duty Truck and Bus Rule*
- *Subsidize alternative transportation for workers*
- *Realignment infrastructure on Harbor Drive to support truck route*
- *Vessel speed reduction for all ships coming to or leaving BAE*
- *Electrification of BAE's diesel equipment, such as cranes and small diesel engines*
- *Consider use of an electric dredge for the dredging portion of the project*
- *Require electric or hybrid trucks for all project-related truck trips*
- *Require electric or hybrid construction equipment in all cases where such equipment is commercially available*
- *Require compliance with Barrio Logan truck routes*
- *Any off-site storage of ship equipment, materials, parts, or other BAE materials should occur on the Tidelands or in industrial zones and be no closer than 500 feet to the nearest sensitive receptor.*
- *Solar PV on-site or nearby*
- *Compliance with energy and fuel audit immediately upon certification of the EIR, consistent with the intention of the Sustainable Leasing Program, and implementation of audit recommendations*

- *Periodic lease re-opener to ensure BAE's technology is the cleanest available*
- *The Project Proponent and/or Port should set aside funding that could be used, potentially as part of a larger pool of funding, for Harbor Drive realignment and pedestrian and bicycling improvements*
- *We support Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools.⁵⁵ We urge the Port to be more specific in the final EIR about how and when this plan will be monitored and enforced, and what the penalties are for noncompliance. This commitment for encouraging and facilitating transit should also be specified to continue both before and after the 184 additional parking spaces are added.*

RESPONSE 3-44

This comment provides a list of suggested mitigation for inclusion in the MMRP and lease terms. The comment also requests specifics regarding the implementation and enforcement of Mitigation Measure TR-1.

Although none of the suggested bulleted measures are required as mitigation because no significant and adverse air quality or greenhouse gas impacts have been identified in the Draft EIR, BAE Systems, as part of the project, will use electric cranes. Additionally, BAE Systems has indicated their willingness to incorporate Tier 3 Marine Generator Sets (ABS-certified engines with Tier 4 particulate matter technology) on the drydock, which will be incorporated into the project description for the CDP and the Real Estate Agreement document. These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

Mitigation Measure TR-1 requires additional alternative transportation methods to be implemented to ensure that parking-related impacts as a result of the proposed project are less than significant. The measure requires BAE Systems to provide evidence of a minimum 57-person ridership increase in alternative transportation prior to issuance of the CDP. As a condition to the CDP, 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 (the 184 spaces) and submitted to the District for verification.

In addition, subsequent to publication of the Draft EIR, BAE Systems provided information on additional bus services they will be offering to/from the U.S. – Mexico border. BAE Systems currently has 50 persons registered for this bus service and started operating this service as of July 1, 2015. A second bus started mid-July, for a total of 100 employees to/from the U.S. – Mexico border. On August 6, 2015, BAE Systems entered into a two year agreement with the District and Ace Parking for 300 parking spaces on top of the Hilton garage (located approximately 1.1 miles from the shipyard), where it provides shuttle service to/from the shipyard. Although the program is new, approximately 150 employees have already started to take advantage of this parking and shuttle service. BAE Systems is also working with the District to explore other off-site parking arrangements; however, in order to provide a worst case scenario, the Draft EIR does not assume either of these items in its impact analysis.

COMMENT 3-45

⁵⁵ Draft EIR, p. 1-128, 1-129, pdf pp. 143–144.

An additional impact that was not adequately analyzed and mitigated in the DEIR is the potential for release of toxic and hazardous materials from the project site into the bay and adjacent communities under future conditions of higher sea levels, storm surges, and tsunamis. The DEIR's response seems to be that "elevations of the wharves associate with the proposed project have been designed to be 12 inches higher than the existing piers at BAE Systems and are designed to account for some rise in sea level." Twelve inches is not enough to account for the amount of sea level rise and storm surge projected to occur over the life of the project through 2058. A 2012 draft map commissioned and published by the Port of San Diego predicts that, by 2050, San Diego Bay will experience 1.27 meters (50 inches) of sea level rise (0.5m of global sea level rise + 0.77m adjusted local mean sea level rise). On top of mean sea levels rising, the Bay experiences and will continue to experience storm surge events that could require the Port to plan for an additional 1.58 meters, for a total of 2.85 meters (112.2 inches) in 2050.

RESPONSE 3-45

This comment claims that the potential for release of toxic and hazardous materials from the project site into the bay and adjacent communities under future conditions of higher sea levels, storm surges, and tsunamis was not adequately analyzed given the projected sea level rise and storm surge projected throughout the lifetime of the proposed project (2058). The comment also references a 2012 draft map commissioned and published by the Port of San Diego predicts that, by 2050, San Diego Bay will experience 1.27 meters (50 inches) of sea level rise (0.5 m of global sea level rise + 0.77 m adjusted local mean sea level rise).

CEQA requires that the environmental impacts from a project be analyzed. However, it does not require an analysis of impacts of the environment on the project. *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal. App. 4th 455. However, for informational purposes, the Draft EIR includes an analysis of sea-level rise (refer to Table 4.4.D of the Draft EIR).

The Draft EIR inaccurately described the elevation of the piers and shoreline. Accordingly, the Final EIR will revise the top of page 4.4-10 to correct a misstatement to accurately describe existing and proposed project site conditions. The correction will be documented in the Errata as follows:

The elevation of the ~~project site piers/shoreline~~ is ~~essentially at sea level~~ approximately +12/13 ft. MLLW, and therefore, the rising of the ocean levels ~~could~~ would not result in on-site flood conditions.

The existing elevation of the piers/shoreline is +12/13 feet (ft) mean lower low water (MLLW). BAE Systems maintains a stormwater diversion system that contains runoff from the site and the curb system associated with the stormwater diversion system increases that elevation to +14 ft. MLLW over much of the shoreline and piers. All hazardous materials are stored indoors, in lockers, or on secondary containment. All lockers and secondary containment systems are portable. As such, their locations could be adjusted over time to account for sea level rise or storm surges, if necessary. Further, should sea level rise increase sufficient to exceed the +14 ft. MLLW curb elevations at the piers/shoreline, hazardous materials would still not be impacted as storage of these materials is protected on elevated secondary containment, including those stored within buildings.

The 2012 map referenced by the commenter was a preliminary, draft map shared by stakeholders during the development of the Port’s Climate Action Plan and was intended for information purposes only. The map was never endorsed or formally adopted by the District or Board of Port Commissioners, and it includes a disclaimer that states "this map should not be used to assess insurance requirements or property values or any other site-specific decision-making purposes." For these reasons, the Draft EIR relied on sea level rise projections from a document entitled "State of California Sea-Level Rise Guidance Document" (March 2013), which comes from the Coastal and Ocean Working Group of the California Climate Action Team. The Draft EIR cites the sea level rise projections from this document in Table 4.4.D, which projects that between 2000 to 2050, sea level rise may range between 0.39 to 2.0 feet (or 4.68 inches to 24 inches) and between 2000 to 2100, sea level rise may range between 1.38 to 5.48 feet (or 16.56 inches to 65.76 inches). Therefore, because the project site is +12/13 feet (144 inches to 156 inches) above the MLLW, there would be no significant impacts associated with sea level rise.

The Final EIR will revise Table 4.4.D to correct a typographical error in converting centimeters to feet and will be documented in the Errata as follows:

Table 4.4.D: Sea-Level Rise Projections using 2000 as the Baseline - Areas South of Cape Mendocino

Time Period	Sea Level Rise
2000–2030	4 to 30 cm (0.13 to 0.98 ft)
2000–2050	12 to 61 cm (0.39 to 2.90 ft)
2000–2100	42 to 167 cm (1.38 to 5.48 ft)

Source: Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), State of California Sea-Level Rise Guidance Document (March 2013).

cm = centimeters

ft = foot/feet

These revisions are for clarification purposes only and do not change the analysis or conclusions contained in the Draft EIR, and are not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

COMMENT 3-46

B. MONITOR AND MITIGATE NONCOMPLIANCE WITH HAZARDOUS MATERIALS REGULATIONS

The DEIR explains that toxic substances will be used on site, including “welding gases and other non-inflammable liquids” (1-14, pdf 29) and “risk-driving HAPs at the facility include hexavalent chromium, manganese, and nickel from welding activities; diesel particulate from small engine use; and minor amounts of toxics from paint and solvent use” (1-15, pdf 30). The DEIR dismisses the impact of these chemicals by stating, “BAE Systems is required to comply with stringent State and federal handling regulations” (1-14, pdf 29). However, a public records act search of County of San Diego Environmental Health Department’s inspection files for BAE for recent years indicates that BAE has significant noncompliance with hazardous materials regulations. In an inspection conducted on July 9 of 2012, four violations were noted, including “Facility not maintained and operated to minimize possibility of release or

fire.” This 2012 citation was followed by a fire at BAE in November of 2013 that created toxic smoke and sent 17 workers to the hospital (<http://www.utsandiego.com/news/2013/nov/21/fire-rescue-southwest-marine-barrio-logan/>).

The Port should not assume compliance with state and federal regulations. The Port must do its own due diligence to ensure its tenants comply with the law, and that penalties are administered for non-compliance. The Port should include such provisions in any lease and TUOP agreements.

RESPONSE 3-46

This comment asserts that the Draft EIR dismisses and does not adequately discuss the impact of chemicals and toxic substances used on the project site, given the results of a public records search of the County of San Diego Environmental Health Department’s inspection files for BAE Systems. The comment indicates that in recent years, BAE Systems has had significant noncompliance with hazardous materials regulations. This comment states that the Port should not assume compliance with state and federal regulations, and must include penalties for noncompliance in its lease and TUOP agreements. The comment also goes on to express concern related to the property maintenance of the existing BAE Systems facilities given the fact that an onsite fire in November 2013 created toxic smoke that sent 17 workers to the hospital.

BAE Systems has no current outstanding violations based on correspondence with the County Department of Environmental Health. Additionally, past violations do not bear any weight on the CEQA analysis, which examines the proposed project’s environmental impacts on the environment. Violations have not been numerous and it is reasonable for the Port to assume BAE Systems will comply with the law and its lease obligations. As discussed below, non-compliance has both contractual and legal ramifications. Moreover, assuming future violations and the characteristics of such would be speculative (*State CEQA Guidelines* Section 15064(f)(5)).

While the commenter is correct in asserting that the County of San Diego Environmental Health Department has previously conducted inspections that resulted in documented violations of noncompliance with hazardous materials, BAE Systems has worked to remedy those issues rendering noncompliance findings. For example, following an inspection on the site conducted on July 9, 2012, BAE Systems took corrective action in August 2012 to remove an underground storage tank (UST) which was found to have failed a secondary containment test during the July site inspection. Subsequently, BAE Systems submitted an application to remove the UST. BAE also replaced damaged lids of solvent rag containers and removed funnels and sealed drums, which were found to be unsealed onsite during the site inspection, to prevent the release of vapors. Following project implementation, BAE Systems would continue to allow for regular onsite inspections and follow remedial procedures, if necessary, to ensure compliance for the handling of chemical and toxic substances on the project site. The lease requires BAE Systems to be in compliance with all applicable laws and regulations and default of the lease may occur if BAE Systems fails to comply with such laws. This language is not proposed to be amended as part of the Real Estate Agreements. Furthermore, the proposed project would not represent an increase in the handling of toxic substances beyond existing conditions.

In regards to the onsite fire in November of 2013, the commenter is correct in asserting that 17 workers were sent to the hospital for evaluation. While these individuals were sent to the hospital as a result of potential smoke inhalation created by the fire, this was a precautionary measure undertaken by BAE Systems as part of a due diligence effort to ensure the physical

health of onsite workers present during the fire. No workers present onsite during the fire suffered significant short-term or long-term physical ailments as a result of this onsite fire. The cause of this fire, which was contained within the equipment (emission control equipment/dust collector) that caught on fire, was determined to be related to welding sparks that were drawn into the dust collector. Installation and inspection programs for this and similar equipment were instituted to prevent recurrence. Following project implementation, BAE Systems would continue to take precautionary measures to avoid similar incidents from occurring onsite in the future and to ensure the health and safety of onsite workers.

COMMENT 3-47

A. FAILURE TO IDENTIFY CHANGE OF LAND USE AND NEED FOR PORT MASTER PLAN AMENDMENT AND CALIFORNIA COASTAL COMMISSION APPROVAL

We disagree with the finding that the project is consistent with relevant land use plans. As we noted in section I.B. of our comments, it is our understanding that the TUOP parcel, currently leased by SDG&E, is currently used only for parking and storage of materials. We understand the TUOP language permits certain additional activities; however, we believe the actual current usage to be parking and storage, where as it is implied that the "future real estate agreement on the neighboring Tidelands Use and Occupancy Permit (TUOP) parcel" may allow for more activities beyond this.

Please describe if the future real estate agreements would restrict BAE in the binding language to only the actual current use (parking and storage) or will other shipbuilding activities be permitted? If it is permissible in the TUOP and lease that the property could be used in the future for ship repair activities where such activities are currently not taking place, this would be a major change in land use from the actual current use, accompanied by potential environmental impacts. Such a change would need to be identified and analyzed. Such a change in land use would also require a Port Master Plan amendment, and therefore also approval from the California Coastal Commission.

RESPONSE 3-47

This comment expresses disagreement that the proposed project is consistent with relevant land use plans given the potential discrepancy between what the tidelands use and occupancy permit (TUOP) language permits and the actual current usage of the TUOP site, and requests that the EIR describe whether future Real Estate Agreements would restrict BAE Systems to the actual current use of the TUOP parcel, or if other shipbuilding activities would be permitted. The comment asserts that if additional shipbuilding activities would be permitted, these activities would require additional analysis, amendment of the Port Master Plan, and approval from the California Coastal Commission.

Please see Response 3-5.

COMMENT 3-48

We also note that in a conversation EHC staff had with Port staff on October 23, 2014 regarding the TUOP parcel that now a part of this project, Port staff indicated this DEIR would analyze the long-term impacts of the proposed activities on the TUOP parcel. The DEIR fails to meet this promise.

RESPONSE 3-48

This comment states that Port staff indicated to EHC staff on October 23, 2014, that this Draft EIR would analyze the long-term impacts of the proposed activities on the tidelands use and occupancy permit (TUOP) parcel. The comment asserts that the Draft EIR does not discuss these impacts.

This comment reiterates an earlier comment. Please see Response 3-5.

COMMENT 3-49

The EIR should analyze noise impacts on the additional sensitive receptors, closer to the project site, as we noted above.

RESPONSE 3-49

This comment suggests that the EIR should analyze noise impacts on additional sensitive receptors closer to the project site. This comment suggests that the EIR should analyze noise impacts on additional *potential* sensitive receptors closer to the project site.

Please refer to Responses 3-9 and 3-10 above.

No project-related trucks would be travelling north of Harbor Drive. Harbor Drive is a designated truck route and trucks will turn south on Harbor Drive to get to I-5 south of the BAE Systems site and will not travel through the community. As discussed in the noise impact study, truck passby would result in potentially 87 A-weighted decibels (dBA) maximum instantaneous noise level (L_{max}) at a distance of 50 feet (ft) for a few seconds. It would not substantially add to the ambient noise levels measured for an hour, eight hours, or 24 hours. Therefore, it would not significantly impact land uses along the truck route(s).

No existing sensitive receptors are located within 1,000 ft of project limits. However, for informational purposes, quantification of noise levels at a distance of 785 ft from project-related activity was conducted to determine noise levels at the nearest proposed sensitive receptors. As identified in the Draft EIR, generally noise decreases 6 dBA per doubling of distance from the source and intervening structures provide an additional 10 to 20 dBA reduction. As determined in the Draft EIR, the distance of 1,600 ft to the nearest existing sensitive receptor coupled with intervening structures achieves noise attenuation of 30 dBA and the resulting noise levels at the nearest existing sensitive receptor would range from 43 to 53 dBA. This noise level, if it occurs and lasts for more than 30 minutes in an hour, is below the City of San Diego's (City) Noise Standard of 75 dBA L_{eq} and no significant impact would occur. While further analysis has determined that there would be no *potential* sensitive receptors at 785 ft or that there is no substantial evidence to support an assumption that *potential* sensitive receptors will foreseeably be located 785 ft from project-related activity, for informational purposes, noise levels at this distance were quantified. At a distance of 785 ft from the project boundary, the noise level range would be approximately 49 to 59 dBA (this assumes no more than 24 dBA attenuation from distance and no more than 10 dBA attenuation from intervening structures), which would remain

below the City's 75 dBA L_{eq} noise standard. No potential noise impacts to existing or *potential* sensitive receptors would result from implementation of the proposed project.

COMMENTS 3-50 and 3-51

The City noise standard for residential land uses is different in Table 4.8.O (40-50 dBA) than in Table 4.8.K (75 dBA). Please clarify which is correct.

Approximate residential noise levels as estimated in Table 4.8.K could exceed a standard of 40 dBA, and would need to be mitigated.

RESPONSES 3-50 and 3-51

This comment inquires as to whether the City of San Diego noise standard for residential land uses is different in Table 4.8.O than in Table 4.8.K, and asks for clarification as to which standard is correct. It also states that noise levels estimated in Table 4.8K could exceed a standard of 40 A-weighted decibels (dBA), and would need to be mitigated.

Section 4.8.2.2 of the Draft EIR identifies the applicable noise criteria used to evaluate the noise levels of the proposed project. The City's noise standard in terms of 40 to 50 dBA equivalent continuous sound level (L_{eq}) (refer to Table 4.8.C) are applicable to noise levels associated with project operations, as identified in Table 4.8.O. The City's noise standard of 75 dBA L_{eq} is for noise associated with project construction as identified in Table 4.8.K. Therefore, the estimates identified in Table 4.8.K, would not be subject to the 40 dBA standard because that standard only applies to project operations, not project construction. Both noise standards are correctly applied to their applicable noise sources. The analysis has determined that project-related construction and operational noise levels will not exceed the applicable standards. Residential land uses will not be exposed to significant noise impacts.

COMMENT 3-52

It is important to consider night time noise as well as daytime noise, and impacts to workers as well as to residents. Assessment of noise should consider cumulative noise impacts, including truck traffic noise on surface streets and train noise, as well as noise generated by operations on the terminal. Residential noise standards should be used as the threshold of significance for noise impacts, not industrial or commercial levels, given that the impacted community is predominantly a residential neighborhood that includes schools, parks, and residences.

RESPONSE 3-52

This comment emphasizes that it is important to consider nighttime and cumulative noise impacts in relation residential noise standards, instead of industrial or commercial noise standards, given the proximity of a residential neighborhood to the project site.

Table 4.8.C of the Draft EIR identifies the applicable noise standards based upon the land use affected. Furthermore, page 4.8-6 of the Draft EIR clarifies that the applicable standard is based upon the receiving land uses, and when a sound level limit occurs at a location between two

zoning districts, the arithmetic mean of the two respective districts is used. Table 4.8.O of the Draft EIR shows that projected noise levels from project operations would not exceed the City's noise standards both during daytime and nighttime hours utilizing the noise level criteria for residential uses over a 24-hour period. The residential noise standard is the most prohibitive and was used in the analysis. As determined in the Draft EIR, no significant noise impacts would occur to residential uses in the project vicinity; therefore, it is reasonable to assume that no significant noise impacts would occur to workers at off-site land uses in the project vicinity as the residential threshold, which is used in the analysis, is the most prohibitive and is not exceeded by project-related activities. It should be noted that, noise reduction was assumed to be at the low end (10 dBA) of the range to provide a conservative analysis. Realistically, the noise reduction provided by shielding from intervening buildings and structures would likely be at the high end (20 dBA) of the range. Therefore, the resulting noise levels from project operations would be lower than those shown in Table 4.8.O and would not be discernible at these nearest receptor locations.

Section 4.8.8 of the Draft EIR provides a cumulative analysis of project-related noise impacts considering the incremental effects of this project viewed in connection with the effects of past, current, and reasonably foreseeable future project within the cumulative impact area (i.e., the project site and the immediate surrounding area). Section 4.8.8 of the Draft EIR correctly analyzes a cumulative condition considering the proximity of the identified cumulative projects under a construction scenario (i.e., stationary source) and ambient noise levels (i.e., Community Noise Equivalent Level [CNEL]) of existing roadways in the project vicinity and project-related activity (i.e., line source).

COMMENT 3-53

Given that the project is expected to increase trips as a result in an increase in workforce at the facility,⁵⁶ which will likely increase diesel emissions in an overburdened and sensitive neighborhood that has high rates of asthma— a chronic respiratory disease — and diesel emissions aggravates chronic respiratory disease—we disagree with the DEIR's conclusion "the operational air quality impacts of the proposed project are less than significant, and no mitigation measures are required."⁵⁷

As noted in the DEIR, "short-term acute exposure to diesel exhaust can have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks."⁵⁸

RESPONSE 3-53

This comment expresses disagreement with the Draft EIR conclusion that "operational air quality impacts of the proposed project are less than significant, and no mitigation measures are required," and reiterates information from Table 1.A, page 1-14 of the Draft EIR regarding health effects from exposure to diesel exhaust.

⁵⁶ Draft EIR, Table 1.A, p. 1-12, pdf p. 27.

⁵⁷ Ibid.

⁵⁸ Draft EIR, Table 1.A, p. 1-14, pdf p. 29.

Please refer to Response 3-26 above. Operational air quality impacts were determined to be less than significant based upon the County of San Diego thresholds of significance established for regional air pollutants. (see Responses 3-19 through 3-23 regarding thresholds of significance). The majority of project-related trips as a result of an increase in workforce would be from passenger cars, and not diesel trucks. Air Quality modeling conducted for the proposed project accounts for all project-related emissions sources, including vehicle trips from an increase in employment, and shows that total project emissions are below established thresholds of significance. Based on the analysis, operational air quality impacts are less than significant.

COMMENT 3-54

Additionally, as we previously stated, we disagree with the conclusion that "the nearest sensitive receptor to the project site is located approximately 1,600 feet away."⁵⁹ To the contrary, the nearest potential resident is approximately 785 feet away. The EIR should analyze the impacts on these sensitive receptors as well as those near the project's directly related mobile activities, such as trucking from construction and operational activities.

RESPONSE 3-54

This comment expresses disagreement with the Draft EIR's statement that the nearest sensitive receptor to the project site is approximately 1,600 feet (ft) away, and suggests that the nearest potential resident and sensitive receptor is approximately 785 ft away. The comment requests that impacts to the nearest sensitive receptors are analyzed.

Please refer to Response 3-9 above.

COMMENT 3-55

The DEIR acknowledge the project will create a parking supply shortage of 57 spaces,⁶⁰ at least temporarily. We note that this 57 space shortage is in addition to the shortage identified in the Port's 2011 study examining parking needs in the Barrio Logan for BAE, NASSCO, CMSD, and CP Kelco.⁶¹ While the DEIR notes the intention to create 184 new parking spaces on the TUOP site, we urge the EIR to be more specific about the timeline for completing this project.

RESPONSE 3-55

This comment restates the Draft EIR's conclusion that the proposed project would result in a parking supply shortage of 57 spaces, at least temporarily, and that this shortage is in addition to the shortage described in the Port's 2011 study that examined parking needs in Barrio Logan. The comment requests that the Draft EIR be more specific about the timeline for creating 184 new parking spaces on the tidelands use and occupancy permit (TUOP) site.

⁵⁹ Draft EIR, Table 1.A. p. 1-10, pdf p. 25.

⁶⁰ Draft EIR, p. 1-128, pdf p. 143.

⁶¹ "Shipyard District Parking Structure Feasibility Study." Prepared for San Diego Unified Port District. Prepared by Kimley-Horn and Associates, Inc. November 2011.

In order to address a parking supply shortage of 57 spaces at project completion, Mitigation Measure TR-1 requires additional alternative transportation methods to be implemented to ensure that parking-related impacts as a result of the proposed project are less than significant. The measure requires BAE Systems to provide evidence of a minimum 57 person ridership increase in alternative transportation prior to issuance of the Coastal Development Permit (CDP). 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 (the 184 spaces) and submitted to the District for verification. Please note that the comment incorrectly states that the parking lot is on the TUOP site. The future parking lot being negotiated is a SDG&E property that was a former substation with adjacent buildings, and is located outside of the District tidelands.

Subsequent to publication of the Draft EIR, BAE Systems provided information on additional bus services to/from the U.S. – Mexico border. BAE Systems currently has 50 persons registered for this bus service and started operating this service on July 1, 2015. A second bus started mid-July, for a total of 100 employees to/from the border. On August 6, 2015, BAE Systems entered into a two year agreement with the District and Ace Parking for 300 parking spaces on top of the Hilton garage (located approximately 1.1 miles from the shipyard), where it provides shuttle service to/from the shipyard. Although the program is new, approximately 150 employees have already started to take advantage of this parking and shuttle service. BAE Systems is also working with the District to explore other off-site parking arrangements; however, in order to provide a worst case scenario, the Draft EIR does not assume either of these items in its impact analysis.

Accordingly, parking impacts are mitigated to below and level of significance and no additional mitigation measures are required.

COMMENT 3-56

We support Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools (1-128-9, pdf143-144). We urge the Port to be more specific in the final EIR about how and when this plan will be monitored and enforced, and what the penalties are for non-compliance. This commitment for encouraging and facilitating transit should also be specified to continue both before and after the 184 additional parking spaces are added.

RESPONSE 3-56

This comment expresses support for Mitigation Measure TR-1, but requests that the Port is more specific in the Final EIR as to how and when Mitigation Measure TR-1 will be monitored and enforced, and what penalties will result from non-compliance. This comment requests that the commitment to encouraging and facilitating transit included as part of Mitigation Measure TR-1 continue before and after provision of 184 additional parking spaces is completed.

Mitigation Measure TR-1 requires implementation prior to issuance of a Coastal Development Permit. Please also see Response to Comment 3-44. If and when new parking spaces are procured, the no parking impacts would be present and the alternative transportation mechanisms described in Mitigation Measure TR-1 would not be required, but BAE Systems may continue to implement them on a voluntary basis.

COMMENT 3-57

A City of San Diego ordinance bans trucks of over 5 tons from surface streets in Barrio Logan. Construction vehicles for the BAE project, as well as ongoing operations, must be required to utilize the approved truck routes.

RESPONSE 3-57

This comment indicates that construction and operations vehicles over five tons for the proposed project must be required to utilize approved truck routes on surface streets in Barrio Logan.

Currently, there is a designated truck route of E. Harbor Drive to access I-5. The project proposes no changes to the truck route, as will be reflected in the Real Estate Agreements. Harbor Drive provides a direct connection to regional routes and would not result in truck travel on surface streets through non-designated truck routes.

COMMENT 3-58

We also recommend an additional mitigation measure for BAE to commit funding to help build a joint-use parking structure in Barrio Logan.

RESPONSE 3-58

This comment suggests that an additional mitigation measure for funding of a joint-use parking structure in Barrio Logan should be required.

Current mitigation measures identified in the Draft EIR to address the anticipated parking deficit are adequate to mitigate this potential impact. The requirement to include another mitigation measure, as suggested, is not required to lessen parking impacts to below a level of significance.

COMMENT 3-59

The Project Proponent and/or Port should set aside funding that could be used, potentially as part of a larger pool of funding, for Harbor Drive realignment and pedestrian and bicycling improvements.

RESPONSE 3-59

This comment recommends that the Project Proponent and/or Port should be required to set aside funding for Harbor Drive realignment and pedestrian and bicycling movements.

The Draft EIR did not identify any impacts with respect to levels of service along Harbor Drive nor did the Draft EIR identify any pedestrian or bicycling movement impacts as a result of implementation of the proposed project. As such, this suggestion is not warranted, but the comment will be forwarded to the decision-makers for consideration.

COMMENT 3-60

The DEIR appears not to consider the project's impacts on electric and gas utilities. These impacts must be analyzed and mitigated.

RESPONSE 3-60

This comment claims that the Draft EIR does not consider the proposed project's impacts on electric and gas utilities, and asserts that these impacts must be analyzed and mitigated.

The project's impacts on energy utilities were evaluated in Section 5.4.2 (page 5-6) of the Draft EIR, as well as calculated in the Greenhouse Gas modeling as included in Draft EIR Section 4.4, Global Climate Change. Responses 3-61 through 3-66 below further address this introductory comment. No further analysis is necessary.

COMMENT 3-61

The DEIR dismisses the impact of the project's non-renewable energy use by saying that "such use is standard for similar industrial development."⁶² Just because a harmful activity is "standard" among an industry does not mean such an activity does not need to be analyzed for impacts and mitigated. Such a dismissal is unacceptable under CEQA. "In preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect." (Protect the Historic Amador Waterways v. Amador Water Agency, (2004) 116 Cal. App. 4th 1099, 1109). The final EIR must fully analyze and mitigate the project's energy impacts.

RESPONSE 3-61

This comment states that the Draft EIR dismisses the impact of the proposed project's non-renewable energy use by stating that "such use is standard for similar industrial development," and states that the Final EIR must analyze and mitigate impacts from non-renewable energy use.

Please refer to Response 3-60. Based on the comment, additional information was obtained from BAE Systems to further clarify the project's non-renewable energy use. Based on information received from BAE Systems, total electric consumption for the proposed drydock would be 65,371 kilowatt hours (kWh) per day, whereas current consumption per day at the pier side is 76,658 kWh. Therefore, the proposed project would result in a net reduction of 11,287 kWh and would reduce total consumption of electricity. No impacts would occur and no mitigation is required.

COMMENT 3-62

The DEIR also explains, "shore-provided electricity will be used to operate the drydock eliminating the need to run the standby engines for extended periods of time."⁶³ However, the DEIR lacks details explaining how

⁶² Draft EIR, 5-2, pdf p. 657.

⁶³ Draft EIR, p. 1-15, pdf p. 30.

much time engine use would be reduced by, how much fuel and emissions that would reduce, and for how much time shore power electricity would be provided and the associated indirect emissions. The DEIR does acknowledge impacts on a general level: "Operational emissions would be emitted via project-related vehicular trips and stationary source emissions, such as electricity used for ship repair operations...the project would also result in an indirect increase in CO₂e, as it would result in an increased energy demand. The project's amortized annual GHG emissions would be 570 CO₂e."⁶⁴ But, again, calculations are unclear and, as we explain below, the carbon intensity of electricity assumed in the DEIR appears to be an underestimate.

RESPONSE 3-62

This comment asserts that the Draft EIR lacks detail regarding how much engine use would be reduced as a result of shore-provided electricity used to operate the drydock, and how much fuel emissions would be reduced. The comment inquires as to how much shore power electricity would be used and the amount of indirect emissions that would be generated from this shore power electricity. The comment also asserts that the assumed carbon intensity of electricity as a result of the proposed project appears to be an underestimate.

There is no direct correlation between shore-provided electricity and reduction in fuel use and engine time related to the standby engines. Shore power will be used to operate the drydock. Two 800 kW standby engines would be installed on the drydock to provide backup power during docking and undocking. However, these engines would be for backup use only and would not be used on a regular basis except for testing and maintenance purposes. The comment related to carbon intensity of electricity is addressed below in Response 3-66.

COMMENT 3-63

The DEIR claims that overall energy consumption will be reduced by the project⁶⁵ but it does not clearly explain how energy consumption is reduced and by precisely how much. For example, the DEIR explains the electric crane use will offset (reduce) the use of a mobile diesel crane currently, without explaining the details. The DEIR doesn't explain how many kilowatts and kilowatt-hours of electricity the electric crane would use versus how much fuel is used currently (and will not be in the future) for the diesel crane, and resulting emissions are. Please clarify.

RESPONSE 3-63

This comment asserts that although the Draft EIR claims that overall energy consumption would be reduced by the proposed project, the Draft EIR does not explain how or by how much energy consumption would be reduced. The comment further asserts that the Draft EIR does not explain details on how the electric cranes will offset the use of a mobile diesel crane, and that the Draft EIR does not explain how many kilowatts and kilowatt-hours of electricity the electric crane would use versus how much fuel is used currently for the diesel crane and the resulting emissions.

⁶⁴ Draft EIR, pdf pp. 70-71.

⁶⁵ Draft EIR, Table 5.C, pdf pp. 662-666.

See Response 3-61. Based on historical information of past energy usage at the BAE Systems San Diego Ship Repair facility provided by BAE Systems, total electric consumption for the proposed drydock would be 65,371 kWh per day, whereas current consumption per day at the pier side is 76,658 kWh per day. Therefore, the proposed project would result in a net reduction of 11,287 kWh per day and would reduce total daily consumption of electricity. Electric cranes would replace the use of mobile diesel cranes for day-to-day operations. Therefore, no direct emissions would occur from the use of electric cranes. However, indirect emissions would occur from electricity consumption related to the electric cranes. The total electricity consumption for the proposed drydock (65,371 kWh) includes the consumption of electricity (kWh) used by the cranes.

COMMENT 3-64

The DEIR also explains that peak load is currently 3,000–4,000 kilowatt (kW) for all ships power and production equipment to support that work and there is a 2,200 kW load estimate for the new drydock.⁶⁶ Please clarify if two loads are additive, for a new total peak load for the whole area 5,200kw- 6,200kw or is the new total peak load for the whole area being reduced from 3,000–4,000kw to 2,200 kw.

RESPONSE 3-64

This comment inquires as to whether the peak loads are additive, and result in a new total peak load for the whole area, or if the new total peak load for the whole area would be reduced.

The peak load currently consumed at Pier 1 North is 3,000–4,000 kilowatts (kW) for all ships power and production equipment used to support that work. The new drydock would require an additional continuous load of 2,200 kW for powering the dewatering pumps, deck machinery, lighting and other miscellaneous systems. However, these two loads account for two different processes that are exclusive from each other and cannot occur concurrently as the drydock would not be operational when the ships power and production equipment is being used outside of the drydock. Therefore, these two loads are not additive, and peak load would continue to be 3,000–4,000 kW for the proposed project.

COMMENT 3-65

While the DEIR loosely explains what the peak load is in kW, as well as the continuous load (150-200kw), it does not explain the total electricity use in kilowatt-hours (kWh), which is necessary to estimate the project's GHG emissions over time. Multiplying a carbon emissions factor by the kW number instead of a kWh number—a mistake made in previous Port CEQA analyses— would result in a gross underestimation of the total GHG emissions. Please clarify both the total kWh the project would use as well as the method used to calculate the GHG emissions of energy use.

RESPONSE 3-65

This comment states that the Draft EIR does not explain the total electricity use of the proposed project in kilowatt-hours (kWh) necessary for estimating the proposed project's GHG emissions

⁶⁶ Ibid.

over time. The comment requests clarification of the total kWh used by the proposed project and the method used to calculate GHG emissions from energy use.

As stated in Table 5.C., Section 5.0 of the Draft EIR, the peak loads and continuous loads are referred to in kW. As described in Response 3-60, the total electricity use in kWh for the proposed drydock would be 65,371 kWh. The GHG emissions from energy use were calculated in the Draft EIR by the CalEEMod model and included in the GHG emissions analysis, which calculates the total energy use in kWh by an appropriate emission factor.

COMMENT 3-66

The DEIR does not clearly explain the carbon emissions factor, or GHG intensity, assumed per kWh of electricity. It appears the DEIR may have used an intensity of 720.49 lb CO₂/MWh,⁶⁷ with no reference cited for how this number was calculated. This would be an inappropriate GHG intensity for electricity for two reasons:

(1) It fails to recognize the difference between CO₂ and CO₂e, which is important because CO₂ is only one component of greenhouse gases or CO₂e; and

(2) For both CO₂ or CO₂e, 720.49 lb /MWh is an underestimation of the GHG intensity of electricity. A publicly available comment letter from an SDG&E expert witness to the California Public Utilities Commission states that the ARB default emission rate is 0.428 metric tons of CO₂e per MWh⁶⁸ (or 943.58 lbs CO₂e/MWh).

RESPONSE 3-66

This comment asserts that the Draft EIR does not clearly explain the carbon emissions factor or GHG intensity assumed per kWh of electricity, and that if an intensity of 720.49 lb CO₂/megawatt-hours (MWh) was used, this estimate would be an inappropriate GHG intensity for electricity.

Although a carbon intensity of 720.49 lb CO₂ per megawatt-hour (MWh) was used in the Draft EIR analysis, LSA re-ran the model using a carbon intensity of 943.58 lbs CO₂/MWh. Under this scenario, and described in greater detail below, GHG emissions still did not exceed the thresholds. Therefore, no changes to the conclusions or analysis in the Draft EIR are required.

No calculation was performed related to the CO₂ intensity factor (carbon emissions factor) of 720.48 lb CO₂/MWh used in the Draft EIR. The intensity factor is a default CO₂ factor in the CalEEMod model for the San Diego Gas & Electric Company. Therefore, the use of this factor is appropriate. There are three GHG intensity factors, one for CO₂, one for CH₄, and one for N₂O. The combination of the three combined with the global warming potential of each gas (as described in the GHG section of the Draft EIR) results in the determination of the emissions rate of CO₂e. The CO₂ intensity factor of 720.49 lbs CO₂/MWh, combined with the CH₄ intensity factor of 0.029 lbs CH₄/MWh and the N₂O intensity factor of 0.006 lbs N₂O/MWh, as used in the Draft

⁶⁷ Draft EIR, Appendix, CalEEMod Version: CalEEMod.2013.2.2.

⁶⁸ Prepared Testimony of Benjamin A. Montoya on Behalf of San Diego Gas & Electric Company before the Public Utilities Commission of the State of California, April 15, 2014, Proceeding A12-04-. <https://www.sdge.com/sites/default/files/regulatory/Montoya%202015%20GHG%20Forecast%20Testimony%20PUBLIC.pdf>.

EIR, would result in 25 MT/year and 21 MT/year of CO₂e emissions from the electricity power plant for the existing and proposed project conditions, respectively. The suggested San Diego Gas & Electric Company CO₂ intensity factor of 943.58 lbs CO₂/MWh, combined with the same CH₄ and N₂O factors, would result in 33 and 28 MT/year of CO₂e emissions respectively. This change would result in total operational GHG emissions increasing from 570 MT/year to 580 MT/year. Thus, GHG emissions would still continue to be less than the applicable threshold and would remain less than significant. No changes to the conclusions or the analysis in the Draft EIR are required.

COMMENT 3-67

In order to ensure compliance with the MMRP, BAE's lease should explicitly include language agreeing to the mitigation measures. For example, use of an electric crane should be specifically committed to in the MMRP and lease, as well as installing renewable energy on or near the project site to off-set the indirect emissions of the electricity use, and other mitigation measures we suggested in section III and VII of these comments, in addition to the DEIR's proposed measures such as Mitigation Measure TR-1 to commit BAE to increase use of alternative transit through subsidized transit passes, and increasing shuttles and vanpools.

Additionally, penalties for noncompliance should be included in the MMRP and lease language, including but not limited to eviction and payment into a mitigation fund for projects to reduce air and greenhouse gas pollution at or near the project site. Because all mitigation measures must be enforceable, the mitigation measures must be made an explicit condition of the Lease and CDP. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. (Pub. Res. Code § 21081.6(b); Guidelines § 15126.4(a)(2)).

RESPONSE 3-67

This comment suggests that in order to ensure compliance with the Mitigation Monitoring and Reporting Program (MMRP), BAE Systems' lease should explicitly include language agreeing to mitigation measures. The comment requests that penalties for noncompliance are included in the MMRP and lease language in order to ensure that the mitigation measures are fully enforceable. This comment states that mitigation measures must be fully enforceable through permit condition, agreements, or other legally-binding instruments.

Please refer to Responses 3-42 and 3-43 above. The District will require the Real Estate Agreements to require implementation of the Final EIR MMRP.

COMMENT 3-68

We disagree with the conclusion that a shorter lease extension is not a feasible alternative. The DEIR does not include any analysis that supports this finding. The project is, after all, intended to increase BAE's profits; it is not a capital improvement project to benefit the general public. We find it implausible that it will require 24 years beyond 2034 -- a full 43 years beyond the current year -- for this project to pay for itself and become financially feasible for BAE. Some analysis must be provided to justify this "black box" conclusion, and provide information on the actual payback time for these improvements.

RESPONSE 3-68

This comment expresses disagreement with the Draft EIR's conclusion that a shorter lease extension is not a feasible alternative due to a lack of supporting analysis for this conclusion and insufficient information regarding the payback time for the proposed project improvements.

The Shorter Lease Term Alternative was considered but rejected because it failed to meet one of the most basic project objectives, and it was determined to be infeasible from a policy and economic perspective. Additionally, it would not meet the Board of Port Commissioner's Policy 355.

The Draft EIR identifies the following project objective: "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". Because BAE Systems' existing lease is not set to expire until August 31, 2034, any lease amendment that could be considered "long-term", would have to look at a time horizon beyond the year 2034. Thus, the proposed project includes a Lease Amendment to extend its lease-term by an additional 24 years, or to the year 2058. This lease term was established in accordance with Board of Port Commissioners (BPC) Policy 355, as described in greater detail below.

BPC Policy 355 notes that an extended lease term should be based on the magnitude of Capital Investment in the property to be made by the tenant and the life expectancy of the development. The capital investment associated with the Pier 1 North Drydock is estimated to be approximately 100 million dollars. According to the District's guidelines, the economic life expectancy for a shipyard is 50 years. These guidelines were developed based on practical experience and observations, and by reference to the life expectancy tables published by Marshall Valuation Service. Therefore, based on BAE Systems capital investment of \$100 million, and the 50-year life expectancy of a shipyard, BAE Systems qualified for a lease term extension to 2058.

Finally, the proposed Pier 1 North Drydock is a large, capital improvement project that requires it to be in operation for several years before an acceptable return on investment (ROI) can be realized. For these reasons, BAE Systems indicated that pursuing the Pier 1 North Drydock was not financially feasible unless it was accompanied with a Real Estate Agreement that increased the BAE System's lease term beyond August 2034.

COMMENT 3-69

Thank you for the opportunity to comment on this DEIR. We look forward to seeing your responses to our questions and recommendations.

RESPONSE 3-69

This comment expresses appreciation for the opportunity to comment on the Draft EIR. This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

CALIFORNIA STATE LANDS COMMISSION
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May 15, 2015

File Ref: SCH #2014041071

Larry Hofreiter
 San Diego Unified Port District
 Environmental and Land Use Management Department
 3165 Pacific Highway
 San Diego, CA 92101

Subject: Draft Environmental Impact Report (EIR), Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels, San Diego County

Dear Mr. Hofreiter:

The California State Lands Commission (CSLC) staff has reviewed the Draft EIR for the Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels (Project), which has been prepared by the San Diego Unified Port District (Port). The Port is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because portions of the Project involve work located on ungranted sovereign land, the CSLC will act as a responsible agency. A previous comment letter was submitted on May 19, 2014, on the Notice of Preparation for the Project (attached).

CSLC Jurisdiction and Public Trust Lands

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

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of

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all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

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The majority of the Project property is located west of the city of San Diego along and within the eastern shore of San Diego Bay at 2205 East Belt Street. The proposed Project site appears to be located on both lands legislatively granted to the Port pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the State, and sovereign lands under the direct jurisdiction of the CSLC. BAE Systems San Diego Ship Repair Inc. (BAE) currently has a lease (PRC 8054.1) from the CSLC for the maintenance and use of several mooring dolphins and dry dock facilities, and for dredging activities on the sovereign land portion of the Project site. On May 1, 2015, BAE submitted an application to amend its lease to include the following:

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- A portion of the proposed new floating drydock, which would total approximately 205 feet in width and 851 feet in length (174,455 square feet total), plus an apron attached to the drydock on the west end;
- Dredging of sediment within the drydock location; and
- Construction of two mooring dolphins (one new and one retrofit) located approximately 344 feet and 890 feet offshore (west) of the U.S. Bulkhead Line. Dimensions of each dolphin would be 26 feet by 33 feet in size and include a 4-foot-thick concrete deck. Each dolphin would be supported by 24 concrete 24-inch octagonal piles and outfitted with two 100-ton double bitts.

In addition, BAE proposes to lease an additional 2-acre parcel from the Port at 400 East Belt Street. Questions regarding CSLC jurisdiction or BAE's requested amendment to PRC 8054.1 should be directed to Drew Simpkin with the Land Management Division (see contact information below).

4-5

Project Description

BAE proposes to install a new drydock north of its current wet dock facility on Pier 1, enter into real estate agreements and remove abandoned cooling tunnels to meet BAE's objectives and needs as follows:

- 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 District 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;

4-6

- 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 San Diego Gas & Electric (SDG&E) Tidelands Use and Occupancy Permit that require removal of existing 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.

4-7

The Draft EIR identifies Alternative 3, the Replacement of the Existing Drydock Alternative, as the Environmentally Superior Alternative, because it would lessen air quality, biological resource, climate change, and water quality impacts as compared to the proposed Project. However, the Draft EIR states that although Alternative 3 would achieve some of the Project objectives, it would not meet the objectives to the same degree as the proposed Project.

4-8

Environmental Review

CSLC staff requests that the Port consider the following comments on the Draft EIR.

4-9

Project Description

1. Page 3-27 states that "Based on preliminary bathymetric survey data, dredging is anticipated to generate approximately 395,000 cubic yards of sediment." Because the Project would involve dredging on both lands granted to the Port and sovereign lands under CSLC jurisdiction, it would be helpful if the Final EIR provides a breakdown of the anticipated amount of dredging in each of the respective jurisdictions separately (i.e., within CSLC jurisdiction alone, within the Tidelands Use and Occupancy Permit area alone).

4-1

Cultural Resources

2. **Submerged Resources:** While section 2.4.3 of the Draft EIR states that impacts to cultural resources are not expected to occur, CSLC staff recommends the inclusion of a statement that should an unanticipated discovery occur, any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
1. **Title to Resources:** The EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that the Port consult with Assistant Chief Counsel Pam Griggs (see contact information below)

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should any cultural resources on State lands be discovered during construction of the proposed Project (e.g., during dredging activities). In addition, CSLC staff requests that the following statement be included in the Final EIR: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

4-1

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final EIR for the issuance an amended lease as specified above and, therefore, we request that you consider our comments prior to certifying the EIR.

4-1

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation and Monitoring Plan (MMP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at Cynthia.Herzog@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Public Land Management Specialist Drew Simpkin at (916) 574-2275, or via email at drew.simpkin@slc.ca.gov.

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Sincerely,



Cy R. Oggins, Chief
 Division of Environmental Planning
 and Management

Attachment

- cc: Office of Planning and Research
- C. Herzog, CSLC
- J. Rader, CSLC
- D. Simpkin, CSLC
- P. Griggs, CSLC

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May 19, 2014

File Ref: SCH #2014041071

Larry Hofreiter
 San Diego Unified Port District
 Environmental and Land Use Management Department
 3165 Pacific Highway
 San Diego, CA 92101

Subject: Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR), Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels, San Diego County

Dear Mr. Hofreiter:

The California State Lands Commission (CSLC) staff has reviewed the subject Notice of Preparation (NOP) to prepare a Draft EIR for the Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels (Project), which is being prepared by the San Diego Unified Port District (Port). The Port is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because portions of the Project involve work located on ungranted sovereign land, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

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

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not

limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The proposed Project site appears to be located on both lands legislatively granted to the Port pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the State, and sovereign lands under the direct jurisdiction of the CSLC. BAE Systems San Diego Ship Repair Inc. (BAE) currently has a lease (PRC 8054.1) from the CSLC for the maintenance and use of several mooring dolphins, dry dock facilities and some dredging of sovereign land. BAE may need to apply for a lease amendment from the CSLC. Please contact Grace Kato (see contact information below) at your earliest convenience to discuss leasing needs for the Project.

Project Description

BAE proposes to install a new drydock north of its current wet dock facility on Pier 1, enter into real estate agreements and remove abandoned cooling tunnels to meet BAE's objectives and needs as follows:

- The need for drydock facilities in San Diego Bay exceeds existing capability; therefore, the Project will install a new floating drydock facility 205 feet wide and 850 feet long for vessel repair and building to increase BAE's capacity from one existing wet dock;
- Dredge to provide sufficient depth to lower the drydock system underwater to load vessels;
- Lease an additional 2-acre parcel of land and 4 acres of water for expanded facilities and parking;
- Remove existing abandoned cooling tunnels and structures on newly leased property, and remediate hazardous materials as needed.

From the Project Description, CSLC staff understands that the Project would include the following components:

- Install a floating drydock, a sheetpile wall, underwater improvements such as a cantilevered king pile, and associated structural components;
- Install two wharfs, including an 8,300-foot² ramp wharf 12 inches higher than existing BAE piers to accommodate sea level rise;
- Dredge approximately 395,000 cubic yards of sediment in the drydock location and between the dock and the Bay access channel and disposing of the dredged material in approved locations;
- Install two 26 x 33 foot mooring dolphins with 4-foot-thick concrete decks on 24 new piles per dolphin (one dolphin located 344 feet from shore may be retrofitted into the existing pier, and the other will float 800 feet from shore);

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- Expand on-shore supporting infrastructure, including stormwater drainage facilities, a new sewage lift station, a compressed air plant, two weld shielding gas systems for argon and carbon dioxide, and utilities; and
- Remove abandoned structures, a 490-foot intake tunnel, and a 450-foot discharge tunnel on the newly leased land. The tunnels have an 8-foot square opening. Potential contaminants in the soil and water will be characterized, and remediation will be conducted if results necessitate this action.

The majority of the Project property is located west of the City of San Diego along and within the eastern shore of San Diego Bay at 2205 East Belt Street. BAE proposes to lease an additional 2-acre parcel from the Port at 400 East Belt Street.

Environmental Review

CSLC staff requests that the Port consider the following comments on the Project's NOP, and incorporate recommendations into the draft EIR.

Project Description

1. A thorough and complete Project Description should be included in the EIR to facilitate meaningful environmental review of alternatives, potential impacts, and avoidance, minimization or mitigation measures. The Project Description should describe details as precisely as possible for all allowable activities (e.g., types of equipment or methods used, maximum area of impact, volume of sediment removed or disturbed, seasonal work windows, characterization of hazardous materials, locations for material disposal, etc.), and specific timing and duration of all activities. The potential for remediation of contaminants from the removal of existing abandoned facilities on the new 2-acre parcel should be determined and disclosed in the EIR along with potential proposed remediation actions.

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Biological Resources

2. Sensitive Species: The Port should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area, such as green sea turtle, California brown pelican, harbor seal, and California sea lion. The Port should also consult directly with CDFW, USFWS, and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) for information on species that may be present, their life histories, and possible mitigation for any significant impacts. With this information, the EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures. In addition, if eelgrass is identified on the site, the Southern California Eelgrass Mitigation Policy should be implemented.
3. Invasive Species: Because one of the major stressors in California waterways is introduced species and biofouling of underwater facilities, the EIR should consider

the Project's potential to encourage the establishment or proliferation of invasive species such as aquatic plants, bryozoans, tunicates, shellfish, or other nonindigenous, invasive species. Vessels may transport new species to San Diego Bay via hull biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts. The EIR should analyze the potential for the Project to contribute to the presence of invasive species and provide measures to avoid or mitigate this impact. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfw.ca.gov/invasives/>). In addition, San Diego Bay is subject to the Caulerpa Control Protocol; therefore, the EIR should disclose any locations of this invasive species on the project site and adhere to the Protocol if present.

4. **Construction Noise:** The EIR should evaluate potentially significant noise and vibration impacts on marine animals and birds from the installation of piles and proposed facility improvements. Barotrauma effects to fish and other marine species could occur if the underwater sound pressure levels caused by pile-driving activities exceed known injury thresholds. The EIR should discuss the type of piles and methods proposed for pile installation and analyze the potential for these activities to disturb, injure, or kill sensitive fish (including eggs and larvae) or other organisms. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. The CSLC staff recommends early consultation with these agencies to minimize noise impacts on sensitive species.
5. **Dredging Impacts:** The EIR should precisely describe the amount, duration and timing of the proposed dredging. Dredging activities may impact aquatic and marine species and habitat in many ways. (1) Disturbance of fine sediments may generate turbidity, wherein suspended particulates can impede light penetration and photosynthesis of submerged vegetation such as eelgrass beds. Suspended sediment may also react with and reduce dissolved oxygen in the water column, making less available for marine organisms. (2) Toxic metals buried in the sediment may be reintroduced into the environment and enter into the food chain, affecting both water quality and the health of wildlife and humans. (3) Dredging equipment can entrain and kill organisms in the sediment and water column when extracting dredge material. The EIR should analyze these potential impacts to biological resources and water quality from the dredging component of the Project.

Water Quality:

6. **Sedimentation/Contaminants:** The EIR should disclose and analyze potential for significant impacts to water quality from the proposed Project, particularly dredging and the removal of abandoned facilities where potential contaminants and remediation activities are not yet characterized. Water quality impacts could include worksite contaminant spills; increased turbidity and sedimentation from pile driving, dredging, construction disturbance and other in-water construction work; increased dissolved copper levels from operations disturbing marine paint; and mobilization of pollutants from the disturbed sediment. The EIR should identify all potentially

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significant adverse impacts and provide feasible mitigation measures that would avoid or lessen such effects. Measures could include turbidity monitoring during construction and use of silt curtains or other best management practices to contain suspended sediment.

Mitigation and Monitoring

7. To avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)).
8. It would also be helpful to provide a summary of the mitigation measures relied upon to avoid or reduce the identified impacts to less than significant, in addition to a monitoring program of these actions to ensure compliance and enforceability through permit conditions, agreements or other measures during Project implementation.

Climate Change

9. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.
10. Sea Level Rise: The EIR should consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee Agency, the CSLC will need to rely on the Final EIR if a lease amendment is necessary; therefore, we request that you consider our comments prior to certification of the EIR.

Please send copies of future Project-related documents, including electronic copies of the Draft and Final EIR's, Mitigation Monitoring and Reporting Program (MMRP), Notice

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of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Mara Noelle, Senior Environmental Scientist, at (916) 574-2388 or via e-mail at mara.noelle@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227 or via e-mail at grace.kato@slc.ca.gov.

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Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Grace Kato, CSLC
Kathryn Colson, CSLC
Mara Noelle, CSLC

CALIFORNIA STATE LANDS COMMISSION**LETTER CODE: 4****DATE: May 15, 2015****COMMENT 4-1**

The California State Lands Commission (CSLC) staff has reviewed the Draft EIR for the Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels (Project), which has been prepared by the San Diego Unified Port District (Port). The Port is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because portions of the Project involve work located on ungranted sovereign land, the CSLC will act as a responsible agency. A previous comment letter was submitted on May 19, 2014, on the Notice of Preparation for the Project (attached).

RESPONSE 4-1

This comment is introductory, and describes the California State Lands Commission (CSLC) role and jurisdiction for the proposed project. The comment also indicates that a previous comment letter was submitted on May 19, 2014 in regards to the Notice of Preparation (NOP) for the proposed project and is attached to this comment letter.

The commenter references the previous CSLC letter submitted in response to the NOP for the proposed project on May 19, 2014. The purpose of an NOP and request for written comments is to solicit written input from interested individuals regarding environmental issues that should be addressed in the Draft EIR and to assist the lead agency in determining the scope and content of the environmental information to be contained in the Draft EIR. CEQA does not require written responses to each comment made in response to a scoping meeting or NOP. As stated in the *State CEQA Guidelines* Section 15084(c), the information or comments received by the lead agency may be included in the Draft EIR in whole or in part. The comment letters received during the NOP review period were included in their entirety in Appendix A, and issues were summarized in Section 2.2.2 (Page 2-4) of the Draft EIR. Environmental topics raised in the scoping letters were included in the content and analysis of the Draft EIR. In summary, the Draft EIR acknowledged and included the scoping letters, summarized the environmental areas of concern, and addressed these issues in the scope of the analysis, consistent with CEQA. Therefore, no further response is necessary. No changes to the Draft EIR were made as a result of the comment.

COMMENT 4-2

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

RESPONSE 4-2

This comment provides background on California State Lands Commission (CSLC) jurisdiction and management authority for tidelands. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 4-3

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

RESPONSE 4-3

This comment discusses general background regarding the State of California's ownership of all tidelands, submerged lands, and beds of navigable lakes and waterways since its admission to the United States in 1850. These lands are for the benefit of all people of the State for statewide Public Trust purposes. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 4-4

The majority of the Project property is located west of the city of San Diego along and within the eastern shore of San Diego Bay at 2205 East Belt Street. The proposed Project site appears to be located on both lands legislatively granted to the Port pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the State, and sovereign lands under the direct jurisdiction of the CSLC. BAE Systems San Diego Ship Repair Inc. (BAE) currently has a lease (PRC 8054.1) from the CSLC for the maintenance and use of several mooring dolphins and dry dock facilities, and for dredging activities on the sovereign land portion of the Project site. On May 1, 2015, BAE submitted an application to amend its lease to include the following:

- *A portion of the proposed new floating drydock, which would total approximately 205 feet in width and 851 feet in length (174,455 square feet total), plus an apron attached to the drydock on the west end;*
- *Dredging of sediment within the drydock location; and*
- *Construction of two mooring dolphins (one new and one retrofit) located approximately 344 feet and 890 feet offshore (west) of the US Bulkhead Line. Dimensions of each dolphin would be 26 feet by 33 feet in size and include a 4-foot-thick concrete deck. Each dolphin would be supported by 24 concrete 24-inch octagonal piles and outfitted with two 100-ton double bitts.*

RESPONSE 4-4

This comment describes the proposed project and the location of the project site and indicates that the project site appears to be located on lands legislatively granted to the Port of San Diego (Port) pursuant to chapter 66, Statutes of 1962, as amended, with minerals reserved to the State and sovereign lands under the direct jurisdiction of the CSLC. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 4-5

In addition, BAE proposes to lease an additional 2-acre parcel from the Port at 400 East Belt Street. Questions regarding CSLC jurisdiction or BAE's requested amendment to PRC 8054.1 should be directed to Drew Simpkin with the Land Management Division (see contact information below).

RESPONSE 4-5

This comment describes the proposed lease of an additional 2-acre parcel from the Port at 400 East Belt Street as part of the proposed project. The comment indicates that questions regarding CSLC jurisdiction or BAE Systems' requested amendment to Public Resources Code 8054.1 should be directed to Drew Simpkin with the CSLC Land Management Division. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 4-6

BAE proposes to install a new drydock north of its current wet dock facility on Pier 1, enter into real estate agreements and remove abandoned cooling tunnels to meet BAE's objectives and needs as follows:

- *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 District 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;*

RESPONSE 4-6

This comment provides a brief summary of the project description from the Draft EIR. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

COMMENT 4-7

- *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 San Diego Gas & Electric (SDG&E) Tidelands Use and Occupancy Permit that require removal of existing 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.*

RESPONSE 4-7

This comment is a continuation of the summary of the project description from the Draft EIR. The comment does not contain any substantive statements or questions about the Draft EIR. Therefore, no further response is necessary.

COMMENT 4-8

The Draft EIR identifies Alternative 3, the Replacement of the Existing Drydock Alternative, as the Environmentally Superior Alternative, because it would lessen air quality, biological resource, climate change, and water quality impacts as compared to the proposed Project. However, the Draft EIR states that although Alternative 3 would achieve some of the Project objectives, it would not meet the objectives to the same degree as the proposed Project.

RESPONSE 4-8

This comment discusses the Draft EIR's identification of Alternative 3 as the Environmentally Superior Alternative to the proposed project. The comment reiterates the Draft EIR conclusion that Alternative 3 would not meet the objectives of the project to the same degree as the proposed project. The comment does not contain any substantive statements or questions about the Draft EIR. Therefore, no further response is necessary.

COMMENT 4-9

CSLC staff requests that the Port consider the following comments on the Draft EIR.

RESPONSE 4-9

This comment introduces items that the CSLC staff requests for consideration in regards to the Final EIR. The comment does not contain any substantive statements or questions about the Draft EIR. Therefore, no further response is necessary.

COMMENT 4-10

Page 3-27 states that "Based on preliminary bathymetric survey data, dredging is anticipated to generate approximately 395,000 cubic yards of sediment." Because the Project would involve dredging on both lands granted to the Port and sovereign lands under CSLC jurisdiction, it would be helpful if the Final EIR

provides a breakdown of the anticipated amount of dredging in each of the respective jurisdictions separately (i.e., within CSLC jurisdiction alone, within the Tidelands Use and Occupancy Permit area alone).

RESPONSE 4-10

This comment refers to page 3-27 of the Draft EIR. This comment recommends that the Final EIR provides a separate breakdown of the anticipated amount of dredging for lands under jurisdiction of the Port of San Diego (Port) and lands under jurisdiction of the California State Lands Commissions (CSLC).

A breakdown of the anticipated amount of dredging by jurisdiction for the proposed project is estimated as follows:

San Diego Unified Port District Jurisdiction	California State Lands Commissions Jurisdiction	Total
255,000 cubic yards	140,000 cubic yards	395,000 cubic yards

As stated in this comment, the Draft EIR states that project-related dredging activities would generate approximately 395,000 cubic yards of sediment. According to the construction contractor for the proposed project, of the total 395,000 cubic yards that would be dredged as a result of the project, 140,000 cubic yards (or 35 percent) of the total dredged volume would originate from outside of the property line, into the jurisdiction of the CSLC.

COMMENT 4-11

Submerged Resources: While section 2.4.3 of the Draft EIR states that impacts to cultural resources are not expected to occur, CSLC staff recommends the inclusion of a statement that should an unanticipated discovery occur, any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

RESPONSE 4-11

This comment indicates that should an unanticipated archaeological discovery occur, any submerged archaeological site or submerged historic resources that has remained in State waters for more than 50 years is presumed to be significant.

As discussed in the Notice of Preparation (April 2014) prepared for the Draft EIR, the project site is currently developed and it is not anticipated to contain any submerged archaeological site or submerged historic resources, therefore it is not anticipated that the project will cause a substantial adverse change to any significant archaeological or historic resource.

COMMENT 4-12

Title to Resources: The EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that the Port consult with Assistant Chief Counsel Pam Griggs (see contact information below) should any cultural

resources on State lands be discovered during construction of the proposed Project (e.g., during dredging activities). In addition, CSLC staff requests that the following statement be included in the Final EIR: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

RESPONSE 4-12

This comment requests that the Draft EIR discuss that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the submerged lands of California is vested in the State under the jurisdiction of California State Lands Commissions (CSLC). The comment states that CSLC requests that the Port consult with Assistant Chief Counsel Pam Griggs should any cultural resources on State Lands be discovered during construction of the proposed project. The comment also states that CSLC staff requests the following statement be included in the Final EIR: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

As discussed in the Notice of Preparation (NOP) (April 2014) prepared for the Draft EIR, the project site is currently developed and it is not anticipated to contain any submerged archaeological site or submerged historic resources, therefore it is not anticipated that the project will cause a substantial adverse change to any significant archaeological or historic resource. However, the Final EIR will document in the Errata that in the event that any unknown archaeological or cultural resources on State Lands are discovered during construction of the proposed project, the final disposition of archaeological, historical, and paleontological resources recovered on State Lands under the jurisdiction of the CSLC must be approved by the Commission. This statement has been included in the Errata as indicated below in Section 2.4.3 of the Draft EIR. This revision is for clarification purposes only and does not change the analysis or conclusions contained in the Draft EIR, and is not a result of a new significant environmental impact or a substantial increase in the severity of a significant impact.

2.4.3 Cultural Resources

No features within or adjacent to the project area have been identified as potentially historic. From 1979 to present, Southwest Marine, Inc., and its successor, BAE Systems, have owned and operated a ship repair, alteration, and overhaul facility on approximately 39.6 acres of tidelands property. Therefore, it is not anticipated that the project will cause a substantial adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5.

No archaeological resources have been identified in the project area. The project is on an artificial landform area created by bay infill, has been severely disturbed by development, and has been completely obscured by built environment and pavement, thus eliminating the potential for any buried resources and precluding observation of any remnant surface cultural deposits. Therefore, it is not anticipated that the project will cause a substantial adverse change in the significance of an archaeological resource as defined in *State CEQA Guidelines* Section 15064.5.

The near-shore marine sedimentary deposits and marine terraces along the coast of San Diego have a high potential for paleontological resources to occur. Project dredging activities may affect the San Diego Bay Formation. However, decades of dredging and placement of fill soils project area have removed or disturbed the underlying marine deposits and associated paleontological resources. Therefore, the project would have a less than significant impact

regarding its potential to directly or indirectly destroy unique paleontological resources or unique geologic features.

Should any cultural resources on State Lands be discovered during construction of the proposed project, the final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.

No evidence is in place to suggest the project site has been used for human burials. The California Health and Safety Code (HSC) (Section 7050.5) states that if human remains are discovered on site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98, including coordination with the Native American Heritage Commission which will identify the "most likely descendant" should the remains be identified as being of Native American origin. As adherence to above-identified State regulation is required for all development, no mitigation is required in the unlikely event human remains are discovered on site. No impacts would occur.

COMMENT 4-13

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final EIR for the issuance an amended lease as specified above and, therefore, we request that you consider our comments prior to certifying the EIR.

RESPONSE 4-13

This comment expresses appreciation for the opportunity to comment on the Draft EIR for the proposed project, and indicates that the Final EIR will be required to issue an amended lease for the proposed project. The comment does not contain any substantive statements or questions about the Draft EIR. Therefore, no further response is necessary.

COMMENT 4-14

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation and Monitoring Plan (MMP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at Cynthia.Herzog@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Public Land Management Specialist Drew Simpkin at (916) 574-2275, or via email at drew.simpkin@slc.ca.gov.

RESPONSE 4-14

This comment requests that copies of future project-related documents, including electronic copies, and any questions concerning environmental review be sent to Cynthia Herzog, Senior Environmental Scientist at (916) 574-1310 or via email at Cynthia.herzog@slc.ca.gov. The comment indicates that for questions concerning archeological or historic resources under CSLC jurisdiction, please contact

Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.griggs@slc.ca.gov. The comment states that for questions concerning CSLC leasing jurisdiction, please contact Public Land Management Specialist Drew Simpkin at (916) 574-22275 or via email at drew.simpkin@slc.ca.gov. The comment does not contain any substantive statements or questions about the Draft EIR. Therefore, no further response is necessary.

COMMENT 4-15

The California State Lands Commission (CSLC) staff has reviewed the subject Notice of Preparation (NOP) to prepare a Draft EIR for the Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels (Project), which is being prepared by the San Diego Unified Port District (Port). The Port is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because portions of the Project involve work located on ungranted sovereign land, the CSLC will act as a responsible agency.

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Project Description

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- *The need for drydock facilities in San Diego Bay exceeds existing capability; therefore, the Project will install a new floating drydock facility 205 feet wide and 850 feet long for vessel repair and building to increase BAE's capacity from one existing wet dock;*
- *Dredge to provide sufficient depth to lower the drydock system underwater to load vessels;*
- *Lease an additional 2-acre parcel of land and 4 acres of water for expanded facilities and parking;*
- *Remove existing abandoned cooling tunnels and structures on newly leased property, and remediate hazardous materials as needed.*

From the Project Description, CSLC staff understands that the Project would include the following components:

- *Install a floating drydock, a sheetpile wall, underwater improvements such as a cantilevered king pile, and associated structural components;*
- *Install two wharfs, including an 8,300-foot ramp wharf 12 inches higher than existing BAE piers to accommodate sea level rise;*
- *Dredge approximately 395,000 cubic yards of sediment in the drydock location and between the dock and the Bay access channel and disposing of the dredged material in approved locations;*
- *Install two 26 x 33 foot mooring dolphins with 4-foot-thick concrete decks on 24 new piles per dolphin (one dolphin located 344 feet from shore may be retrofitted into the existing pier, and the other will float 800 feet from shore);*
- *Expand on-shore supporting infrastructure, including stormwater drainage facilities, a new sewage lift station, a compressed air plant, two weld shielding gas systems for argon and carbon dioxide, and utilities; and*
- *Remove abandoned structures, a 490-foot intake tunnel, and a 450-foot discharge tunnel on the newly leased land. The tunnels have an 8-foot square opening. Potential contaminants in the soil and water will be characterized, and remediation will be conducted if results necessitate this action.*

The majority of the Project property is located west of the City of San Diego along and within the eastern shore of, San Diego Bay at 2205 East Belt Street. BAE proposes to lease an additional 2-acre parcel from the Port at 400 East Belt Street.

CSLC staff requests that the Port consider the following comments on the Project's NOP, and incorporate recommendations into the draft EIR.

Project Description

1. A thorough and complete Project Description should be included in the EIR to facilitate meaningful environmental review of alternatives, potential impacts, and avoidance, minimization or mitigation measures. The Project Description should describe details as precisely as possible for all allowable activities (e.g., types of equipment or methods used, maximum area of impact, volume of sediment removed or disturbed, seasonal work windows, characterization of hazardous materials, locations for material disposal, etc.), and specific timing and duration of all activities. The potential for remediation of contaminants from the removal of existing abandoned facilities on the new 2-acre parcel should be determined and disclosed in the EIR along with potential proposed remediation actions.

Biological Resources

2. Sensitive Species: The Port should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) and US Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area, such as green sea turtle, California brown pelican, harbor seal, and California sea lion. The Port should also consult directly with CDFW, USFWS, and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) for information on species that may be present, their life histories, and possible mitigation for any significant impacts. With this information, the EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures. In addition, if eelgrass is identified on the site, the Southern California Eelgrass Mitigation Policy should be implemented.

3. Invasive Species: Because one of the major stressors in California waterways is introduced species and biofouling of underwater facilities, the EIR should consider the Project's potential to encourage the establishment or proliferation of invasive species such as aquatic plants, bryozoans, tunicates, shellfish, or other nonindigenous, invasive species. Vessels may transport new species to San Diego Bay via hull biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts. The EIR should analyze the potential for the Project to contribute to the presence of invasive species and provide measures to avoid or mitigate this impact. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfw.ca.gov/invasives>). In addition, San Diego Bay is subject to the Caulerpa Control Protocol; therefore, the EIR should disclose any locations of this invasive species on the project site and adhere to the Protocol if present.

4. Construction Noise: The EIR should evaluate potentially significant noise and vibration impacts on marine animals and birds from the installation of piles and proposed facility improvements. Barotrauma effects to fish and other marine species could occur if the underwater sound pressure levels caused by pile-driving activities exceed known injury thresholds. The EIR should discuss the type of piles and methods proposed for pile installation and analyze the potential for these activities to disturb, injure, or kill sensitive fish (including eggs and larvae) or other organisms. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. The CSLC staff recommends early consultation with these agencies to minimize noise impacts on sensitive species.

5. Dredging Impacts: The EIR should precisely describe the amount, duration and timing of the proposed dredging. Dredging activities may impact aquatic and marine species and habitat in many ways. (1) Disturbance of fine sediments may generate turbidity, wherein suspended particulates can impede light penetration and photosynthesis of submerged vegetation such as eelgrass beds. Suspended sediment may also react with and reduce dissolved oxygen in the water column, making less available for marine organisms. (2) Toxic metals buried in the sediment, may be reintroduced into the environment and enter into the food chain, affecting both water quality and the health of wildlife and humans. (3) Dredging equipment can entrain and kill organisms in the sediment and water column when extracting dredge material. The EIR should analyze these potential impacts to biological resources and water quality from the dredging component of the Project.

Water Quality:

6. Sedimentation/Contaminants: The EIR should disclose and analyze potential for significant impacts to water quality from the proposed Project, particularly dredging and the removal of abandoned facilities where potential contaminants and remediation activities are not yet characterized. Water quality impacts could include worksite contaminant spills; increased turbidity and sedimentation from pile driving,

dredging, construction disturbance and other in-water construction work; increased dissolved copper levels from operations disturbing marine paint; and mobilization of pollutants from the disturbed sediment. The EIR should identify all potentially significant adverse impacts and provide feasible mitigation measures that would avoid or lessen such effects. Measures could include turbidity monitoring during construction and use of silt curtains or other best management practices to contain suspended sediment.

Mitigation and Monitoring

9. To avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one -specified way" (State CEQA Guidelines, § 15126.4, subd. (b)).

8. It would also be helpful to provide a summary of the mitigation measures relied upon to avoid or reduce the identified impacts to less than significant, in addition to a monitoring program of these actions to ensure compliance and enforceability through permit conditions, agreements or other measures during Project implementation.

Climate Change

9. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.

10. Sea Level Rise: The EIR should consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, UA Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee Agency, the CSLC will need to rely on the Final EIR if a lease amendment is necessary; therefore, we request that you consider our comments prior to certification of the EIR.

Please send copies of future Project-related documents, including electronic copies of the Draft and Final EIR's, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Mara Noelle, Senior Environmental Scientist, at (916) 574-2388 or via e-mail at mara.noelle@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227 or via e-mail at grace.kato@slc.ca.gov.

RESPONSE 4-15

This comment is an attachment of the NOP comment letter submitted by California State Lands Commissions (CSLC) and referenced in Response 4-1 above. As noted in Response 4-1, the comment letters received during the NOP review period were included in their entirety in Appendix A, and issues were summarized in Section 2.2.2 (page 2-4) of the Draft EIR. Environmental topics raised in the scoping letters were included in the content and analysis of the Draft EIR. In summary, the Draft EIR acknowledged and included the scoping letters, summarized the environmental areas of concern, and addressed these issues in the scope of the analysis, consistent with CEQA.

Chapter 6 **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
<p>4.1: Air Quality</p> <p><i>No mitigation measures were identified for air quality.</i></p>			
<p>4.2: Biological Resources</p>			
<p>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</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During active dredging and pile-driving project activities</p>	<p>The project Applicant shall retain a qualified biologist to monitor project construction activities.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.</p>			
<p>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.</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>For a period of 15 minutes daily prior to the start of in-water construction activities</p>	<p>The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour</p>	<p>A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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).</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion</p>	<p>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.</p>
<p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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 demolition activities.</p> <p>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).</p> <p>Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented:</p> <ul style="list-style-type: none"> 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 	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Turbidity curtain required for dredging during California least tern nesting season (generally between mid-April and late September)</p>	<p>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).</p>

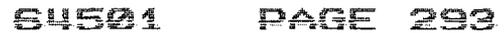
Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>of this measure is to minimize noise impacts to terns.</p> <p>BIO-6: Eelgrass Boundaries. Prior to construction activities associated with the proposed project, the boundaries of any existing eelgrass beds, 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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to construction the boundaries of any existing eelgrass beds, shall be staked and protected, replaced, and maintained as needed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to dredging activities a turbidity curtain shall be deployed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During shoreline work, silt curtains shall be deployed</p>	<p>The silt curtain shall be designed to prevent drift so that impacts to eelgrass during shoreline work are avoided.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 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).</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> to occur not more than 90 days before the initiation of construction activities</p>	<p>If <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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).</p>
<p>4.3: Geology and Soils</p>			
<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i></p>	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report</p>	<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i> (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>(TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p> <p>Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to:</p> <ol style="list-style-type: none"> 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. 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. 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. 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. 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
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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 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.</p> <p>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.</p> <p>12. Cooling Tunnel Removal – Shoring (Wet Alternative): Identify the shoring method required for excavation of cooling tunnels and the form of</p>			



Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>lateral restraint required to transfer the horizontal restraint across the shoring wall.</p> <p>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.</p> <p>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.</p> <p>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.</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>4.4: Climate Change and Greenhouse Gases</p> <p><i>No Mitigation Required</i></p> <p>The following PDFs will further reduce criteria pollutant and GHG emissions:</p> <p>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</p> <p>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.</p>			
<p>4.5: Hazards and Hazardous Materials</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during construction activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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).</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>5. Additionally, the spill shall be reported to the applicable agencies presented in the DMP.</p> <p>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.</p> <p>7. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull.</p> <p>8. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited.</p> <p>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.</p> <p>10. The contractor shall not overflow the digging bucket because overflow results in material overflowing back into the water.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>13. The contractor shall not overflow 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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 	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>equipment failure or release;</p> <p>7. Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents;</p> <p>8. Response procedures in the event of barge overfill; and</p> <p>9. Procedures for prompt notification of the District and all other regulatory agencies.</p> <p>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.</p>			
<p>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. The HASP shall be reviewed and approved by a Certified Industrial Hygienist retained at the 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:</p> <ol style="list-style-type: none"> 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; 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>3. Training in the safe operation of cranes, barges, tugs, and support craft;</p> <p>4. Site evacuation and emergency first aid response; and</p> <p>5. Documentation that certifies that required health and safety procedures have been implemented.</p> <p>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.</p>			
<p>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:</p> <ol style="list-style-type: none"> 1. Identification of vessel speed limitations (e.g., wake/no wake); and 2. Notification to project personnel using air horns as necessary. 	<p>San Diego Unified Port District's Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during dredging activities</p>	<p>The preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP.</p> <p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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).</p> <p>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.</p>			<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During and after dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>HAZ-8: Filing 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.</p> <p>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.</p>	<p>The contractor</p>	<p>During dredging activities</p>	<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during commencement of cooling tunnels removal</p>	<p>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.</p>
<p>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.</p> <p>The San Diego Unified Port District's (District) Director of</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during the commencement of dredging, demolition, or construction activity</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to completion of drydock construction, and as soon as practical</p>	<p>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.</p>
<p>4.6: Hydrology and Water Quality</p>			
<p>HVD-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 Director (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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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 Director (ELUM) Director, or designee.</p>



Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Personnel shall be required to visually monitor for oil or fuel spills during construction activities.</p> <p>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.</p> <p>The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Engineering-Construction Director, or designee</p>	<p>Prior to construction</p>	<p>Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 overflow any dredging bucket because overflow results in material overflowing back into the water. • The contractor shall, at a minimum, deploy non-drifting silt curtains fully around areas of 	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging operations</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <ul style="list-style-type: none"> 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 overflow 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
<p>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.</p> <ul style="list-style-type: none"> 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. 			
<p>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.</p> <p>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</p>	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>Certification. Measures shall be properly utilized during all phases of the proposed project. These measures include: (1) periodic inspection of the slurred 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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator</p>	<p>Prior to and during subsurface disturbance activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>4.7: Land Use and Planning</p>			
<p><i>No mitigation measures were identified for land use or planning impacts.</i></p>			
<p>4.8: Noise</p>			
<p><i>No mitigation measures were identified for noise impacts.</i></p>			
<p>4.9: Transportation and Traffic</p>			
<p>Mitigation Measure TR-1: Alternative Transportation. In order to address 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:</p>	<p>Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee</p>	<p>Prior to issuance of the Coastal Development Permit (CDP)</p>	<p>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.</p> <p>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.</p>
<ul style="list-style-type: none"> • Increase the number of subsidized vanpools to increase vanpool ridership; or • Provide subsidized trolley passes for existing vehicle commuters; or 			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<ul style="list-style-type: none"> 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. <p>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.</p>			
<p>4.10: Utilities and Service Systems</p>			
<p><i>No mitigation measures were identified for utilities and service systems.</i></p>			

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.

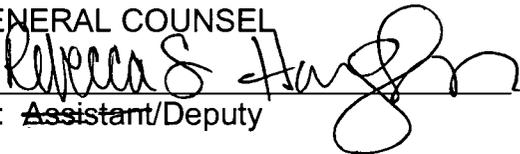
5. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the BPC hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental 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:

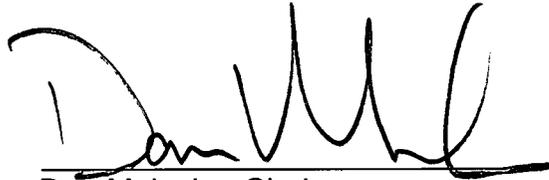
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

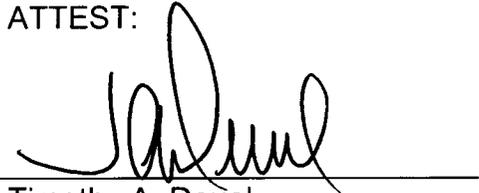
ABSENT: None.

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 3.1, 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 is 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 hydroacoustical 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 Rupture, 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 Rupture, 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 contaminants or hazardous materials occurs. Characterization of such encountered materials provides for the appropriate handling 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 plates 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 consistency 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 be 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 Tern 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 foraging 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 (O₃), particulate matter less than 2.5 microns in size (PM_{2.5}), and sulfur oxides (SO_x) are at 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. 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 (PM₁₀) 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 or 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 or 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 (CO₂e) per year and the Stationary Source Threshold, of 10,000 MT of CO₂e 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 less 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 through 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 excavation, 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 construction 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 wet 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, O₃, 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 PM₁₀ 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 or 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 O₃ 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 (MWW) would increase the overall regional demand for wastewater treatment service. Any proposed changes to capacity of the MWW or the PLWTP are reviewed throughout the year. For all new development within the MWW 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 MWW 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 MWW would meet established standards. As the wastewater from all development within the service area of MWW 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 statutes 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 ALTERNATIVE

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 that 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			
<i>No mitigation measures were identified for air quality.</i>			
4.2: Biological Resources			
<p>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</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During active dredging and pile-driving project activities</p>	<p>The project Applicant shall retain a qualified biologist to monitor project construction activities.</p> <p>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.</p>

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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.			
<p>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.</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>For a period of 15 minutes daily prior to the start of in-water construction activities</p>	<p>The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour</p>	<p>A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>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).</p> <p>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</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion</p>	<p>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.</p>

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Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>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).</p> <p>Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented:</p> <ul style="list-style-type: none"> • 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 	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Turbidity curtain required for dredging during California least tern nesting season (generally between mid-April and late September)</p>	<p>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).</p>

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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.

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Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa Control Protocol (CCP)</i>.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> to occur not more than 90 days before the initiation of construction activities</p>	<p>If <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa Control Protocol (CCP)</i>.</p>
4.3: Geology and Soils			
<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i></p>	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report</p>	<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i> (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p>

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<p>(TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p> <p>Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to:</p> <ol style="list-style-type: none"> 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. 			

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

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<p>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.</p> <p>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.</p> <p>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.</p> <p>12. Cooling Tunnel Removal – Shoring (Wet Alternative): Identify the shoring method required for excavation of cooling tunnels and the form of</p>			

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<p>lateral restraint required to transfer the horizontal restraint across the shoring wall.</p> <p>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.</p> <p>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.</p> <p>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.</p>			

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4.4: Climate Change and Greenhouse Gases			
<i>No Mitigation Required</i>			
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			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during construction activities</p>	<p>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.</p>

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<p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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).</p> <p>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.</p>

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<p>5. Additionally, the spill shall be reported to the applicable agencies presented in the DMP.</p> <p>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.</p> <p>7. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull.</p> <p>8. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited.</p> <p>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.</p> <p>10. The contractor shall not overfill the digging bucket because overfill results in material overflowing back into the water.</p> <p>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.</p> <p>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</p>			

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

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<p>disposal.</p> <p>18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</p> <p>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.</p>			
<p>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:</p> <ol style="list-style-type: none"> 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 	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

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<p>equipment failure or release;</p> <p>7. Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents;</p> <p>8. Response procedures in the event of barge overflow; and</p> <p>9. Procedures for prompt notification of the District and all other regulatory agencies.</p> <p>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.</p>			
<p>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:</p> <ol style="list-style-type: none"> 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; 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

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<p>3. Training in the safe operation of cranes, barges, tugs, and support craft;</p> <p>4. Site evacuation and emergency first aid response; and</p> <p>5. Documentation that certifies that required health and safety procedures have been implemented.</p> <p>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.</p>			
<p>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:</p> <ol style="list-style-type: none"> 1. Identification of vessel speed limitations (e.g., wake/no wake); and 2. Notification to project personnel using air horns as necessary. 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during dredging activities</p>	<p>The preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP.</p> <p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review</p>

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<p>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).</p> <p>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.</p>			<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During and after dredging activities</p>	<p>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.</p>

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<p>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.</p>			
<p>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.</p> <p>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.</p>	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.
<p>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.</p> <p>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.</p>	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.

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<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during commencement of cooling tunnels removal</p>	<p>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.</p>
<p>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.</p> <p>The San Diego Unified Port District's (District) Director of</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during the commencement of dredging, demolition, or construction activity</p>	<p>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.</p>

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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.

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Personnel shall be required to visually monitor for oil or fuel spills during construction activities.</p> <p>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.</p> <p>The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair</p>			

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Engineering-Construction Director, or designee</p>	<p>Prior to construction</p>	<p>Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging operations</p>	<p>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.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <ul style="list-style-type: none"> • 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
<p>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.</p> <ul style="list-style-type: none"> • 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. 			
<p>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.</p> <p>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</p>	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator</p>	<p>Prior to and during subsurface disturbance activities</p>	<p>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.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>4.7: Land Use and Planning</p>			
<p><i>No mitigation measures were identified for land use or planning impacts.</i></p>			
<p>4.8: Noise</p>			
<p><i>No mitigation measures were identified for noise impacts.</i></p>			
<p>4.9: Transportation and Traffic</p>			
<p>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:</p> <ul style="list-style-type: none"> • Increase the number of subsidized vanpools to increase vanpool ridership; or • Provide subsidized trolley passes for existing vehicle commuters; or 	<p>Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee</p>	<p>Prior to issuance of the Coastal Development Permit (CDP)</p>	<p>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.</p> <p>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.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<ul style="list-style-type: none"> 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. <p>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.</p>			
<p>4.10: Utilities and Service Systems:</p>			
<p><i>No mitigation measures were identified for utilities and service systems.</i></p>			



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Item No. 18A

File #:2015-1640**DATE:** November 17, 2015**SUBJECT:****BAE SYSTEMS PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT:**

- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "PIER 1 NORTH DRYDOCK, ASSOCIATED REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT", ADOPT FINDINGS OF FACT, ADOPT MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECT FILING OF THE NOTICE OF DETERMINATION**
- B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. FOR THE PIER 1 NORTH DRYDOCK PROJECT**
- C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE PIER 1 NORTH DRYDOCK PROJECT**

EXECUTIVE SUMMARY:

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 (Attachment A, Project Location Map). BAE provides non-nuclear ship repair, modernization, conversion, maintenance and overhaul for government, military and commercial contracts. BAE proposes to construct and operate a new floating drydock, the Pier 1 North Drydock, on the north side of its existing Pier 1 (Proposed Drydock Component). The U.S. Navy's "Pivot West" campaign is anticipated to increase drydock demand, and the Proposed Drydock Component will add drydock capacity to support existing and future ship repair activities for both naval and commercial vessels. BAE estimates the overall cost of the new drydock and associated improvements to be approximately \$104 million dollars.

The District, as the lead agency under the California Environmental Quality Act (CEQA), prepared an Environmental Impact Report (EIR) for the Proposed Drydock Component, as well as two additional project components - an amendment to BAE's long-term lease and the removal of two underground water cooling tunnels (the Proposed Drydock Component, amendment to BAE's lease and removal of the cooling tunnels is collectively referred to as the Proposed Project).

Specifically, the EIR analyzed extending BAE's lease from 2034 to 2058 (e.g., an additional 24 years), and incorporating an adjacent 2-acre land parcel and 4-acre water parcel, currently occupied by BAE through and Tidelands Use and Occupancy Permit (TUOP) into its leasehold. While certification of the EIR for the entire Proposed Project is before the Board of Port Commissioners (Board) for its consideration, the terms of any proposed lease amendment or a new lease may be presented to the Board in the future and are not before the Board for its consideration.

ACTION TAKEN: 11-17-15 Resolution 2015-152, 2015-153, 2015-154.

In addition, the EIR analyzed the environmental impacts associated with removing the two underground water cooling tunnels. The subsurface cooling tunnels are remnants of the two-acre TUOP-landside parcel from when it was used by the San Diego Gas & Electric (SDG&E) as part of the Silvergate Power Plant, which has been closed since 2006.¹ Neither BAE or SDG&E propose removal of the cooling tunnels at this time. However, to account for a worst-case scenario, the Draft EIR analyzed removing the cooling tunnels at the same time as the drydock is being constructed. Removal of the cooling tunnels will require subsequent action(s) by the Board and the issuance of a separate Coastal Development Permit (CDP). The proposed drydock and shoreline improvements will be constructed in such a way as to enable removal of the cooling tunnels at a later date.

The Draft EIR was circulated for public review from April 3, 2015 to May 20, 2015. The District received four comment letters on the Draft EIR from the following organizations and agencies: California Public Utilities Commission, California State Lands Commission, Environmental Health Coalition (EHC), and BAE.

After circulation of the Draft EIR, a Final EIR was prepared for the Proposed Project. The Final EIR includes minor technical clarifications to the Draft EIR, as well as the District's responses to public comments. The information provided in the Final EIR does not constitute significant new information, nor does it change any of the Draft EIR's conclusions. Therefore, under CEQA, recirculation was not required. The Final EIR also includes the Proposed Project's Mitigation, Monitoring and Reporting Program (MMRP), which states the required feasible mitigation measures and explains how the District is going to enforce the mitigation measures necessary to reduce Proposed Project's impacts to a level of less than significance. In accordance with CEQA Guidelines Section 15091, the District has also prepared a Findings of Fact, attached to the proposed resolution for the Board's consideration, which further substantiates how the mitigation measures identified in the Final EIR would avoid or substantially lessen significant environmental effects.

Pursuant to the District's CDP Regulations, the Proposed Drydock Component requires issuance of a non-appealable CDP for the portions of the Proposed Drydock Component within the District's jurisdiction. Staff has determined that the Proposed Drydock Component is consistent with the certified Port Master Plan. Additionally, concept approval is required for the Proposed Drydock Component.

RECOMMENDATION:

BAE Systems Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project:

- (A) Conduct public hearing and adopt resolution certifying the Final Environmental Impact Report for the "Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project," adopt Findings of Fact, adopt MMRP and direct filing of the Notice of Determination.
- (B) Adopt resolution granting concept approval to BAE Systems San Diego Ship Repair, Inc. for the Pier 1 North Drydock Project.
- (C) Adopt resolution authorizing issuance of a non-appealable Coastal Development Permit for the Pier 1 North Drydock Project.

FISCAL IMPACT:

The proposed Board actions would retain the annual revenues that the District receives from BAE and would not result in any additional fiscal impact to the District. Currently, the District receives a combined annual rent of \$1,141,104 from BAE comprised of \$934,368 annually for its leasehold property² and \$206,736 annually for the property it is occupying as part of the TUOP with the District.

BAE would continue to be responsible for all applicable costs associated with the construction and operation of the Pier 1 North Drydock. Should the Board grant an amendment to the lease in the future with BAE, the rental amount may be modified when the terms of the lease amendment are finalized and brought to the Board for consideration.

COMPASS STRATEGIC GOALS:

The Proposed Project would enable an established tenant to modernize its ship-repair facility by adding drydock capacity for naval and commercial vessels, as well as remove remnant improvements (i.e., cooling tunnels) on the TUOP site.

This agenda item supports the following Strategic Goals.

- A thriving and modern maritime seaport.
- A Port with a healthy and sustainable bay and its environment.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Background

BAE has been operating a ship repair facility at 2205 E. Belt Street since 1979.³ The landside area within its existing leasehold is approximately 9.8 acres and includes industrial facilities, including production shops, offices and other related utilities and infrastructure. The waterside parcel is approximately 16.6 acres and currently has three working piers (Pier 1, 3, and 4) to moor large naval and commercial vessels for the maintenance, repair, overhaul and conversion-related activities. BAE currently operates one floating drydock (Pride of San Diego), which is located between Piers 1 and 3 and has been in operation since 1984. Over the past five years, BAE has completed an average of four (4) drydockings per year. The overall number of vessels serviced at BAE's San Diego facility averages between 10 and 15 annually.

BAE has been occupying a 2-acre land parcel and a 4-acre water parcel (collectively referred to as the TUOP parcel), as a subtenant to SDG&E, which was issued a TUOP for the site. As a result of the Clean-up and Abatement Order (CAO), which was issued by the Regional Water Quality Control Board (RWQCB) on March 14, 2012, remediation of San Diego Bay marine sediment along the eastern shore of the central San Diego Bay was required.⁴ This action became known as the San Diego Shipyard Sediment Remediation Project, which involved certification of a Program EIR by the RWQCB and a number of other responsible agencies. The San Diego Shipyard Sediment Remediation Project involved marine sediment that was located within BAE Systems leasehold and

the TUOP site, as well as other properties in the vicinity.

When SDG&E's TUOP with the District expired in November 2014, BAE entered into a 5-year TUOP directly with District. The TUOP to BAE allows for the premises to be used for ship-building repair and related marine industrial purposes, parking, storage, as well as implementation of the Remedial Action Plan (RAP), in response to the CAO. The TUOP was amended to allow sediment offloading and stockpiling and any other ancillary activities related to the RAP. Remediation activities are approximately 91% complete and have been ongoing since certification of the Final EIR and issuance of permits needed to implement the RAP from the District and other responsible agencies.

Consistent with the TUOP, BAE currently uses the TUOP parcel for 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 RAP. No expansion of these uses are proposed by BAE.

Proposed Drydock Component Need and Purpose

There is currently a shortage of drydocking capacity in San Diego Bay, which is likely to be exacerbated as a result of the U.S. Navy's "Pivot West" campaign. Between 1984 and 2010, BAE operated two drydocks. In 2010, one of its drydocks was sold and relocated to south San Diego Bay. In 2013, the drydock was sold again and removed from San Diego Bay. Over the next several years, the Navy estimates that new ships may be brought to San Diego.

Acquiring additional drydock capacity is essential to ensuring that San Diego can continue to support the maintenance and repair of the Navy's fleet. Not having the capacity to support the Navy's mission may result in the Navy having to seek other ports that offer these services. Therefore, BAE proposes to site a new drydock on the north side of its Pier 1, to support the current and future home-porting of additional U.S. Naval Ships in San Diego. The proposed drydock would replace an existing wet berth, which is a higher priority given the regions drydocking needs.

Proposed Project

The Proposed Project consists of the following three proposed components: (1) the Proposed Drydock Component (Pier 1 North Drydock), (2) Associated Real Estate Agreements (new or amended lease), and (3) Removal of Underground Cooling Tunnels (Attachment B, Project Site Plan). A brief summary of the three project components, and the relationship among them, is provided below.

1. *Proposed Drydock Component (Pier 1 North Drydock)*

The Proposed Drydock Component would replace an existing wet berth with a new drydock on the north side of BAE System's Pier 1 facility (Attachment C, Drydock Site Plan). The proposed drydock would increase BAE Systems' capacity to facilitate required maintenance of existing and future naval assets and commercial vessel drydock needs that cannot currently be met by the existing drydock. Drydocks are used to conduct repair and maintenance activity which cannot normally be conducted when the vessel is waterborne in a wet berth. These activities generally include exterior hull repair, preservation (abrasive blasting and/or hydro-blasting and painting), shaft repair, propeller and rudder repair, and repair/replacement of valves and fittings below the

waterline. As part of its corporate sustainability strategy, BAE also incorporated the following two project design features to help reduce criteria pollutants and GHG emissions: (1) Installation of two electric cranes and light-emitting diode (LED) fixtures at the drydock; and (2) Installation of zero-discharge salt pumps with smart controllers that minimize usage by utilizing pumps based on actual demand.

Although the majority of the new drydock would be located within the District's jurisdiction, approximately 350 feet of the proposed facility would extend beyond the U.S. Pierhead line. As a result, approvals from the California State Lands Commission (CSLC) and the California Coastal Commission (CCC) will be required. The CSLC and CCC will need to review and consider the information contained in certified Final EIR for the Proposed Project before taking any action.

The necessary physical components and activities associated with the Proposed Drydock Component are listed below:

- Drydock: The proposed drydock dimensions would be 205 feet by 851 feet with aprons on each end, measuring approximately 174,455 square feet in total. It would be located on the north side of BAE's existing Pier 1 and would replace an existing wet berth at this location. The south side of Pier 1 could continue to be used as a wet berth. The new drydock will have the capacity to lift 55,000 long tons.
- Pier 1 Protection Improvements: To prevent undermining of the existing Pier 1, an underwater wall and cantilever king pile system would be installed along the north side of the pier.
- Apron/Ramp Wharf: A ramp wharf designed for accessing the drydock is proposed adjacent to and westward of the bulkhead. The ramp wharf will include a southern, intermediary and northern structure. To enable removal of the cooling tunnels at a later date; however, the northern ramp wharf and intermediary structures will be installed after the cooling tunnels are removed. In the interim, a temporary, pedestrian-only access ramp on the north side of the drydock would be used.
- Mooring Dolphins: To accommodate mooring of the drydock, two mooring dolphins are proposed. Dimensions of the western mooring dolphin will be approximately 26 feet by 33 feet, and include a 4-foot thick concrete deck. The eastern mooring dolphin 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.
- Dredging: Approximately 395,000 cubic yards of dredging is planned to provide sufficient depth to submerge the floating drydock. The drydock and the aprons will require a bay bottom elevation of -65 Mean Lower Low Water (MLLW). Additionally, some minor dredging may be required at the end of the dock and the Bay channel to provide a route to enter the drydock.
- Beneficial Reuse of Dredged Materials: To offset the drydock's impacts related to shading and eelgrass grass habitat, the project would reuse a portion of the dredged

sediment for the creation of subtidal habitat in San Diego Bay. The mitigation requirement involves raising the bottom elevations of previously dredged areas to depths suitable to support approximately 3.96-acres of eelgrass habitat. Two potential mitigation sites were identified in the Final EIR. The northern site would be located just west of the Sweetwater River Flood Control Channel within the San Diego Bay National Wildlife Refuge. The southern site would fill a portion of the former South Bay Power Plant in-take channel. Both sites would be approximately 10-acres in size, and have the potential to generate substantially more habitat than required by the project (Attachment D, Mitigation Sites for Eelgrass and Bay Coverage Impacts).

2. Associated Real Estate Agreements

Pursuant to Board Policy No. 355 (BPC 355), the Pier 1 North Drydock investment is estimated to cost approximately \$104 million, which qualifies BAE for lease term extension. Additionally, in August 2012, the Board granted concept approval for BAE's Pier 4 project of approximately \$12 million. While no real estate agreement is being considered by the Board at this time, the EIR analyzed potential impacts associated with amending its real estate agreements. Staff and BAE are currently working on amending the existing lease agreement to account for the qualifying capital investments for lease term extension, and to update any other applicable terms. The proposed amended lease could also include incorporation of the TUOP parcels into the master lease, thereby eliminating multiple agreements between the District and BAE. The terms of the real estate agreement may be presented to the Board at a future date.

The EIR found that modifying the terms of BAE's real estate agreements would not result in any potentially significant impacts. The EIR analyzed extending BAE's lease from 2034 to 2058 (e.g., an additional 24 years), and incorporating the adjacent TUOP parcel into the leasehold premises. The proposed lease amendment would restrict the uses on the TUOP parcel to those currently existing. Specifically, the TUOP parcel could only be used for (1) activities associated with the RAP prepared to comply with the CAO No. R9-2012-0024,⁵ 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. Therefore, if the Board grants a subsequent real estate agreement, a restriction in uses to the former TUOP area will be limited to only those uses and activities that are occurring today, as part of the site's baseline activity.

3. Removal of Cooling Tunnels

The TUOP parcel currently includes two underground intake/discharge tunnels that were previously installed by SDG&E and used as a cooling mechanism for its Silvergate Powerplant. However, the tunnels have not been used for cooling since 2006, when the power plant closed. As a condition of its former lease and TUOP with the District, SDG&E is required to remove the underground cooling tunnels. The removal of the cooling tunnels would require excavation of soil, installation of a cofferdam, dewatering, installation of shoring to protect the excavation, demolition and removal of the tunnels (e.g. concrete), and backfill with clean structural fill. At this time, it is not known when the cooling tunnels will be removed. However, removal of the cooling tunnels will require issuance of a separate non-appealable CDP and separate Board approval.

(A) Environmental Impact Report

The "Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels

Project” EIR (UPD #EIR-2014-31; SCH #2014041071) has been prepared in accordance with the CEQA (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines and the District’s CEQA Guidelines. The Final EIR consists of four volumes and Errata, which is organized as follows:

- Volume 1 contains the Final EIR, which includes the executive summary; project level environmental impacts and mitigation measures; errata and revisions; a list of public agencies, organizations and persons commenting on the Draft EIR; comments received on the Draft EIR and the District’s responses to the comments; and the MMRP.
- Volume I of III contains the Draft EIR, which includes the executive summary; the introduction and purpose; the project description, the project’s environmental analysis, impacts, and mitigation measures; and project alternatives.
- Volume II and III of III contain the Draft EIR Appendices
- Errata to Final EIR and MMRP, which modifies Condition Bio-4 to clarify permitted demolition activities may occur prior to securing dredging permits if such demolition activities would not impact eelgrass habitat. The revision confirms that all applicable permits for the mitigation site must be secured prior to commencement of any dredging activities.

These four volumes, as well as the Eratta, collectively constitute the Final EIR.

Notice of Preparation, Scoping Meeting and Draft EIR

In accordance with CEQA, environmental review of the Proposed Project, began in April 2014 after BEA submitted a project application to the District for a new floating drydock. The EIR project description includes the following three components: (1) the Proposed Drydock Component, which in summary, consists of construction and operation of a new drydock on the north side of BAE’s existing Pier 1; (2) incorporation of the neighboring TUOP parcel (the adjacent 2-acre land parcel and 4-acre water parcel) into BAE’s long-term leasehold and extension of its lease term to year 2058; and (3) removal of the underground cooling tunnels.

On April 18, 2014, a Notice of Preparation for the EIR was published. Subsequently, a scoping meeting was held on May 1, 2014 at the San Diego Unified Port District Administration Building. As detailed on pages 2-4 through 2-24 in the Draft EIR, the District received five comment letters from various stake holders regarding the scope of the EIR.

After the scoping process was completed and based on an Initial Study (dated April 18, 2014 that was attached to the Notice of Preparation), it was determined that the Draft EIR needed to evaluate whether the Proposed Project would result in potentially significant environmental impacts related to: Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Transportation and Traffic, and Utilities and Service Systems. Accordingly, the Proposed Project’s environmental impacts in these areas were analyzed. The Draft EIR found that mitigation was needed to reduce potentially significant impacts in the following resource areas: Biological Resources, Geology and Soils, Hazardous and Hazardous Materials, Hydrology and Water Quality, and Transportation and Traffic. After implementation of the identified mitigation measures, the Draft EIR concluded that all impacts would be reduced to a less than significant level. The Draft EIR did not identify any unmitigated or unavoidable impacts from the Proposed Project.

The Draft EIR also included the following Proposed Project objectives:

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 District 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 Draft EIR analyzed three alternatives-the CEQA-required No Project Alternative, the Reduced Project Alternative, and the Replacement of the Existing Drydock Alternative. The No Project Alternative resulted in fewer environmental impacts to all CEQA resource areas, but failed to meet any of the Proposed Project's basic objectives. Similarly, the Reduced Project Alternative and Replacement of the Existing Drydock Alternative would result in fewer impacts to some of the resource areas, but failed to meet the following two project objectives: (Objective 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, and specifically to service large amphibious transport dock (LPD-17) vessels; and, (Objective 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.

The Draft EIR was circulated for public review for 45 days, between April 3, 2015 and May 20, 2015, during which time the District received four comment letters from the following organizations and agencies: California Public Utilities Commission, California State Lands Commission, EHC and BEA. These comments did not raise any significant new environmental issues or present any significant new information. The comment letters and responses to all written comments on the Draft EIR are included in the Final EIR.

Final EIR

A Final EIR has been prepared for the Project. The Final EIR includes Errata, as well as the District's responses to written comments received on the Draft EIR. The Errata was prepared to ensure the accuracy and completeness of the environmental analysis. The Errata clarifies, corrects or adds

information to the EIR based, in part, on information gathered as part of the public review process. The changes contained in the Errata are minor and do not constitute significant new information or a change in the Draft EIR's conclusions. Similarly, the additional information contained in the District's response to public comments clarifies and further substantiates the conclusions contained in the Draft EIR. Three issues that warranted additional information and clarification in the Final EIR, as part of the Errata or Response to Comments, are summarized below:

- Air Quality Impacts: The Project's Final EIR provides additional clarification on the Project's air quality analysis, which concluded that the Proposed Project would result in "less than significant" impacts to air quality. The response to comments chapter clarifies, among other things, that the Draft EIR analyzed removal of the cooling tunnels while the drydock is being constructed to account for a "worst-case" environmental scenario. The response to comments chapter also clarifies that the air-quality analysis accounted for the additional time that would be needed for tug boats to maneuver the vessel in and out of the drydock, and that newer engine technologies were included as part of the analysis for the newer fleet of tug boats. In addition, results from a supplemental air quality analysis is included, which determined that the emissions from construction trucks would not result in significant adverse impacts to residences that are located along truck haul routes in Barrio Logan (e.g., Harbor Drive and 28th Street to Interstate 5).
- Global Climate Change: The Errata includes additional information that further substantiates the Draft EIR's conclusion that the GHG emissions associated with the Proposed Project, which equate to 570 MT CO₂e/year, would result in a less than significant impact to Global Climate Change. More specifically, the Errata notes that the Project's annual emissions are below other adopted or recommended GHG thresholds of significance across the state including 1,100 MT CO₂e/year Sacramento Metropolitan Air Quality Management District (SMAQMD) and the Bay Area Air Quality Management District (BAAQMD); and 1,150 MT CO₂e/year for the San Luis Obispo County Air Pollution Control District (SLOAPCD). The Errata also identifies the types of activities needed to meet the 2050 GHG reduction target of 80% below 1990 levels, which are also discussed in the May 2014 Update of the California Air Resources Board (ARB) Climate Change Scoping Plan.⁶ The Errata also cites information from April 2015, in which the California ARB noted that the 40% goal set out in Executive Order B-30-15 is achievable and that ARB was "accelerating cuts to carbon output through 2030 to reduce continued temperature rise, and shifting infrastructure priorities to protect against climate change related impacts in the future."⁷ Accordingly, ARB recognizes that California has established a downward GHG emissions trajectory and the updates to the Scoping Plan must allow California to achieve the more stringent 2050 target. Thus, through compliance with updates to the Scoping Plan and regulations independently promulgated or codified as a result of the Scoping Plan, it is reasonable to expect the Project's emission levels to decline over time.
- Parking: As a result of the additional employment created by the new drydock, the Draft EIR identified the need to provide alternative transportation to address a parking shortage of 57 spaces at project completion. The Draft EIR acknowledged that this could be accomplished by increasing the number of vanpools, providing subsidized trolley passes, or increasing the number of shuttles. The Draft EIR requires BAE to provide evidence to the District on a quarterly basis that demonstrates that a minimum increase of 57-person ridership in

alternative transportation has been accomplished.

The response to comments chapter in the Final EIR provides additional information about what BAE has proactively done to address parking issues in the Barrio Logan community. Prior to implementation of the Proposed Drydock Component, BAE began providing bus service to/from the U.S.-Mexico Border on July 1, 2015, in which 50 employees registered for service. On August 6, 2015, BAE entered into a two-year agreement with the District and Ace Parking for 300 parking spaces on top of the Hilton garage (located approximately 1.1 miles from the shipyard), and began providing shuttle service to/from the shipyard. Although the program is new, approximately 150 employees have already started to take advantage of this parking and shuttle service.

BAE will continue to report the number of people utilizing alternative transportation options to the District on a quarterly basis. As part of the Proposed Drydock Component, BAE is required to demonstrate that a minimum 57-person increase in alternative ridership is being accomplished. However, BAE has indicated a willingness to continue to work with the District to explore other arrangements that may help alleviate parking concerns in the Barrio Logan community.

Pursuant to CEQA Guidelines Section 15090, prior to certifying the EIR and approving the project, the Board, as Lead Agency, shall certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR was presented to the Board, and the Board has reviewed and considered the information contained in the Final EIR prior to its approval of the project; and (3) the Final EIR reflects the District's independent judgment and analysis.

Mitigation, Monitoring and Reporting Program (MMRP)

As concluded in the Draft EIR, the Proposed Project would result in less than significant environmental impacts with mitigation incorporated. All impacts can be mitigated to below a level of significance with various construction- and operation-related mitigation measures. The Proposed Drydock Component requires several construction-related mitigation measures to address impacts associated with biological resources, geology and soils, hazardous materials and hydrology and water quality. Ongoing operation of the new drydock will require mitigation measures to ensure no adverse impacts occur as a result of storing or using hazardous materials and that ongoing water-quality monitoring efforts are coordinated with the District and RWQCB. In addition, BAE Systems will be responsible to provide evidence to the District on a quarterly basis that alternative transportation ridership is accomplished for a minimum 57-persons. Mitigation measures related to geology and soils, hazardous materials, and hydrology and water quality will also be required for removal of the underground cooling tunnels.

All mitigation measures have been prepared in compliance with CEQA Guidelines Section 15097. The MMRP identifies the required mitigation measures, the party responsible for carrying them out, and a monitoring and reporting mechanism. Compliance with the MMRP contained in the Final EIR will be included as a condition of the CDP for the Proposed Drydock Project, and any future lease amendment or CDP for the removal of the cooling tunnels.

Findings of Fact

CEQA requires the District to make written findings of fact for each significant environmental impact

identified in the Final EIR (CEQA Guidelines Section 15091). The proposed Findings of Fact are attached to the proposed Board resolution for certification of the Final EIR and adoption of the Findings of Fact and MMRP. The purpose of findings is to restate, systematically, the significant effects of the Proposed Project on the environment and to determine the feasibility of mitigation measures and alternatives in the Final EIR that would avoid or substantially lessen the significant effects. If all significant effects can be reduced to below significance by the application of feasible mitigation measures, the District is not required to adopt findings concerning the alternatives identified in the Final EIR. The findings set forth the reasons, and the evidence in support of, the District's determinations.

The Proposed Project will not result in significant impacts to: aesthetics, air quality, greenhouse gas emissions, land use and planning, noise, or utilities/service systems. Significant environmental effects which have been mitigated to levels below significance include: biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and transportation/traffic. No potentially significant unmitigable impacts were identified. These environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the Final EIR.

The Final EIR and the Findings of Fact and MMRP are available for review in the Office of the District Clerk, and were distributed to the Board for its consideration via a Board memo dated November 5, 2015, and were also made available to the Board in the Board Offices (see Attachment G).

(B) Concept Approval

Pursuant to Board Policy No. 357, plans for new tenant development must be presented to the Board for approval if the project is estimated to cost more than \$500,000. The Proposed Drydock Component cost is approximately \$104 million. Based on staff's review of the concept plans, the Proposed Drydock Component qualifies as a capital investment for a lease term extension. BAE's current lease with the District expires in 2034, and the TUOP for the neighboring 2-acre land parcel and 4-acre water parcel expires on October 31, 2019. Staff may return to the Board with recommendations for term extension based upon BAE's recent capital investment in both the Pier 1 and the Pier 4 projects in the near future.

(C) Coastal Development Permit

The Proposed Project site is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan (PMP). The landside area is designated Marine Related Industrial, and the waterside area is designated as Specialized Berthing Industrial. The Proposed Drydock Component will result in a new floating drydock, as well as physical improvements to the shoreline, the existing pier, and two mooring dolphins, all of which would help facilitate ship repair activities. The uses associated with these physical improvements conform to the underlying land use designations and precise plan text, and would serve to facilitate implementation of the certified PMP. Therefore, the Proposed Drydock Component is consistent with the District's certified PMP.

Pursuant to the District's CDP Regulations, the new drydock requires issuance of a non-appealable CDP for the portions of the project within the District's jurisdiction. A copy of the draft CDP is

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provided as Attachment F to this Agenda Sheet. Special conditions are incorporated into the CDP to ensure project conformance with the Final EIR's MMRP and related District requirements. A separate CDP will be required to authorize removal of the underground cooling tunnels.

Next Steps and Recommendation

If the Board certifies the Final EIR, adopts the Findings of Fact and MMRP, as well as approves the concept approval and authorizes issuance of a Non-appealable CDP, BAE would begin coordinating with other responsible agencies to acquire the permits and approvals necessary to implement the Proposed Drydock Component.⁸ Provided the necessary agency approvals are obtained, BAE will begin strengthening and retrofitting the existing shoreline and pier to support dredging to an elevation of -65 feet MLLW. A portion of the dredged material (an estimated 80,000 cubic yards), will be used to create an Eelgrass habitat in the Bay. The new floating drydock is scheduled to arrive in September 2016. Finally, staff expects to return to the Board before the middle part of next year to request approval of BAE Systems real estate agreement(s).

Although the Final EIR has analyzed removing the cooling tunnels, and included mitigation measures that would be necessary to reduce environmental impacts to a less than significant level, this action will require separate project approval and issuance of a separate Non-appealable CDP. Such a Non-appealable CDP may be presented to the Board at a subsequent hearing.

Staff recommends the Board conduct a public hearing and adopt a resolution certifying the Final Environmental Impact Report for the "Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project," adopt Findings of Fact, adopt MMRP and direct filing of the Notice of Determination; adopt a resolution granting concept approval to BAE Systems San Diego Ship Repair, Inc. for the Pier 1 North Drydock Project; and adopt a resolution authorizing issuance of a non-appealable Coastal Development Permit for the Pier 1 North Drydock Project.

General Counsel's Comments:

The General Counsel's Office has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

Environmental Review:

The proposed Board action completes the CEQA process for this project.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Larry Hofreiter
Senior Redevelopment Planner
Environmental & Land Use Management

Attachment(s):

Attachment A: Project Location Map

Attachment B: Project Site Plan

Attachment C: Drydock Site Plan

Attachment D: Mitigation Sites for Eelgrass and Bay Coverage Impacts

Attachment E: Location of Subsurface Cooling Tunnels

Attachment F: Draft Coastal Development Permit

¹Pursuant to the terms of SDG&E's former lease and TUOP with the District, SDG&E must remove all structures, buildings, installations, and improvements on the premises, including, without limitation, all underground circulating tunnels, pipelines and conduits.

²On June 9, 2009, the Board approved increasing BAE Systems rent from \$546,624 to \$798, 884 from December 1, 2007 to November 30, 2008; and to \$820,180 from December 1, 2008 to November 30, 2009 with annual increases between two percent (2%) and four percent (4%) for the balance of the term to August 31, 2034.

³Prior to 2007, BAE Systems was known as Southwest Marine Inc.

⁴The San Diego RWQCB issued Cleanup and Abatement Order No. R9-2012-0024 on March 14, 2012, which required the remediation of San Diego Bay marine sediment along the eastern shore in order restore and protect beneficial uses of the water. As part of its actions on March 14, 2012, the RWQCB certified a Program EIR for the Shipyard Sediment Remediation Project. The District relied on this Program EIR to issue a CDP for activities associated with the RAP. On July 8, 2014, the District adopted an addendum to the Final Program EIR to increase the total dredge volume from 90,800 cubic yards to 105,800 cubic yards and amended its CDP accordingly.

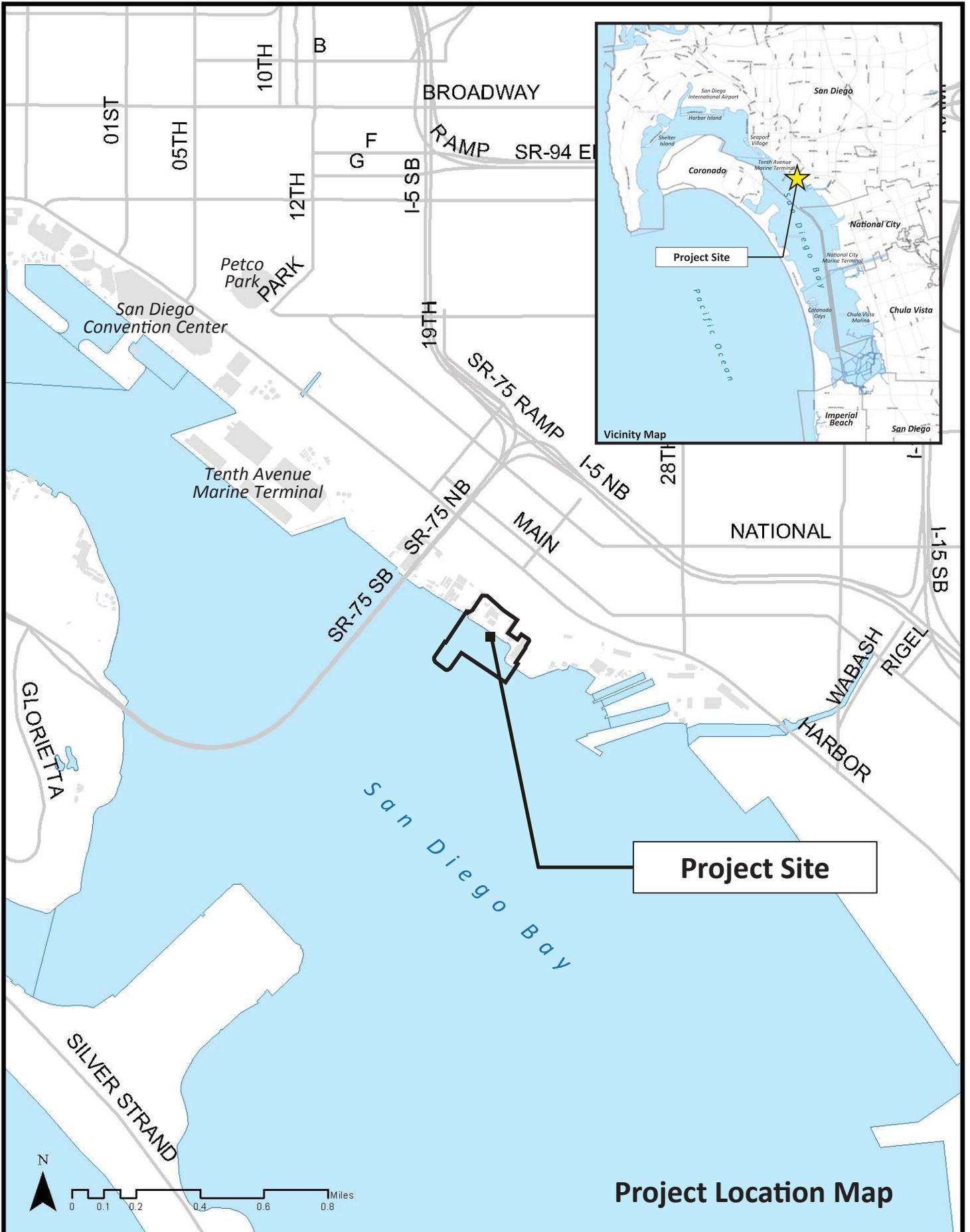
⁵Please note that the activities associated with the Remedial Action Plan (RAP) were analyzed in a previous Program EIR that was certified by the RWQCB on March 14, 2012, as part of the Shipyard Sediment and Remediation Project

⁶CARB, First Update, page 32 identifies the type of activities required to achieve the 2050 target which include: energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately.

⁷CARB, Frequently Asked Questions About Executive Order B-30-15: 2030 Carbon Target and Adaptation, p.1, April 2015.

⁸Responsible agencies include the United States Army Corps of Engineers, United States Environmental Protection Agency, United States Coast Guard, National Marine Fisheries Service, California Coastal Commission, California State Lands Commission, California Department of Fish and Wildlife, San Diego Regional Water Quality Control Board, and the City of San Diego.

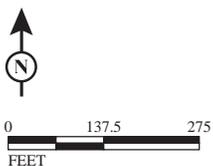
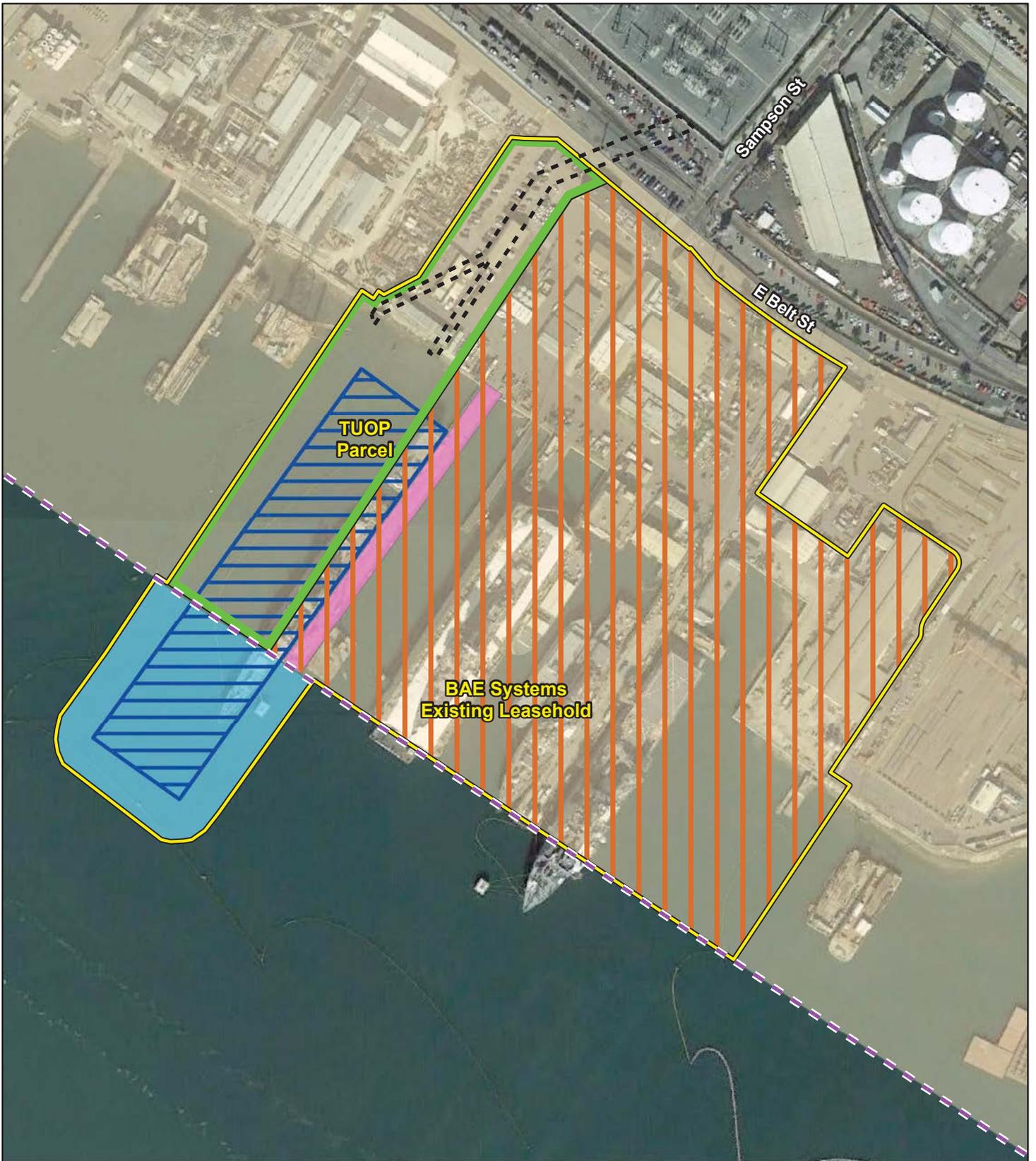
Attachment A to Agenda File No. 2015-1640



Project Site

Project Location Map

Attachment B to Agenda File No. 2015-1640



LEGEND

-  U.S. Pierhead Line
-  Project Limits
-  California State Lands Commission Jurisdiction
-  Port Jurisdiction

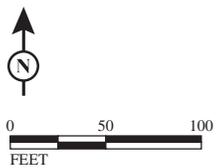
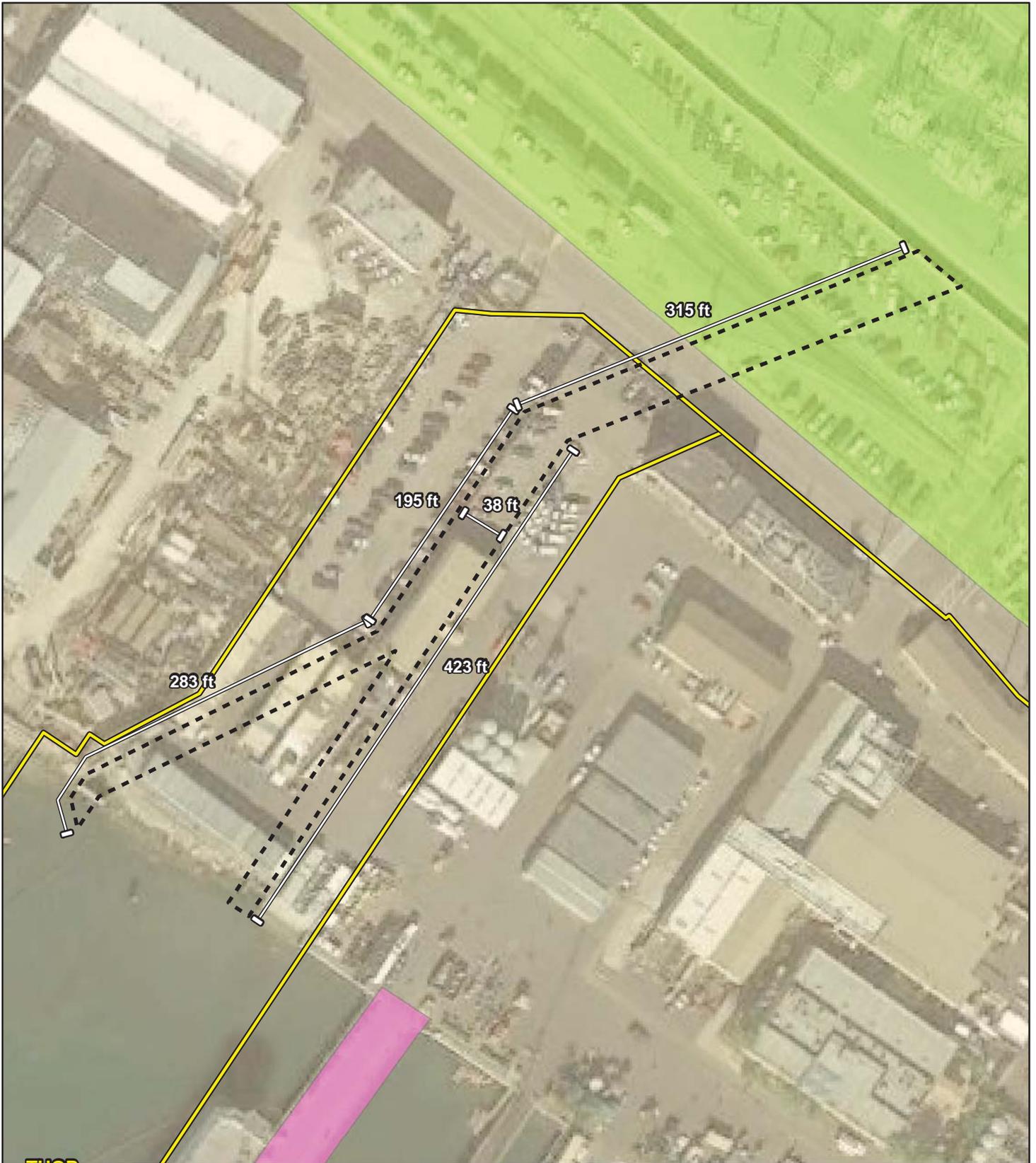
- Project Features**
-  Existing Pier 1
-  Proposed Floating Dry Dock

-  Existing Cooling Tunnels
-  BAE Systems Existing Leasehold
-  TUOP Parcel

Attachment D to Agenda File No. 2015-1640



Attachment E to Agenda File No. 2015-1640



LEGEND

- | | | |
|--|--|---|
|  Project Limits |  Existing Cooling Tunnels | Project Features |
|  Port Jurisdiction | |  Existing Pier 1 |
|  City of San Diego Jurisdiction | | |



SAN DIEGO UNIFIED PORT DISTRICT
Environmental & Land Use Management Department

P.O. BOX 120488
SAN DIEGO, CA 92112-0488
(619) 686-6283
Fax: (619) 686-6508

COASTAL DEVELOPMENT PERMIT

Applicant: Sandor Halvax
Manager, Environmental Programs
BAE Systems
P.O. Box 13308
San Diego, CA 92170-3308

Project: BAE Systems Pier 1 North Drydock Project

Location: 2205 Belt Street, San Diego, CA 92113

You are hereby granted a Coastal Development Permit (Permit). This Permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a [] Emergency [X] Non-Appealable [] Appealable Coastal Development Permit.

Date of Board Action: November 17, 2015

Board of Port Commissioners Resolution Number: 2015 - XXX

Date of Permit: November XX, 2015

Application Number: 2014-31

Permit Number: CDP-2015-XX

The Project, as defined below, is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The Project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

This Permit is limited to the development described below and set forth in material on file with the San Diego Unified Port District (District), and subject to the terms,

conditions, and provisions hereinafter stated:

DEVELOPMENT

The Project Applicant and proponent, BAE Systems San Diego Ship Repair, Inc. (referred to herein as Permittee), proposes to replace an existing wet berth with a new drydock that would be located on the north side of the existing Pier 1 at the BAE Systems San Diego Ship Repair (BAE Systems) facility located at 2205 East Belt Street in San Diego (see Exhibit 1). The proposed drydock and associated improvements (collectively, Project) would include the following, as described further below:

- Underwater improvements;
- Dredging;
- Ramp wharf;
- Mooring dolphins;
- Floating drydock;
- Utilities;
- Certain other Project features;
- Bay coverage and shading; and
- Eelgrass mitigation.

The drydock would extend approximately 350 feet (ft) past the U.S. Pierhead Line and into California State Lands Commission (CSLC) jurisdiction. As such, Permittee is also required to obtain approval (e.g., Coastal Development Permit) from the California Coastal Commission (CCC), as well as other potential approvals from other agencies.

Underwater Improvements

To prevent undermining of the existing Pier 1, an underwater wall and cantilevered king pile installation is proposed to be constructed. These underwater improvements would allow for dredging adjacent to the pier without adversely impacting the strength and integrity of the pier, which would continue to moor large U.S. Navy vessels on the south side of that pier. The overall length of these underwater improvements is approximately 700 ft, and extend from the U.S. Bulkhead Line to the U.S. Pierhead Line.

Dredging

The Project proposes dredging to provide sufficient water depth to submerge the floating drydock. The drydock would require a Bay bottom elevation of -65 ft Mean Lower Low Water (MLLW), as shown in Exhibit 2. Additionally, to provide a route to enter the drydock, some minor dredging may be required between the end of the dock and the Bay channel. The majority of the dredging would be located east the U.S. Pierhead Line within District tidelands. Dredging west of the U.S. Pierhead Line is within the jurisdiction of the CSLC and the CCC. Sediment is proposed to be disposed of at either the U.S. Environmental Protection Agency (EPA)-approved ocean disposal site commonly known as LA-5, or outside of tidelands (upland) at an appropriately permitted landfill. Some sediment may also be used for beneficial reuse. Based on preliminary bathymetric survey data, dredging is anticipated to generate approximately 395,000 cubic yards (cy) of sediment.

All sediment would be tested by the U.S. Army Corps of Engineers (USACE) and the EPA. Sediment that meets ocean disposal and beneficial reuse standards will either be taken by barge to the LA-5 ocean disposal site, which is located approximately 13 miles west of the Project site, or utilized for beneficial reuse in San Diego Bay. The beneficial reuse of sediment would mitigate Project impacts to subtidal vegetated habitat (eelgrass). The Project's dredging activities are proposed to remove approximately 0.13-acre of eelgrass. Mitigation for this impact is discussed further below. Any sediment not approved for ocean disposal or beneficial reuse would be characterized, profiled, and disposed of outside of tidelands (upland) at an appropriately permitted landfill.

Ramp Wharf

A ramp wharf designed for accessing the drydock is proposed adjacent to and westward of the bulkhead and would extend from approximately the current bulkhead line to approximately 125 ft into the Bay. The ramp wharf structures are designed to support heavy vehicle and equipment loads and constructed of a reinforced concrete deck supported by precast concrete piles proposed to be anchored along the shoreline. The elevation of the wharf is proposed to be approximately +13 ft MLLW. This elevation is 12 inches higher than existing piers at the BAE Systems site and has been designed to account for some rise in sea level.

The deck support system would require pile driving and would consist of both vertical and batter piles. The batter piles would provide lateral resistance to seismic loads. Along the perimeter of the ramp wharf a concrete curb would be constructed that would control storm water runoff and divert it to existing onshore stormwater collection facilities. Electrical conduits are proposed to be located within the pier deck and be cast in place when the pier deck is poured. Other utility piping, such as mechanical and electrical, is proposed to be installed from the shore to the drydock.

The ramp wharf is proposed to be constructed of three independent structures with the northernmost structure measuring approximately 134 ft by 35 ft, the intermediary structure measuring approximately 134 ft by 76 ft, and the southernmost structure measuring approximately 134 ft by 70 ft, with a combined total area of approximately 22,088 sf (including pedestrian and vehicle ramps). The southernmost structure is proposed to be constructed first; however, the northernmost and intermediary structures cannot be constructed until the adjacent cooling tunnels are removed. The cooling tunnels, which are located landside immediately north of Pier 1, are proposed to be removed independently of the drydock and their removal is not permitted as part of this permit. Until the cooling tunnels are removed, temporary pedestrian access to the north side of the drydock would extend from the shoreline via a temporary wharf ramp.

Mooring Dolphins

To accommodate the mooring of the proposed drydock, two mooring dolphins (one new and one retrofit) are proposed to be installed approximately 344 ft and 890 ft offshore (west) of the U.S. Bulkhead Line. Dimensions of each dolphin would be approximately

26 ft by 33 ft in size and include a 4-ft thick concrete deck. Each dolphin is proposed to be supported by 24 concrete 24-inch octagonal piles and outfitted with two 100-ton double bits. The square footage of the proposed new western drydock dolphin is approximately 714 sf. The easternmost mooring dolphin is proposed to be retrofitted into the existing Pier 1 structure, adding approximately 194 sf of area. The new dolphins are necessary to provide a fixed mooring structure to secure the drydock. One of these dolphins is in the CSLC jurisdiction. The existing western Pier 1 mooring dolphin will be expanded from an existing area of 345 sf to 483 sf (for a total increase of 138 sf). This expansion entails the installation of three additional 24-inch octagonal piles on the south side of the mooring dolphin. Pile driving would occur as part of the mooring dolphin construction.

Floating Drydock

The Project includes installation of a new floating drydock (see Exhibit 3). The new floating drydock would 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. It is anticipated that the majority of the drydock would be assembled off site. However, some additional drydock assembly work is proposed to occur on-site once the drydock is towed to the shipyard.

Utilities

The Project includes improvements to the electrical and mechanical utilities at the Project site. Branches from existing utilities would provide electric service, salt water, potable water, and sewage to barge berths. Other improvements include, but are not limited to:

- New electrical feeder cables, switches and distribution systems;
- New landside and waterside lighting, including pole lights and imbedded light fixtures in the wharf structure; and
- Shore and wharf data, telephone and television systems for use by vessels in drydock.

Project Features

The Project also includes the following Project feature, which will be constructed or implemented as part of the Project:

All new lighting would consist of light-emitting diode (LED) fixtures. In addition, the Project would include installation of two electric cranes mounted on the drydock itself and no diesel cranes will be used on the new drydock. Additionally, the Project will include installation of a zero-discharge salt water system (pumps) using smart controllers and cascading pumps that minimize operation of only to those pumps necessary to keep up with actual demand.

Prior to issuance of a grading permit, the Permittee shall obtain 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]). The Permittee shall complete and file a Notice of Intent with the San Diego Regional Water Quality Control Board (RWQCB) to obtain coverage under the CGP. A Storm Water Pollution Prevention Plan (SWPPP) and all other CGP requirements shall be prepared and implemented 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.

The Permittee shall comply with the Statewide General Waste Discharge Requirements (individually, WDR and collectively, WDRs) for discharges to land with a low threat to water quality (Order No. 2003-0003-DWQ) during construction activities. This permit establishes minimum standards for low threat discharges to water quality.

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 Thereto Order No. R9-2007-0034 (NPDES No. CAG919001).

The Permittee 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 (Order No. R9-2013-0001, NPDES No. CAS0109266) (Municipal Permit). The Municipal Permit requires pollutants and runoff flow during the planning, construction, and operational phase of the Project. The Permittee shall identify and apply BMPs to reduce storm water pollutants to the maximum extent practicable for the Project. In addition, the Municipal Permit shall require each co-permittee to implement a Jurisdictional Runoff Management Plan (JRMP) and incorporate a Standard Urban Storm Water Mitigation Plan (SUSMP) into their project approval process. The District has prepared the District JURMP and the District SUSMP in accordance with the Municipal Permit requirements.

As required by the District's SUSMP, the Permittee shall be required to prepare an Urban Storm Water Mitigation Plan (USMP). The USMP shall describe how the Project shall meet SUSMP requirements in order for the Project application to be considered complete. The USMP shall identify pollutants of concern, conditions of concern, appropriate BMPs, and BMP maintenance requirements. Furthermore, the USMP shall include storm water BMP maintenance provisions in an Operations and Maintenance Plan.

The Project shall comply with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District. This Ordinance outlines requirements for dischargers and places of discharge to the storm water conveyance system and the receiving waters that are necessary to adequately enforce and administer all laws that provide protection and enhancement of water quality. Pursuant to this Ordinance, the Project shall comply with the Construction General

Permit and the Municipal Permit, as well as BMPs, to reduce pollutants of concern to the maximum extent practicable.

The contractor shall comply with the requirements set forth in WDRs for BAE Systems San Diego Ship Repair Inc. (Order No. R9-2015-0034, NPDES No. CA0109151). All storm water runoff will be contained on-site before discharging into the storm sewer system. If discharge from the drydock must occur, it shall be regulated.

Prior to construction, Permittee shall require the construction contractor to implement best available control measures (BACMs) in accordance with San Diego Air Pollution Control District Rule 55. This would ensure that fugitive dust controls are in place during construction and demolition activities.

The Permittee will prepare a Construction Management Plan for the Project. The Construction Management Plan should be developed in coordination with the City of San Diego Development Services to address the following:

- Implement traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will utilize to access the site and for the delivery of construction materials, traffic controls and detours, and a proposed construction phasing plan for the Project.
- Specify the hours during which transport activities can occur and methods to mitigate potential construction-related impacts to adjacent streets.
- Identify haul route(s) for any materials to be removed and/or imported to the satisfaction for the City's Traffic Engineering staff; these routes may include circulation modifications to help reduce any temporary construction impacts.
- Subject to the direction of the City's Traffic Engineering staff, haul operations associated with the materials export/import may be prohibited during the a.m. and p.m. peak commute periods (i.e., between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.).
- Require the Permittee to keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Permittee shall clean adjacent streets, as directed by the City's Traffic Engineering staff (or representative of the City Engineer), of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads will be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport will be allowed during nighttime hours on weekends or federal holidays.
- Use of local streets shall be prohibited.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route(s), the Permittee will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.

- All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site to the extent feasible.
- The Construction Management Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD), as well as City requirements.

Bay Coverage and Shading Impacts

The Project would result in approximately 168,425 sf (or 3.8 acres) of Bay coverage and shading. Shaded areas would occur from the drydock and aprons, ramp wharves, mooring dolphins, and piles.

Eelgrass Mitigation

A 1.2:1 mitigation ratio is required for eelgrass habitat impacts from dredging, which would result in a mitigation requirement of 0.16-acre. A 1:1 mitigation ratio is required for bay coverage impacts. The beneficial reuse of sediment from the Project would be used to mitigate Project impacts to subtidal vegetated habitat (eelgrass) associated with dredging and the increased bay coverage. The mitigation site will be sized to ensure ultimate achievement of the targeted 1:1 mitigation ratio to mitigate bay coverage impacts of 3.8 acres, as well as the 1.2:1 mitigation ratio of direct eelgrass impacts. However, the sizing of the site will have the potential to generate significantly more eelgrass habitat than required by the Project as insurance against any shortfalls and the need for supplemental mitigation actions.

There are two potential beneficial reuse sites: the Northern and the Southern Alternative Mitigation Sites, as shown on Exhibit 4. The Northern Alternative Mitigation Site is located south of the Sweetwater River Flood Control Channel within the San Diego Bay National Wildlife Refuge, and the Southern Alternative Mitigation Site is located further south and adjacent to a channel within the District. Either of these sites may be used or an alternative site if appropriate and approved by the District.

Construction

The Project would be constructed in five phases over approximately 18 months: (1) Pier 1 North submerged wall, (2) retrofitting of existing Pier 1 mooring dolphin, (3) dredging, (4) wharf and mooring dolphin construction, and (5) shoreline and utilities. Construction is anticipated to begin in early 2016 and is proposed to be complete by mid-2017.

All haul trucks required for Project construction will avoid truck travel on surface streets through non-designated truck routes.

STANDARD PROVISIONS

1. Permittee shall adhere strictly to the current plans for the Project as approved by the District and the Project as described above.
2. Permittee shall notify the District of any changes in the Project and herein described. Notification shall be in writing and be delivered promptly to the District. District

approval of the Project change may be required prior to implementation of any change, and may require an amendment to this Permit.

3. Permittee and the Project shall meet all applicable codes, statutes, ordinances and regulations, and Permittee shall obtain all necessary permits from local, regional, state, and federal agencies.
4. Permittee shall conform to, and this Permit is subject to, the permit rules and regulations of the District, including, but not limited to, the District's Coastal Development Permit Regulations.
5. Permittee shall be responsible for compliance with Americans with Disabilities Act and Title 24 specifications.
6. Permittee shall commence development within two (2) years following the date of this Permit issuance by the District. Construction shall be pursued in a timely manner and completed with all diligence and within a reasonable period of time when considering the characteristics of the Project.
7. This Permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This Permit shall not be valid unless two copies have been returned to the Environmental & Land Use Management Department of the District, upon which copies the Permittee has signed a statement agreeing that the Permittee will abide by the terms, conditions, limitations, and provisions of this Permit.
9. The Permittee and contractor shall perform all BMPs during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to Pacific Ocean, to the maximum extent practicable.
10. All District tidelands are regulated under Regional Water Quality Control Board Order No. R9-2013-0001, NPDES Permit No. CAS0109226, Municipal Permit. The Municipal Permit prohibits any activities that could degrade stormwater quality.

The Permittee shall ensure that post-construction / operational use of this Project site complies with the Municipal Permit and District direction related to permitted activities including the requirements found in the District's JRMP. The JRMP is available on the District website: <https://www.portofsandiego.org/environment/clean-water> or by contacting the Environmental & Land Use Management Department, (619) 686-6254.

11. This Project may be subject to the District post-construction BMP requirements. If so, approval of the Project by the District is necessarily conditioned upon submission by the Permittee of a Project specific Stormwater Quality Management

Plan (SWQMP) that meets District requirements and is compliant with the District BMP Design Manual (JRMP Appendix D). The Permittee shall implement all post-construction structural and non-structural BMPs throughout the life of the Project.

The implementation and maintenance of the post-construction BMPs constitute regulatory obligations for the Permittee, and failure to comply with the Municipal Permit, the JRMP, or the District approved SWQMP, including the specific BMPs contained therein, may be considered a violation of this Permit and a violation of District Code.

12. In the discretion of the District, Permittee may be required to require that their contractor(s) furnish security, naming the District as a dual obligee, in the form of a performance bond and a payment bond, each in an amount deemed appropriate by the District to guarantee payment of the subcontractors, completion of the approved work under this Permit, and compliance with the conditions and limitations upon which this Permit is granted. Permittee may also be required by the District to furnish security in the form of a payment bond in an amount deemed appropriate by the District to guarantee payment to the contractor(s) for work performed under this Permit.
13. By accepting this Permit, Permittee acknowledges and agrees (a) that the Project site may be subject to environmental conditions and hazards; (b) to assume the risks to the Permittee of injury and damage from such conditions in connection with the implementation of the Project; (c) to unconditionally waive any claim of damage or liability against the District, its Board of Port Commissioners, officers, agents and employees ("District" for purposes of this condition) for injury or damage from such conditions to persons performing the work for which this Permit is issued; (d) to defend, indemnify and hold harmless, and require that Permittee's engaged contractor(s) for the Project to defend, indemnify and hold harmless, the District from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment (collectively, Claim) arising out of, resulting from, or in any way related to the performance of the work by Permittee's contractor(s) for which this Permit is issued, with the exception of any Claim resulting from the Project caused by the sole negligence or willful misconduct of the District; (e) to defend, indemnify and hold harmless the District from any Claim arising out of, resulting from, or in any way related to the District's approval of the Project, the granting of this Permit, and the District's certification of the Final Environmental Impact Report or other actions required under the California Environmental Quality Act or California Coastal Act; and (f) that Permittee will require Permittee's contractors to name the District as an additional insured on all policies of insurance, now in existence or to be obtained by them, for the work conducted pursuant to this Permit.
14. By accepting this Permit, Permittee acknowledges and agrees that: (a) it is the sole and exclusive responsibility of Permittee, and not the District, to ensure that all persons and/or entities who provide any labor, services and/or equipment in

connection with the Project, shall comply with the requirements of California's prevailing wage laws (collectively, PWL), to the extent such laws are applicable; and (b) it is the sole and exclusive responsibility of Permittee, and not the District, to determine whether the Project is subject to PWL by obtaining a determination by means that do not involve the District. If the Project is determined to be subject to the PWL, Permittee shall comply with all applicable provisions of the PWL, and shall take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project shall likewise comply with all applicable provisions of PWL.

By accepting this Permit, Permittee further acknowledges and agrees that Permittee's failure to comply with all applicable provisions of PWL, and/or their failure to take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project comply with all applicable provisions of PWL, shall render Permittee, and not the District, liable for all remedies (inclusive of all applicable fines and penalties), afforded by law as a consequence of such non-compliance. Permittee expressly acknowledges and agrees to defend, indemnify and hold harmless the District, from any Claim arising out of, resulting from, or in any way related to PWL (collectively PWL Claim) made against or incurred by the District in any capacity (including, without limitation, as a real party in interest), except for any PWL Claim arising out of the sole negligence or willful misconduct of the District.

15. The conditions of this Permit are independent of, and in addition to, the obligations of the Permittee under any existing lease(s), Tidelands Use and Occupancy Permit(s), or other contractual agreement(s) with the District, and are binding upon Permittee and its agents, representatives, successors and permitted assigns.

SHORT TERM CONSTRUCTION MEASURES

1. To minimize noise during construction, the Permittee will require the construction contractor to (a) restrict normal construction activities from 7:00 am to 7:00 pm; (b) keep construction equipment as far as possible from sensitive receptors; and (c) provide acoustical shielding around equipment operating at night, from 10:00 pm to 7:00 am. If construction needs to occur between the hours of 7:00 pm and 7:00 am and/or during other normally prohibited times such as holidays, the Permittee shall demonstrate that the activity has been permitted by the City of San Diego's Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.
2. To minimize nuisance effects from lights or glare during construction, the Permittee will require the construction contractor to shield and direct night lighting away from adjacent areas.
3. All construction equipment shall be maintained in optimal condition to reduce the equipment's operational emissions.

4. Diesel equipment shall use low-sulfur diesel fuel.
5. Electric equipment shall be used to the maximum extent feasible during construction.
6. The Permittee shall require the construction contractor to provide construction employees with transit and ride share information.
7. The Permittee shall ensure that any site contamination is identified and a site restoration plan, acceptable to the appropriate regulatory agencies, is prepared and implemented to reduce any existing contamination to a level that has no potential to threaten employee or human health as defined under existing regulations. If any potential exists for impacts to employee health from exposure to hazardous materials, workers shall be provided with adequate protective gear.
8. The Permittee shall require all employees that are exposed to noise levels in excess of Occupational Safety and Health Administration (OSHA) hearing protection thresholds, during construction or operation, to wear noise protection devices (ear plugs and covers) that are protective of individual hearing.
9. Permittee and/or contractor shall comply with State Water Resources Control Board Order No. 2009-0009-DWQ (NPDES General Permit No. CAS000002), and Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (commonly known as the Construction General Permit), as adopted, amended, and/or modified. Construction activity subject to the Construction General Permit requires development and implementation of a SWPPP. The Permittee and/or contractor are responsible for submitting to the District a SWPPP that is compliant with the Construction General Permit and District required minimum BMPs. The District requires the use of District SWPPP templates. Once approved, the SWPPP document shall be maintained on the construction site at all times and made available for review by the District or other regulatory agencies.

The Permittee and/or contractor is responsible for ensuring that the SWPPP document is maintained on the site, implemented, and amended as required throughout construction. No discharges of any material or waste, including potable water, wash water, dust, soil, trash, and debris, may contaminate stormwater or enter the stormwater conveyance system. Any such material that inadvertently contaminates stormwater or enters the stormwater conveyance system as part of site operations shall be removed immediately. All unauthorized discharges to the stormwater conveyance system or the Bay or the ocean shall be reported immediately to the District Environmental & Land Use Management Department, in order to address any regulatory permit requirements regarding spill notifications.

The Project's total disturbed soil area (DSA) shall not exceed 5 acres during the rainy season (October 1 - April 30) and 17 acres during the non-rainy season (May 1

- September 30). The District may temporarily increase these limits if the individual site is in compliance with applicable stormwater regulations and the site has adequate control practices implemented to prevent stormwater pollution.

SPECIAL PROVISIONS

1. Permittee shall comply with all applicable Mitigation Monitoring and Reporting Program requirements (attached as Attachment A), as described in the “BAE Systems Pier 1 North Drydock Project” Final Environmental Impact Report (UPD #EIR-2014-31; SCH #2014041071, Clerk Document No. XXXXX), dated November 2015, and adopted by Resolution No. 2015-XXX on November 17, 2015. The Mitigation Measures are provided in the following Special Provisions.
2. Permittee shall comply with all Project Features, as described in the “BAE Systems Pier 1 North Drydock Project” Final Environmental Impact Report (UPD #EIR-2014-31; SCH #2014041071, Clerk Document No. XXXXX), dated November 2015, and adopted by Resolution No. 2015-XXX on November 17, 2015, and above on page 2 of this Permit under the DEVELOPMENT section, which are herein incorporated by reference.
3. By accepting this Permit, Permittee acknowledges and agrees that it is conducting development under this Permit without obtaining District approval of an updated real estate agreement (e.g., lease or lease amendment) or any extension of lease-term in accordance with BPC Policy No. 355 or otherwise. By accepting this Permit, Permittee further acknowledges and agrees that it is assuming the risk that the District may not grant an updated real estate agreement or extension of lease-term, despite the start and/or completion of the Project development authorized under this Permit, and that the District retains its sole and absolute discretion to approve or disapprove an updated real estate agreement (e.g., lease or lease amendment) or any extension of lease-term.
4. Activities allowed on Parcel No. 2 of Port Parcel #021-028 (a 2-acre landside parcel, also known as the “TUOP property,” as identified on Exhibit 5) will be limited to (a) those activities associated with the Remedial Action Plan (RAP) to comply with the Clean-up and Abatement Order (CAO) No. R9-2012-0024, which have been analyzed as part of the previously certified Program EIR for the Shipyard Sediment and Remediation Project; and/or (b) pierside activities in support of ship repair operations, which include parking, movement of vehicles and equipment, temporary storage and movement of materials, and other staging activities in support of pierside activity.
5. All haul trucks associated with Project construction and operation shall access Interstate 5 (I-5) via the designated route of East Harbor Drive and 28th Street and shall avoid the Barrio Logan neighborhood. This route shall be identified in the construction documents for the Project.

6. Prior to the commencement of dredging or pile-driving activities, Permittee 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 dredging and pile-driving Project 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 Permittee 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 Permittee 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 District within 60 days of the completion of the mitigation monitoring. (Mitigation Measure BIO-1)
7. 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 ELUM, or designee, of the 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. (Mitigation Measure BIO-2)
8. 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 District's ELUM Director, or designee, shall then 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. (Mitigation Measure BIO-3)

9. Prior to issuance of coastal development permit, Permittee 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 ELUM, or designee, of the District.

Demolition and construction activities associated with the 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, or designee, of the 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. Permittee shall secure all applicable permits for the mitigation site prior to commencement of any dredging activities. (Mitigation Measure BIO-4)

10. 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 terns occur (e.g., agitation or startling during foraging activities), construction shall cease until terns have left the Project site. The goal of this measure is to minimize noise impacts to California least terns. (Mitigation Measure BIO-5)
11. Prior to commencement of construction activities associated with the 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 Project are complete. (Mitigation Measure BIO-6)
 12. Prior to commencement of 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. (Mitigation Measure BIO-7)
 13. 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. (Mitigation Measure BIO-8)
 14. Permittee 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 (CCP). (Mitigation Measure BIO-9)

15. Prior to issuance of coastal development permit, Permittee shall submit a Final Geotechnical Report, subject to review and approval by the District's 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* (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.
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.

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, Permittee shall require appropriate changes to the final Project design and specifications, subject to review and approval by the District. (Mitigation Measure GEO-1)

16. Prior to commencement of construction activities, contractor shall prepare a Health and Safety Plan (HASP) for landside activities and submit it for review and approval by the District's 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. Permittee 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 Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-1)
17. Prior to commencement of dredging operations, contractor shall prepare a Hazardous Materials Dredging Management Plan (DMP) for review and approval by the District's 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 Permittee 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 shall 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.
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 U.S. Army Corps of Engineers (USACE)/U.S. 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 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 disposal.
18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.

The District's 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 Permittee and submitted to the District on a twice-monthly basis; and (2) periodic site inspections. (Mitigation Measure HAZ-2)

18. Prior to the commencement of dredging activities, contractor shall prepare and submit to the District's Engineering-Construction Department Director, or designee, for review and approval, a Contingency Plan, and implement such plan 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 overflow; 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 Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-3)

19. Prior to the commencement of dredging activities, contractor shall prepare and submit to the District's ELUM Director, or designee, for review and approval, a Health and Safety Plan for dredging activities, and shall implement such plan 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 Permittee'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 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 Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-4)

20. Prior to the initiation of dredging activities, contractor shall prepare and submit to the District's ELUM Director, or designee, for review and approval, a Communication Plan and operational guidelines for communications between the U.S. 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. (Mitigation Measure HAZ-5)
21. 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 compliance with the Statewide General Construction Permit (CGP) and District requirements. The CGP may require 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 District's Director of Engineering-Construction, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-6)

22. During upland 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.

The District's Director of Engineering-Construction, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-7)

23. During upland 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 District's Director of Engineering-Construction, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-8)

24. During upland 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 District's Director of Engineering-Construction, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by Permittee and submitted to the District on a twice-monthly basis, and (2) periodic site inspections. (Mitigation Measure HAZ-9)

25. 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 District's stormwater regulations, 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 District's Director of Engineering-Construction, 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 Permittee and submitted to the District on a twice-monthly basis. (Mitigation Measure HAZ-11)

26. Prior to completion of drydock construction, and as soon as practical, Permittee 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 District's ELUM Director, or designee. (Mitigation Measure HAZ-12)

27. Prior to commencement of dredging operations, the contractor shall prepare a Water Quality Dredging Management Plan (DMP) for review and approval by the District's 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 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 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. (Mitigation Measure HYD-1)
28. The Permittee's Environmental Manager or designee shall ensure that the contractor holds a pre-construction meeting to review all construction mitigation requirements with the construction crew. Proof of the construction meeting shall be submitted to the District's 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. (Mitigation Measure HYD-2)

29. Permittee 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 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 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. (Mitigation Measure HYD-3)

30. Permittee and the contractor shall coordinate water quality monitoring efforts and shall share water quality monitoring data with the Regional Water Quality Control Board (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 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. (Mitigation Measure HYD-4)

31. In order to address a projected parking supply shortage of 57 spaces at Project completion, prior to issuance of coastal development permit, Permittee shall provide evidence of an increase in employee alternative transportation ridership for review and approval by the District's Director of 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
- 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 an executed lease agreement is in place for an additional parking lot and submitted to the District for verification. (Mitigation Measure TR-1)

32. Permittee shall comply with all standard conditions, as specified in the EIR, and incorporated herein by reference.

Exhibits:

- 1. Project Location Map
- 2. Dredging Area Plan
- 3. Drydock Site Plan
- 4. Eelgrass Mitigation Sites
- 5. TUOP Property (2-acre landside parcel)

Attachment:

- A. Mitigation Monitoring and Reporting Program

If you have any questions on this Permit, please contact the Environmental and Land Use Management Department of the San Diego Unified Port District at (619) 686-6283.

RANDA CONIGLIO
President/Chief Executive Director

By: _____
JASON GIFFEN
Director, Environmental and Land Use Management

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

Signature of Permittee
SANDOR HALVAX
Manager Environmental Programs, BAE Systems

Date

Exhibit 1 – Project Location Map

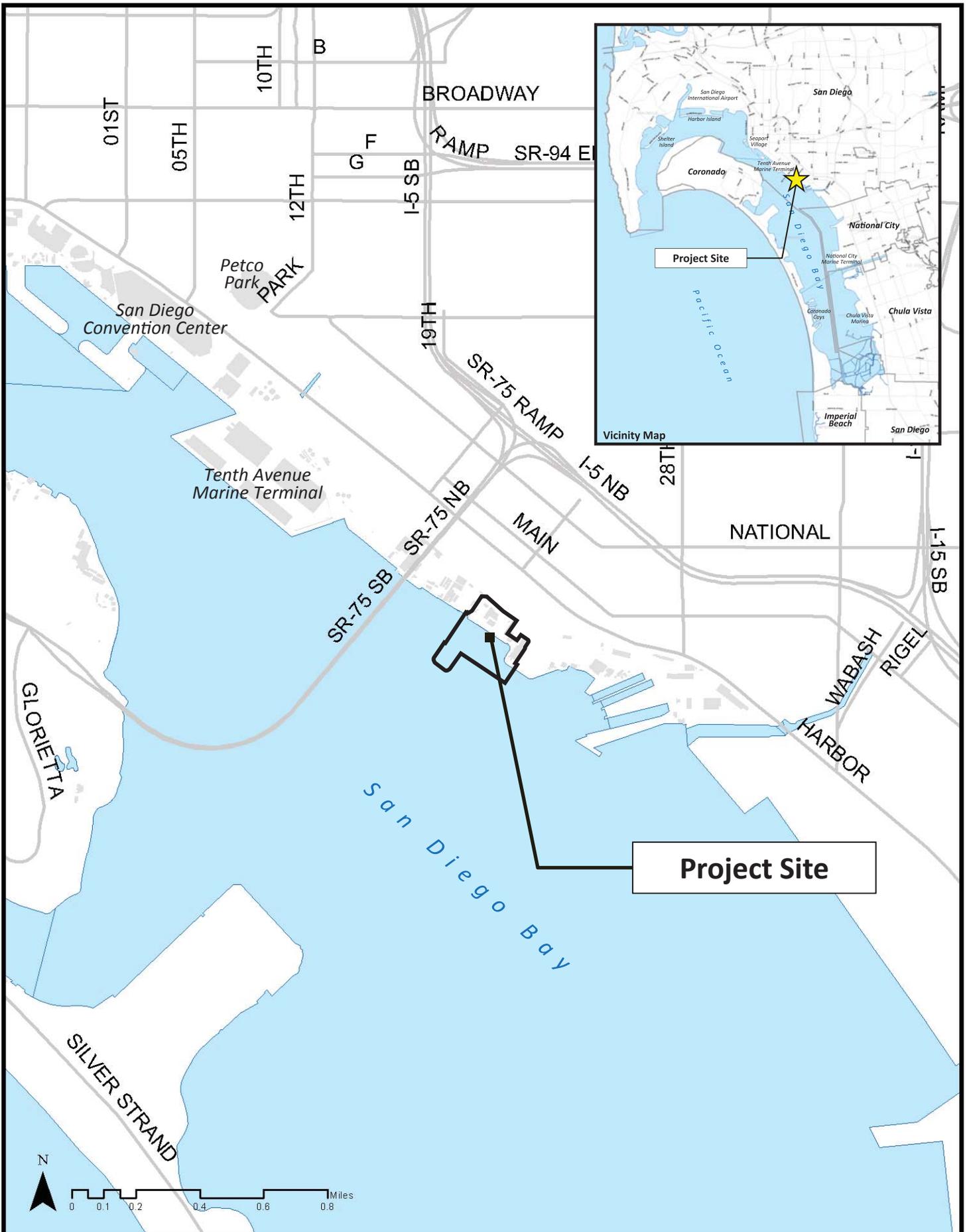


Exhibit 2 – Dredging Area Plan

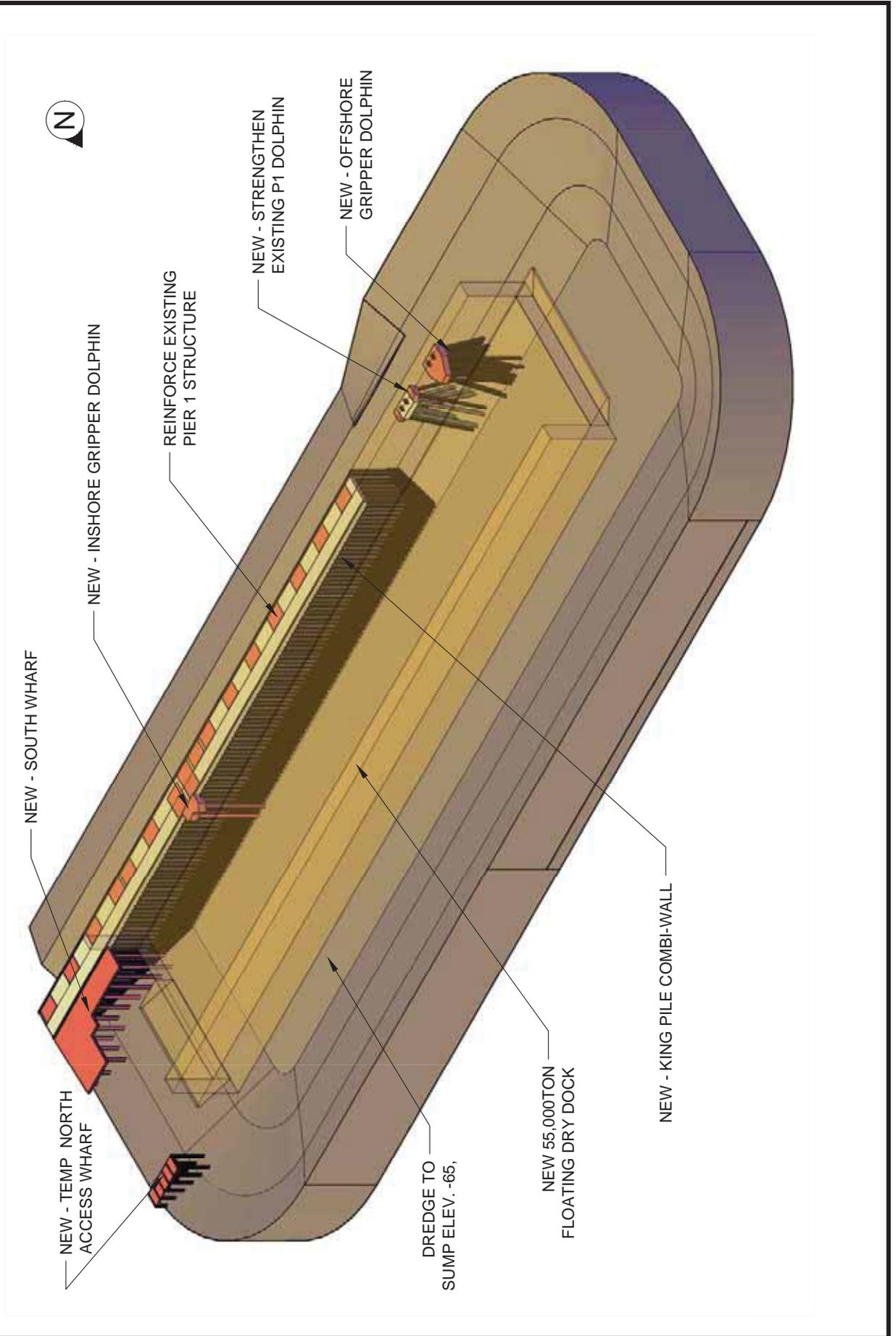
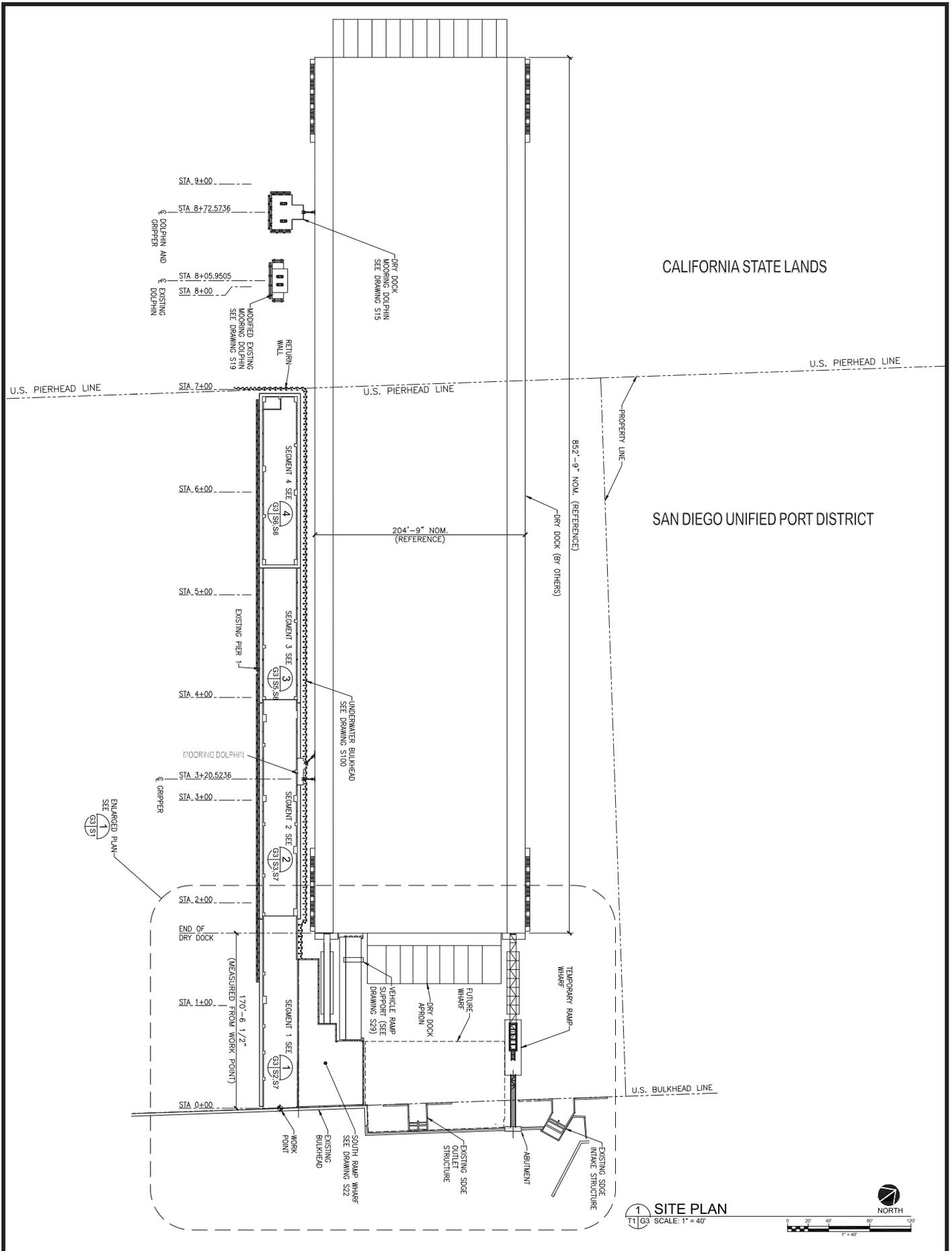


Exhibit 3 – Drydock Site Plan



1 SITE PLAN
T1 G3 SCALE: 1" = 40'

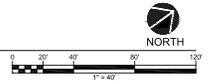


Exhibit 4 – Eelgrass Mitigation Sites

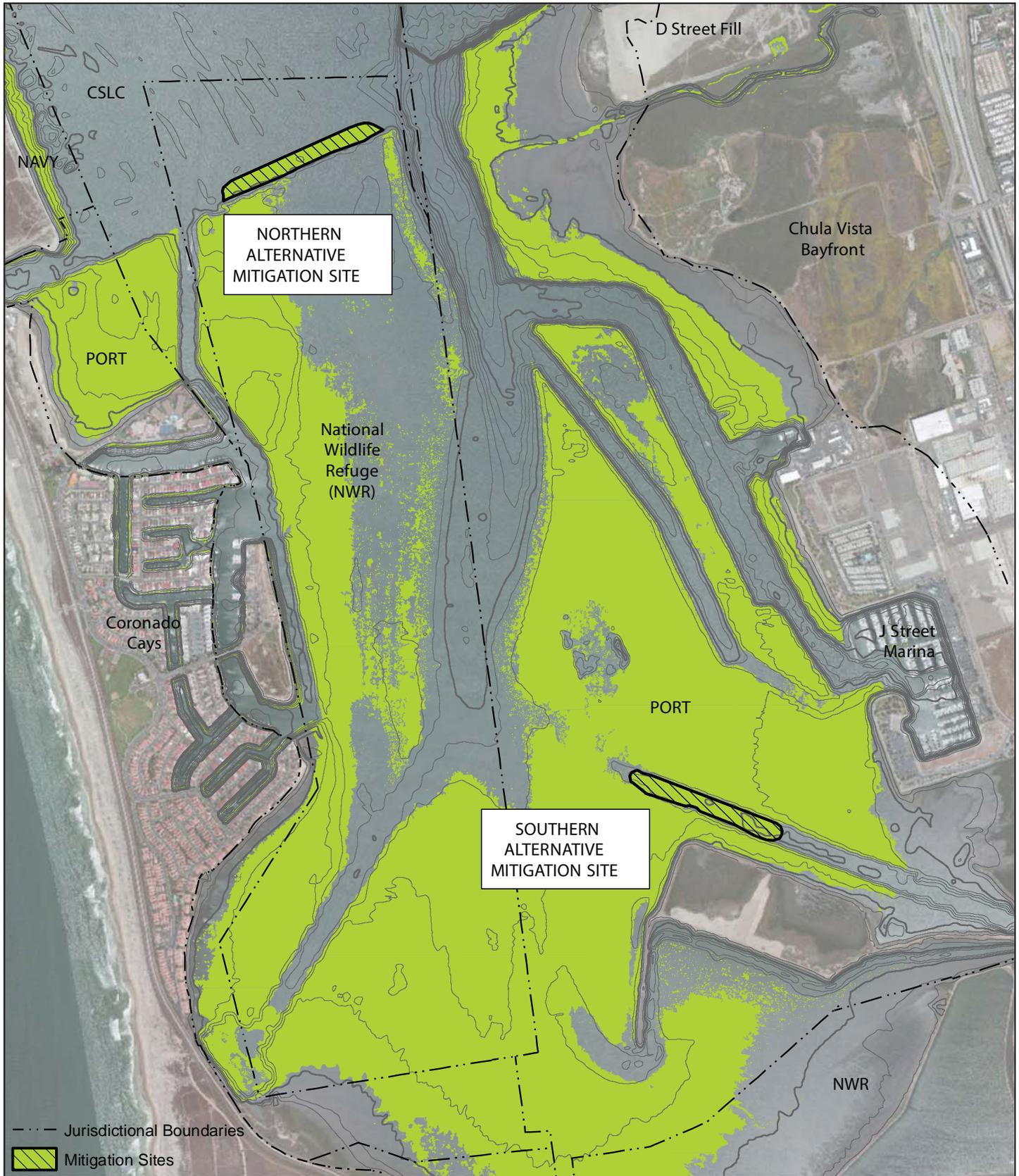
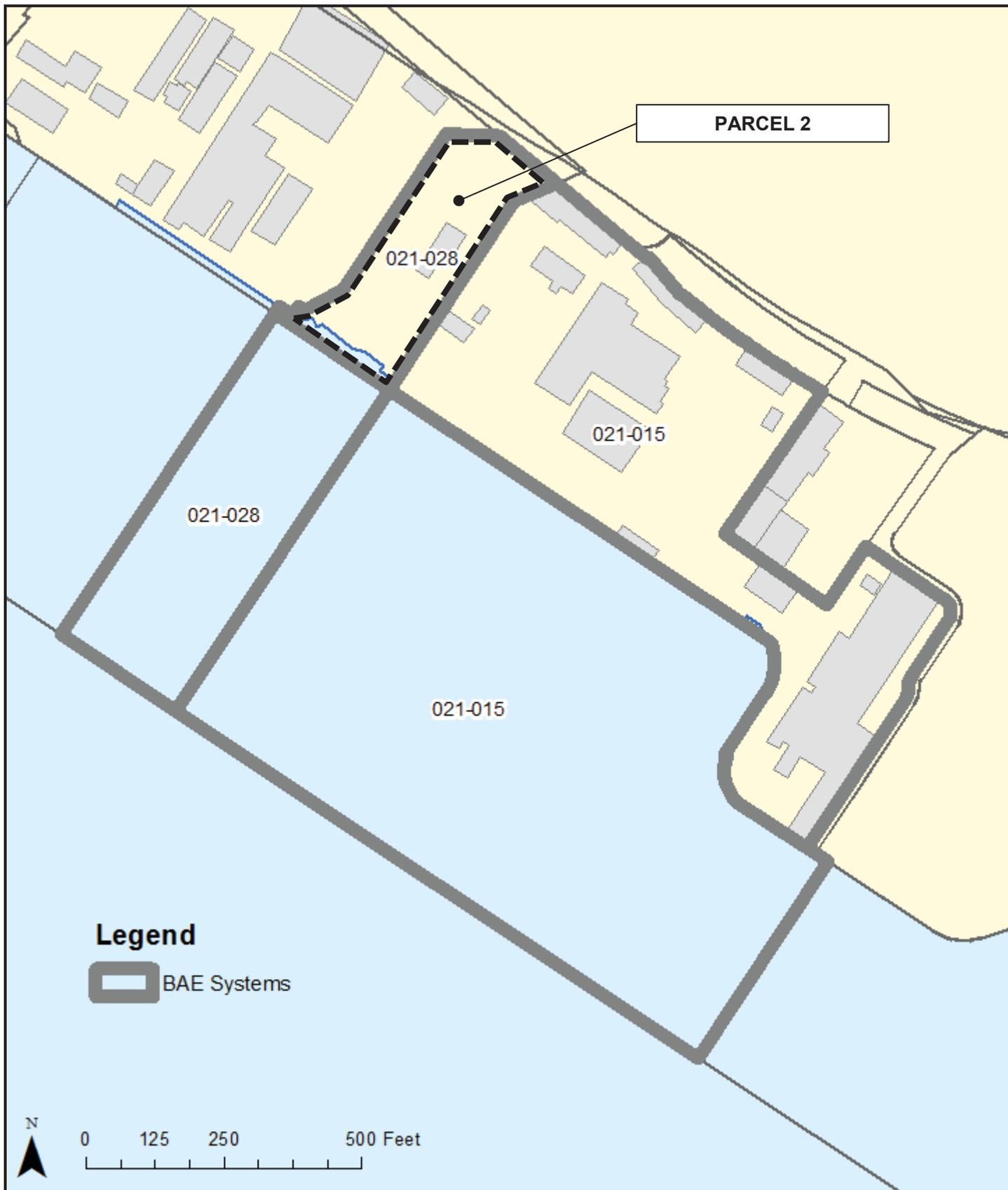


Exhibit 5 – TUOP Property (2-acre landside parcel)



Activities allowed on Parcel No. 2 of Port Parcel #021-028 will be limited to (a) those activities associated with the Remedial Action Plan (RAP) to comply with the Clean-up and Abatement Order (CAO) No. R9-2012-0024 and/or (b) pierside activities in support of ship repair operations, which include parking, movement of vehicles and equipment, temporary storage and movement of materials, and other staging activities in support of pierside activity.

Attachment A to CDP-2015-XX

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			
<i>No mitigation measures were identified for air quality.</i>			
4.2: Biological Resources			
<p>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</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During active dredging and pile-driving project activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.</p> <p>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.</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>For a period of 15 minutes daily prior to the start of in-water construction activities</p>	<p>The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour</p>	<p>A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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).</p> <p>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</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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).</p> <p>Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented:</p> <ul style="list-style-type: none"> • 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 	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Turbidity curtain required for dredging during California least tern nesting season (generally between mid-April and late September)</p>	<p>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).</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>of this measure is to minimize noise impacts to terns.</p> <p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to construction the boundaries of any existing eelgrass beds, shall be staked and protected, replaced, and maintained as needed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to dredging activities a turbidity curtain shall be deployed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During shoreline work, silt curtains shall be deployed</p>	<p>The silt curtain shall be designed to prevent drift so that impacts to eelgrass during shoreline work are avoided.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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).</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> to occur not more than 90 days before the initiation of construction activities</p>	<p>If <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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).</p>
<p>4.3: Geology and Soils</p>			
<p>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, and the 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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i></p>	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report</p>	<p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i> (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>(TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p> <p>Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to:</p> <ol style="list-style-type: none"> 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
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p> <p>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.</p> <p>12. Cooling Tunnel Removal – Shoring (Wet Alternative): Identify the shoring method required for excavation of cooling tunnels and the form of</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>lateral restraint required to transfer the horizontal restraint across the shoring wall.</p> <p>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.</p> <p>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.</p> <p>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.</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>4.4: Climate Change and Greenhouse Gases</p> <p><i>No Mitigation Required</i></p>			
<p>The following PDFs will further reduce criteria pollutant and GHG emissions:</p>			
<p>PDF GHG-1:</p>	<p>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</p>		
<p>PDF GHG-2:</p>	<p>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.</p>		
<p>4.5: Hazards and Hazardous Materials</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during construction activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>San Diego Unified Port District's Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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).</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>5. Additionally, the spill shall be reported to the applicable agencies presented in the DMP.</p> <p>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.</p> <p>7. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull.</p> <p>8. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited.</p> <p>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.</p> <p>10. The contractor shall not overfill the digging bucket because overfill results in material overflowing back into the water.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>disposal.</p> <p>18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</p> <p>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.</p>			
<p>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:</p> <ol style="list-style-type: none"> 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 	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>equipment failure or release;</p> <p>7. Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents;</p> <p>8. Response procedures in the event of barge overflow; and</p> <p>9. Procedures for prompt notification of the District and all other regulatory agencies.</p> <p>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.</p>			
<p>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. The HASP shall be reviewed and approved by a Certified Industrial Hygienist retained at the Applicant's expense.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>
<ol style="list-style-type: none"> 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; 			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>3. Training in the safe operation of cranes, barges, tugs, and support craft;</p> <p>4. Site evacuation and emergency first aid response; and</p> <p>5. Documentation that certifies that required health and safety procedures have been implemented.</p> <p>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.</p>			
<p>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.</p> <p>Features of the Communication Plan shall include, at a minimum:</p> <ol style="list-style-type: none"> 1. Identification of vessel speed limitations (e.g., wake/no wake); and 2. Notification to project personnel using air horns as necessary. 	<p>San Diego Unified Port District's Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during dredging activities</p>	<p>The preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP.</p> <p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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).</p> <p>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.</p>			<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During and after dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.</p>	<p>The contractor</p>	<p>During dredging activities</p>	<p>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.</p>
<p>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.</p> <p>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.</p>	<p>The contractor</p>	<p>During dredging activities</p>	<p>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.</p>
<p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During dredging activities</p>	<p>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.</p>
<p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.</p>	<p>The contractor</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during commencement of cooling tunnels removal</p>	<p>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.</p>
<p>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.</p> <p>The San Diego Unified Port District's (District) Director of</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during the commencement of dredging, demolition, or construction activity</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>	<p>San Diego Unified Port District's Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to completion of drydock construction, and as soon as practical</p>	<p>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.</p>
<p>4.6: Hydrology and Water Quality</p>			
<p>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 Director (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</p>	<p>San Diego Unified Port District's Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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 Director (ELUM) Director, or designee.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Personnel shall be required to visually monitor for oil or fuel spills during construction activities.</p> <p>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.</p> <p>The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Engineering-Construction Director, or designee</p>	<p>Prior to construction</p>	<p>Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 overflow any dredging bucket because overflow results in material overflowing back into the water. • The contractor shall, at a minimum, deploy non-drifting silt curtains fully around areas of 	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging operations</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <ul style="list-style-type: none"> 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 overflow 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
<p>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.</p> <ul style="list-style-type: none"> 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. 			
<p>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.</p> <p>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</p>	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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 encroaching 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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator</p>	<p>Prior to and during subsurface disturbance activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>4.7: Land Use and Planning</p>			
<p><i>No mitigation measures were identified for land use or planning impacts.</i></p>			
<p>4.8: Noise</p>			
<p><i>No mitigation measures were identified for noise impacts.</i></p>			
<p>4.9: Transportation and Traffic</p>			
<p>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:</p> <ul style="list-style-type: none"> • Increase the number of subsidized vanpools to increase vanpool ridership; or • Provide subsidized trolley passes for existing vehicle commuters; or 	<p>Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee</p>	<p>Prior to issuance of the Coastal Development Permit (CDP)</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<ul style="list-style-type: none"> 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. <p>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.</p>			
<p>4.10: Utilities and Service Systems <i>No mitigation measures were identified for utilities and service systems.</i></p>			

Attachment G to Agenda File No. 2015-1640 Website Links

The copies of the Draft EIR, Final EIR, Errata and MMRP can be found on the website below, as well as in the Office of the District Clerk.

<https://www.portofsandiego.org/environment/ceqa-coastal-act-notice/3858-bae-pier-1-north-drydock-associated-real-estate-agreements-and-removal-of-cooling-tunnels-project.html>

This link was provided to the Board on November 5, 2015 by a memorandum. Hard-copies of the Draft EIR, Final EIR, Errata and MMRP were provided to the Board in the Board Offices.

DRAFT

RESOLUTION 20xx-xxx

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

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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.

6. 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

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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.

8. 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.

9. 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.

10. 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:

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 3.1, 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 is 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 hydroacoustical 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 contaminants or hazardous materials occurs. Characterization of such encountered materials provides for the appropriate handling 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 plates 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 overflow 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 overflow 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 consistency 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 Tern 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 (O₃), particulate matter less than 2.5 microns in size (PM_{2.5}), and sulfur oxides (SO_x) are at 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. 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 (PM₁₀) 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 or 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 or 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 (CO₂e) per year and the Stationary Source Threshold, of 10,000 MT of CO₂e 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 less 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 through 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, O₃, 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 PM₁₀ 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 or 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 O₃ 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 Release 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 Release 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 Release 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 (MWWWD) would increase the overall regional demand for wastewater treatment service. Any proposed changes to capacity of the MWWWD or the PLWTP are reviewed throughout the year. For all new development within the MWWWD 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 MWWWD 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 MWWWD would meet established standards. As the wastewater from all development within the service area of MWWWD 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 statutes 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 ALTERNATIVE

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 that 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
<p>4.1: Air Quality</p> <p><i>No mitigation measures were identified for air quality.</i></p>			
<p>4.2: Biological Resources</p> <p>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</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During active dredging and pile-driving project activities</p>	<p>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.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.</p>			
<p>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.</p>	<p>Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>For a period of 15 minutes daily prior to the start of in-water construction activities</p>	<p>The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.</p>
<p>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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour</p>	<p>A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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).</p> <p>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</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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).</p> <p>Should dredging and in-water construction need to occur during the California least tern nesting season, the following construction measures shall be implemented:</p> <ul style="list-style-type: none"> 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 	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Turbidity curtain required for dredging during California least tern nesting season (generally between mid-April and late September)</p>	<p>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).</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>of this measure is to minimize noise impacts to terms.</p> <p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to construction the boundaries of any existing eelgrass beds, shall be staked and protected, and replaced, and maintained as needed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>Prior to dredging activities a turbidity curtain shall be deployed</p>	<p>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.</p>
<p>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.</p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p>	<p>During shoreline work, silt curtains shall be deployed</p>	<p>The silt curtain shall be designed to prevent drift so that impacts to eelgrass during shoreline work are avoided.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>BIO-9: Invasive Species Surveys. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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).</p> <p>4.3: Geology and Soils</p> <p>GED-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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i></p>	<p>Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)</p> <p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Surveillance-level survey for <i>Caulerpa taxifolia</i> and <i>Undaria pinnatifida</i> to occur not more than 90 days before the initiation of construction activities</p> <p>Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report</p>	<p>If <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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 <i>Caulerpa taxifolia</i> or <i>Undaria pinnatifida</i> 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).</p> <p>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 <i>Geotechnical Report Pier 1 Dry Dock EIR BAE Systems San Diego Ship Repair San Diego, California</i> (TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>(TerraCosta Consulting Group, Inc., March, 2015) (Geotechnical Report).</p> <p>Conditions identified in the Geotechnical Report to be addressed in the Final Geotechnical Report include, but are not limited to:</p> <ol style="list-style-type: none"> 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. 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. 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. 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. 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
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p> <p>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.</p> <p>12. Cooling Tunnel Removal – Shoring (Wet Alternative): Identify the shoring method required for excavation of cooling tunnels and the form of</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>lateral restraint required to transfer the horizontal restraint across the shoring wall.</p> <p>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.</p> <p>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.</p> <p>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.</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
4.4: Climate Change and Greenhouse Gases			
<i>No Mitigation Required</i>			
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 submitted to the District on a twice-monthly basis, and (2) periodic site inspections.	San Diego Unified Port District's 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
<p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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).</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>5. Additionally, the spill shall be reported to the applicable agencies presented in the DMP.</p> <p>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.</p> <p>7. Barge load limits and loading procedures shall be identified, and the appropriate draft level shall be marked on the materials barge hull.</p> <p>8. Water discharges (supernatant water from sediment and storm water) to San Diego Bay are prohibited.</p> <p>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.</p> <p>10. The contractor shall not overflow the digging bucket because overflow results in material overflowing back into the water.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>13. The contractor shall not overflow 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>disposal.</p> <p>18. The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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 	<p>San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>equipment failure or release;</p> <p>7. Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents;</p> <p>8. Response procedures in the event of barge overfill; and</p> <p>9. Procedures for prompt notification of the District and all other regulatory agencies.</p> <p>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.</p>	<p>San Diego Unified Port District's Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p> <p>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.</p>
<p>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:</p> <ol style="list-style-type: none"> 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; 			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>3. Training in the safe operation of cranes, barges, tugs, and support craft;</p> <p>4. Site evacuation and emergency first aid response; and</p> <p>5. Documentation that certifies that required health and safety procedures have been implemented.</p> <p>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.</p>			
<p>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, a Communication Plan and operational guidelines 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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee</p>	<p>Prior to and during dredging activities</p>	<p>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.</p>
<p>1. Identification of vessel speed limitations (e.g., wake/no wake); and</p> <p>2. Notification to project personnel using air horns as necessary.</p> <p>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</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during dredging activities</p>	<p>The preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project in compliance with the requirements of the CGP.</p> <p>The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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).</p> <p>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.</p>			<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During and after dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p> <p>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.</p>	<p>The contractor</p>	<p>During dredging activities</p>	<p>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.</p>
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during commencement of cooling tunnels removal</p>	<p>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.</p>
<p>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.</p> <p>The San Diego Unified Port District's (District) Director of</p>	<p>San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee</p>	<p>Prior to and during the commencement of dredging, demolition, or construction activity</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to completion of drydock construction, and as soon as practical</p>	<p>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.</p>
<p>4.6: Hydrology and Water Quality</p>			
<p>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</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management Director (ELUM) Director, or designee</p>	<p>Prior to and during dredging operations</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Personnel shall be required to visually monitor for oil or fuel spills during construction activities.</p> <p>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.</p> <p>The shipyards currently have oil/fuel spill kits located at various locations onsite for routine ship repair</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Engineering-Construction Director, or designee</p>	<p>Prior to construction</p>	<p>Proof of the construction meeting shall be submitted to the San Diego Unified Port District's (District) Engineering-Construction Director, or designee.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging operations</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p> <ul style="list-style-type: none"> • 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 overflow or spillage 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
<p>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.</p> <ul style="list-style-type: none"> 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. 			
<p>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.</p> <p>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</p>	<p>The San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee</p>	<p>During dredging activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>Certification. Measures shall be properly utilized during all phases of the proposed project. These measures include: (1) periodic inspection of the slurred 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.</p> <p>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.</p>			
<p>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.</p>	<p>San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Hazmat Program Coordinator</p>	<p>Prior to and during subsurface disturbance activities</p>	<p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>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.</p>			
<p>4.7: Land Use and Planning</p>			
<p><i>No mitigation measures were identified for land use or planning impacts.</i></p>			
<p>4.8: Noise</p>			
<p><i>No mitigation measures were identified for noise impacts.</i></p>			
<p>4.9: Transportation and Traffic</p>			
<p>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:</p> <ul style="list-style-type: none"> • Increase the number of subsidized vanpools to increase vanpool ridership; or • Provide subsidized trolley passes for existing vehicle commuters; or 	<p>Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee</p>	<p>Prior to issuance of the Coastal Development Permit (CDP)</p>	<p>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.</p> <p>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.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<ul style="list-style-type: none"> 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. <p>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.</p>			
<p>4.10: Utilities and Service Systems</p>			
<p><i>No mitigation measures were identified for utilities and service systems.</i></p>			

RESOLUTION 20xx-xxx

**RESOLUTION GRANTING CONCEPT APPROVAL
TO BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.
FOR THE PIER 1 NORTH DRYDOCK PROJECT**

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, Board of Port Commissioners (BPC) Policy No. 357 requires that plans for new tenant development shall be presented to the BPC for approval if the project is estimated to cost more than \$500,000; 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

WHEREAS, BAE proposes to construct and operate a new floating drydock on the north side of its existing Pier 1 (Proposed Drydock Component); and

WHEREAS, the Proposed Drydock Component would replace an existing wet berth with a new drydock on the north side of BAE System's Pier 1 facility; and

WHEREAS, BAE estimates the overall cost of the Proposed Drydock Component and associated improvements to be approximately \$104 million dollars and therefore, BPC approval is required pursuant to BPC Policy No. 357; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act (CEQA), prepared and certified an Environmental Impact Report (EIR) for the Proposed Drydock Component, as well as two additional project components – an amendment to BAE's long-term lease and the removal of two underground water cooling tunnels; and

WHEREAS, staff has determined that the Proposed Drydock Component is consistent with the certified Port Master Plan.

20xx-xxx

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

That concept approval to BAE Systems San Diego Ship Repair, Inc. for the Pier 1 North Drydock Project (i.e., Proposed Drydock Component) is hereby granted.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

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

RESOLUTION 20xx-xxx

**RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT TO BAE SYSTEMS SAN DIEGO SHIP
REPAIR, INC. FOR THE PIER 1 NORTH DRYDOCK**

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, 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, 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 (collectively, Project); and

WHEREAS, the Project also includes (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, the majority of the Project is located within the District's jurisdiction, but a portion of the waterside improvements are located within the jurisdiction of the California State Lands Commission and is within the Coastal Act permitting jurisdiction of the California Coastal Commission; and

WHEREAS, the Project complies with all District policies and requirements; and

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

WHEREAS, the portion of the Project site within the District's jurisdiction is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan (PMP), and the landside area of the Project site is designated Marine Related Industrial, and the waterside area, within the District's jurisdiction, is designated as Specialized Berthing Industrial in the PMP; and

WHEREAS, the portion of the Project within the District's jurisdiction conforms to the certified PMP because it consists of the construction and operation of a new floating drydock, as well as physical improvements to the shoreline, the existing pier, and two mooring dolphins, all of which would help facilitate ship repair activities, which are allowable uses under the Marine Related Industrial, and Specialized Berthing Industrial land use designations; and

WHEREAS, the Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with California Public Resources Code Sections 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, the Project constitutes "development" pursuant to Section 30106 of the California Public Resources Code because, among other things, it

will result in a potential increase in intensity on the site and the placement or erection of structures on the portion of the Project site within the District's jurisdiction; and

WHEREAS, in accordance with the District's Coastal Development Permit (CDP) Regulations, the portion of the Project within the District's jurisdiction is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development; and

WHEREAS, an application has been prepared for a Non-Appealable CDP to implement the portion of the Project within the District's jurisdiction; and

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

WHEREAS, the Board has concluded that the portion of the Project within the District's jurisdiction conforms to the certified Port Master Plan; and

WHEREAS, the Board considered the Non-Appealable CDP at the November 17, 2015 Board meeting; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines) and the District's CEQA Guidelines, the Board certified a Final Environmental Impact Report (EIR) for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071), and adopted the legally required Findings of Fact and Mitigation Monitoring and Reporting Program, on November 17, 2015 by Resolution _____; and

WHEREAS, the Project falls within the scope of the Final EIR for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071); and

WHEREAS, all materials with regard to the Project were made available to the Board for its review and consideration of the Project including, but not limited to, the Draft EIR, Final EIR and Errata thereto, the Findings of Fact, the Mitigation Monitoring and Reporting Program, the draft Non-Appealable Coastal Development Permit for the portion of the Project within the District's jurisdiction, the associated Staff Report and Addenda Sheet and all documents and records filed in this proceeding by the District and all interested parties.

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

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

2. The Project, in general, consists of:
- a. 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;
 - b. An underwater wall and cantilever king pile system along the north side of the pier;
 - c. 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);
 - d. A temporary, pedestrian-only access ramp on the north side of the drydock would be used;
 - e. 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;
 - f. Approximately 395,000 cubic yards of dredging;
 - g. New light-emitting diode (LED) fixtures;
 - h. Two electric cranes mounted on the proposed drydock;
 - i. A zero-discharge salt water system (pumps) using smart controllers and cascading pumps;
 - j. 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]);
 - k. 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);

l. 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);

m. Preparation and implementation of an Urban Storm Water Mitigation Plan (USMP);

n. Compliance with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District;

o. 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

p. Preparation and implementation of a Construction Management Plan.

3. Having reviewed and considered all the materials made available to the Board, the Board further finds and determines:

a. The applicable provisions of CEQA, the CEQA Guidelines and the District CEQA Guidelines have been duly observed in the considerations of this matter and all of the previous proceedings related thereto;

b. The Project falls within the scope of the Final EIR for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071), which was approved by the Board of Port Commissioners on November 17, 2015 by _____, which was completed in compliance with CEQA, the CEQA Guidelines and District CEQA Guidelines for implementation thereof; and

c. There is no substantial evidence that the Project would have a significant environmental effect on the environment with implementation of the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program; and

d. There is no substantial evidence that the Project will have a significant unmitigated effect on the environment; and

e. The Project shall implement the mitigation measures identified in the Final EIR and Mitigation Monitoring and Reporting Program; and

f. The Final EIR is complete and adequate; and

g. The Final EIR was presented to the Board and the Board has fully reviewed and considered the information contained therein prior to

authorizing the issuance of the Non-Appealable CDP for the portion of the Project within the District's jurisdiction.

4. Pursuant to California Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the District Clerk caused a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

5. Pursuant to California Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), 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.

6. The portion of the Project site within the District's jurisdiction is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified PMP, and the landside area of the Project site is designated Marine Related Industrial, and the waterside area, within the jurisdiction of the District, is designated as Specialized Berthing Industrial in the PMP.

7. The Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. Pursuant to California Public Resources Code Section 30106, the Project constitutes "development" because, among other things, it constitutes a change in intensity of use at the Project site and includes the placement or erection of structures on the Project site. In accordance with the District's CDP Regulations, the portion of the Project within the District's jurisdiction considered "development" but is "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The portion of the Project within the District's jurisdiction conforms to the certified PMP because it consists of the construction and operation of a new floating drydock, as well as physical improvements to the shoreline, the existing pier, and two mooring dolphins, all of which would help facilitate ship repair activities, which are allowable uses under the Marine Related Industrial, and Specialized Berthing Industrial land use designations and, as such, is a non-appealable Development that conforms to the certified District Master Plan. The Board further finds that the portion of the Project within the District's jurisdiction is also consistent with California Public Resources Code Sections 30715.5, 30718, 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

8. Based on the entire record available to the Board and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the Project, entitled "Pier 1 North Drydock Project," for the portion of the Project within the District's jurisdiction. Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP,

including, but not limited to, the mitigation measures in the Final EIR and Mitigation Monitoring and Reporting Program; provided, however, 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 approval of this Non-Appealable CDP. Said indemnity and hold harmless condition is independent of any agreements by and between BEA and the District.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY

By: Assistant/Deputy

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: