MINUTE ITEM
This Calendar Item No. C27 was approved as Minute Item No. 27 by the California State Lands Commission by a vote of 3 to 0 at its 12/7/95 meeting.

CALENDAR ITEM
C27

A 78

S 39

PRC 7866

12/07/95
W 25245
Maricle

DREDGING LEASE

APPLICANT:
Teledyne Ryan Aeronautical
P.O. Box 85311
San Diego, California 92186-5311

AREA TYPE LAND AND LOCATION:
A 9.95-acre parcel of submerged land located in San Diego Bay, San Diego County.

LAND USE:
Dredge up to 30,000 cubic yards of sand from sovereign lands.

PROPOSED LEASE TERMS:
Lease period:
Five months beginning December 1, 1995.

CONSIDERATION:
Public health and benefit for excavated material to be deposited at Convair Lagoon.

Royalty: 0.25 per cubic yard for material used for private benefit or commercial sale, if any.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Division 6, Parts 1 and 2; Division 13.
B. Cal. Code Regs.: Title 3, Division 3, Title 14, Division 6.

AB 884:

05/24/96

OTHER PERTINENT INFORMATION:

1. A Final EIR/Remedial Action Plan, SCH NO. 92091011, was prepared by the San Diego Unified Port District relative to the remediation of a contaminated five-acre parcel located within Convair Lagoon in San Diego Bay. Up to 30,000 cubic yards of sand located within nearby sovereign lands will be excavated and transported to the remediation parcel to provide a sand cap over contaminated sediments, along with 10,000 cubic yards of gravel and 7,000 cubic yards of riprap. The latter-described materials will not be obtained from sovereign lands.

2. Addendum No. 2, dated October 25, 1995, of the Final EIR/Remedial Action Plan finds that the dredging of up to 30,000 cubic yards of sand from sovereign lands will not have a significant impact on the environment. The State Lands Commission staff has reviewed the original and addendum documents. In order to ensure there is no significant increase and spread of turbedity, the applicant will be required to implement a water quality monitoring program issued by the SDRWQCB.

3. There is no mitigation monitoring required in connection with the dredging activity applied for by the applicant, except as noted in item #2 above.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

San Diego Unified Port District.

FURTHER APPROVALS REQUIRED:

State Lands Commission; California Coastal Commission, Corps of Engineers.

EXHIBITS:

A. Land Description, Dredge Site
B. Location Map
C. CEQA Findings and Abstract of Addendum #2, FEIR/RAP, SCH # 92091011, dated October 25, 1995

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR AND AN ADDENDUM WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY THE PORT OF SAN DIEGO, SCH NO. 92091011, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN.

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

4. AUTHORIZE ISSUANCE OF A FIVE-MONTH DREDGING LEASE TO TELEDYNE RYAN AERONAUTICAL EFFECTIVE DECEMBER 1, 1995, THROUGH APRIL 30, 1996, FOR THE REMOVAL OF UP TO 30,000 CUBIC YARDS OF SAND FROM THE SOVEREIGN LANDS DESCRIBED ON EXHIBIT "A" HEREOF, FOR DISPOSAL AT THE AFORESAID REMEDIATION PARCEL LOCATED IN CONVAIR LAGOON, IN CONSIDERATION OF THE PUBLIC HEALTH AND BENEFIT, AND A $0.25 PER CUBIC YARD ROYALTY TO BE CHARGED FOR ANY DREDGED MATERIAL USED FOR PRIVATE BENEFIT OR COMMERCIAL SALE PURPOSES.

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EXHIBIT "A"
LAND DESCRIPTION

W 25245

A rectangular parcel of sovereign land of the State of California, within San Diego Bay, northerly of North Island U. S. Naval Air Station, in the City of San Diego, San Diego County, State of California and more particularly described as follows:

COMMENCING at U.S.G.S. Station, "BLUFF 1993", 1983 California Coordinates Zone 6 coordinates of X=6,258,116.56 feet, Y= 1,825,553.08 feet, thence from said point of commencement N37°13'47"E, 20,853.78 feet, to the POINT OF BEGINNING, said point of beginning having California Coordinates of 1983, Zone 6 coordinates of X=6,270,733.35 feet, Y=1,842,157.20 feet; thence from said point of beginning S89°07'04"E, 454.56 feet; thence S49°20'35"E, 1,327.96 feet; thence S40°45'13"W, 286.46 feet; thence N49°29'31"W, 1,676.84 feet to the point of beginning and the end of the herein described parcel, said point of beginning bears N88°06'14"E, 8,958.44 feet from Horizontal Control Station, "Columbia Station", having 1983 California Coordinates Zone 6 coordinates of X= 6,279,686.88 feet, Y= 1,842,453.59 feet

END DESCRIPTION

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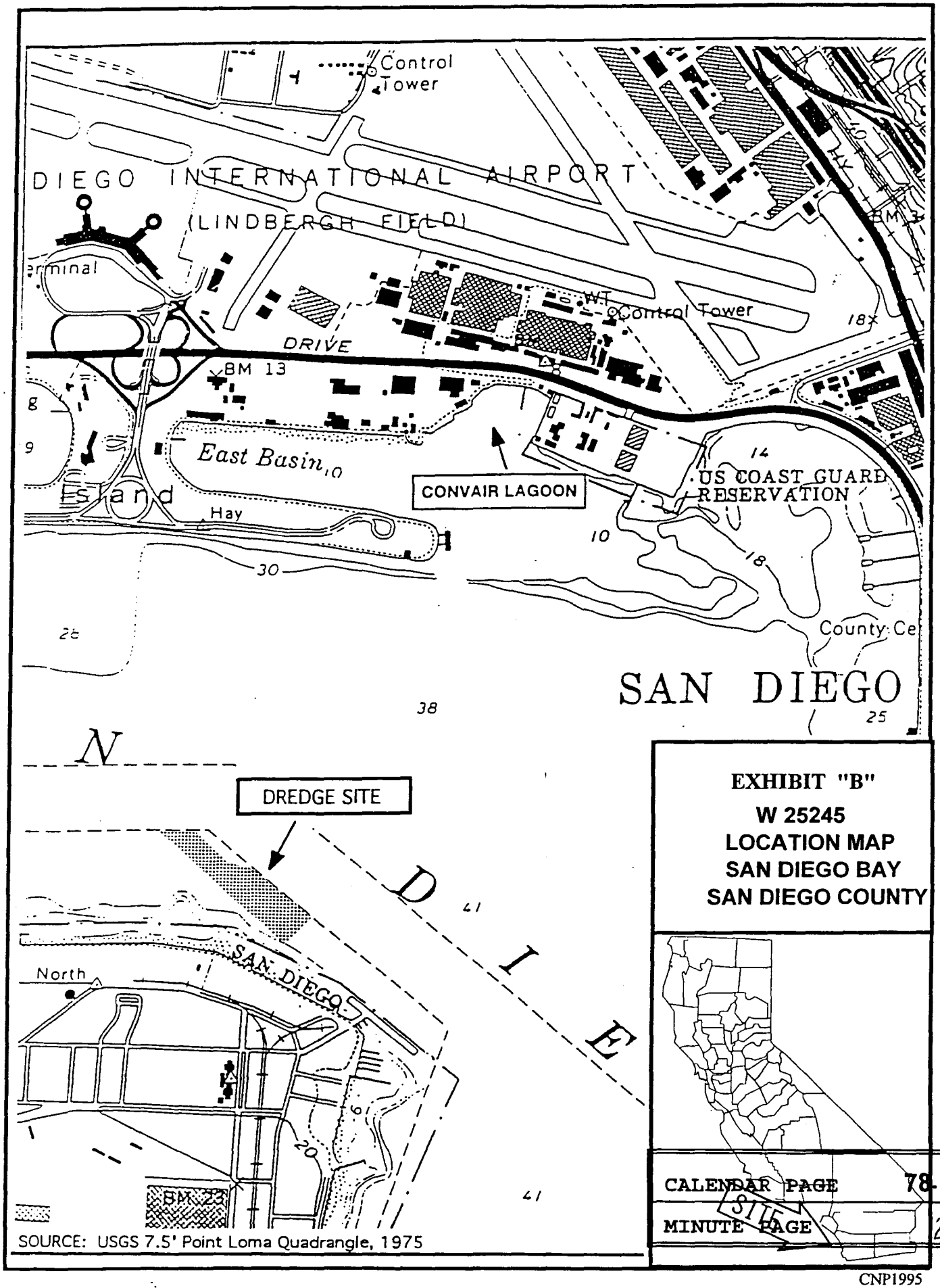
Control Tower
DIEGO INTERNATIONAL AIRPORT
(LINDBERGH FIELD)
erminal
W.T. Control Tower
DRIVE
BM 13
East Basin
Island
Hay
CONVAIR LAGOON
US COAST GUARD RESERVATION
County Ce
SAN DIEGO
N
DREDGE SITE
SAN DIEGO
North
BM 23
SOURCE: USGS 7.5' Point Loma Quadrangle, 1975
EXHIBIT "B"
W 25245
LOCATION MAP
SAN DIEGO BAY
SAN DIEGO COUNTY
SITE
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CNP1995

EXHIBIT "C"

Notice of Determin

Appendix H

930549

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) San Diego Unified Port Di:
P.O. Box 488
(Address)
San Diego CA 92112

X County Clerk
County of San Diego - Records Division
1600 Pacific Highway Room 260
San Diego CA 92101

FILED
Annette J. Evans, Clerk
OCT 21 1993
BY _____ DEPUTY

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

CONVAIR LAGOON REMEDIATION EIR/RAP
Project Title

92091011 San Diego Unified Port District - Ralph Hicks (619)686-6254
State Clearinghouse Number (If submitted to Clearinghouse) | Lead Agency Contact Person | Area Code/Telephone/Extension

San Diego, San Diego County, Convair Lagoon - San Diego Bay
Project Location (include county)

Project Description: The project consists of the dredging and contaiment of about 13.300 cy of PCB contaminated marine sediment from Convair Lagoon lo ted within San Diego Bay adjacent to the US Coast Guard station. The material will be directly pumped into a Nearshore Containment Facility consisting of a sheet-pile bulkhead with riprap base and an impermeable surface liner. In addition, a environmentally preferred sand cap remediation alternative was also evaluated for its impacts on the environment.

This is to advise that the SAN DIEGO UNIFIED PORT DISTRICT has approved the above described project on
☐ Lead Agency ☐ Responsible Agency

OCTOBER 19, 1993 and has made the following determinations regarding the above described project:
(Date)

1. The project [■ will ☐ will not] have a significant effect on the environment.
2. ■ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [■ were ☐ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐ was ■ was not] adopted for this project.
5. Findings [■ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
San Diego Unified Port District, Office of District Clerk, 3165 Pacific Highway, P.O. Box 488, San Diego CA 92115

Signature (Public Agency) | *Date* 10/19/93 | *Title* Environmental Management Coordinator

Date received for filing at OPR:

FILED IN THE OFFICE OF THE COUNTY CLERK, SAN DIEGO COUNTY ON OCT 21 1993
POSTED OCT 21 1993 REMOVED NOV 22 1993
RETURNED TO AGENCY ON 11/23/93

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Revised October 1989

DATE: October 13, 1993 AGENDA SHEET NO. 22

SUBJECT: RESOLUTION CERTIFYING FINAL EIR/RAP FOR "CONVAIR LAGOON REMEDIATION" AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION

FACTUAL BACKGROUND:

Action Requested: Certify Final EIR/RAP for Convair Lagoon Remediation and direct the filing of a Notice of Determination

Background

In July 1992, the Board of Port Commissioners considered the construction of a Nearshore Containment Facility (NCF) by Teledyne Ryan for the remediation of PCB contaminated sediment in Convair Lagoon. The Board expressed the desire to investigate other remedial alternatives which may be less costly and equally efficient. In order to evaluate Teledyne Ryan's proposal as well as alternative cleanup methods, the Board directed the preparation of an environmental document.

The Convair Lagoon Environmental Impact Report/Remedial Action Plan (EIR/RAP) specifically evaluates the following two remediation programs for their effectiveness in containing PCB contaminated sediments and their environmental effects.

First, Teledyne Ryan's proposed remediation project consists of dredging and constructing an NCF to isolate PCBs from the environment at Convair Lagoon. The NCF would occupy an area approximately 430 feet x 177 feet along the north side of the US Coast Guard facility. It would consist of a sheet-pile bulkhead with a riprap base. Approximately 13,000 cubic yards of sediment would be hydraulically dredged from the Lagoon and pumped into the NCF.

Second, a Sand Cap alternative was determined to be the environmentally superior option; it would cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated "clean" material, consisting of sand, crushed rock material, geo-textile liner, and riprap (or small quarry rock). The layer of clean material would vary according to the concentrations of contaminants, potential wave action, and the depths at which elevated concentrations of PCBs occur. It is anticipated that approximately 3 feet in thickness throughout the Lagoon area would be required for capping. The sand cap also includes the replanting of eelgrass to provide a biological "armor" and to offset eelgrass lost through capping. In addition, the 60-inch storm drain would be extended and protected with rock riprap.

ACTION TAKEN: 10/19/93 - Res. 93-325

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Several other remediation technologies (e.g., chemical fixation, bioremediation, and incineration) were also evaluated in the Draft EIR/RAP. However, they were determined to be infeasible due to lack of proven success, cost, and/or having other adverse environmental effects.

A Notice of Availability of the Draft EIR/RAP was published in the San Diego Daily Transcript on June 25, 1993. The Draft EIR/RAP was submitted to the State Clearinghouse, to State and local agencies, and to various organizations and individuals as listed in the public review section of the document. Copies were also made available for public inspection during regular business hours at the Office of the District Clerk. The public review period ended on August 9, 1993. Comments received to the Draft EIR/RAP, and the District's responses, have been incorporated into the Final EIR/RAP. The Board has been provided a copy of the Final EIR/RAP.

ANALYSIS:

During the public review period, comments were received on the Draft EIR/RAP from the following agencies, organizations, and individuals: National Marine Fisheries Service, US Fish and Wildlife Service, US Coast Guard, City of San Diego-Planning Department, Environmental Health Coalition, Industrial Environmental Association, San Diego Port Tenants Association, and San Diego Audubon Society. The majority of these comments were supportive of the Sand Cap, however, concerns were expressed about adverse impacts associated with bioturbation (breach of the sand cap by burrowing marine organisms) and the need for long-term monitoring.

Bioturbation

Based upon biological surveys of the site, the Lagoon has a large population of burrowing marine organisms, possibly ghost and pistol shrimp. Due to the presence of these burrowing organisms, the redistribution of buried sediment to the surface is a threat to maintaining the cap's integrity over a long time period. However, staff believes this potential impact can be mitigated by placement of a 1-foot layer of crushed rock on the existing lagoon bottom to act as a deterrent to deep-burrowing organisms such as the ghost shrimp. However, it has not yet been determined whether or not this material will be completely effective as a bioturbation barrier. Thus, the need for additional pre-construction biological studies to determine the rock layer's effectiveness have been incorporated as a mitigation measure along with long-term monitoring noted below.

Long-term Monitoring

Both the Sand Cap and NCF remediation programs include long-term monitoring and maintenance. The District will work with the Responsible Party(ies) to

establish an adequate annuity or other financial instrument to provide funds necessary for long-term monitoring and maintenance.

Summary

It is the conclusion of District staff that the Final EIR/RAP adequately addresses the environmental effects of the NCF and Sand Cap alternative; and that it has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA), as amended, and with the State CEQA Guidelines. All public and agency review steps have been completed and the State Clearinghouse (SCH# 92091011) has verified that the agency review period under CEQA is closed.

STAFF RECOMMENDATION ON FINAL EIR/RAP

To address the concerns expressed in the comments received to the Draft EIR/RAP (and to mitigate potentially significant effects to water quality, marine/avian resources, geotechnical/seismicity, Coast Guard operations/security, human health and safety, and recreational boating/navigational safety to environmentally acceptable levels), staff recommends that the Final EIR/RAP be certified and that the Board of Port Commissioners make the following Findings and Determinations:

- that the EIR/RAP was prepared to evaluate the environmental consequences of implementing either the Nearshore Containment Facility (NCF) or Sand Cap remediation programs, and determined that the Sand Cap remediation program was the environmentally superior alternative;

- that the Sand Cap alternative would cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated "clean" material, consisting of sand, crushed rock material, geo-textile liner, and riprap (or small quarry rock). The layer of clean material would vary according to the concentrations of contaminants, potential wave action, and the depths at which elevated concentrations of PCBs occur. It is anticipated that approximately 3 feet in thickness throughout the Lagoon area would be required for capping. The Sand Cap alternative also includes the replanting of eelgrass to provide a biological "armor" and to offset eelgrass lost through capping. In addition, the 60-inch storm drain will be extended and protected with rock riprap;

- that the Sand Cap alternative includes a post-capping monitoring plan that is designed to verify that contaminants are contained, and are not migrating to the surface through bioturbation or chemical diffusion. If contaminants are detected in the clean capping material, the placement of additional capping material or other repairs will be required. With monitoring of the cap, and repair when conditions that could lead to

potential breakthrough are detected, the impacts to water quality and human health/safety will be mitigated to below a level of significance;

- that potentially significant environmental effects to marine/avian resources, geotechnical/seismicity, and recreational boating/navigational safety associated with the Sand Cap will be reduced to insignificant, acceptable levels by implementation of specific mitigation measures as described in the Final EIR/RAP, and are required as follows:

  1) Placement of a 1-foot layer of crushed rock on the existing lagoon bottom is anticipated to act as a deterrent to deep-burrowing organisms such as ghost shrimp. Additional field and laboratory investigations shall be conducted to ensure that the proposed rock layer will provide an effective deterrent to burrowing organisms within the Lagoon.

  2) A long-term monitoring program shall be implemented to evaluate and monitor the effectiveness of the Sand Cap. This shall include periodic sediment sampling to determine if any contaminants migrate into the Cap, biological sampling to evaluate the significance of any bioturbation or other transport of capped chemicals to surface sediments where they may be redistributed. A contingency plan shall also be prepared to remedy any future damage to the cap that may result from bioturbation or other mechanical forces.

  3) The District shall ensure that the Responsible Party(ies) establish an adequate annuity or other financial instrument to provide funds necessary for long-term Sand Cap monitoring and maintenance.

  4) An ordinance prohibiting anchoring within Convair Lagoon shall be adopted by the District.

  5) The District shall, upon adoption of the ordinance, notify the US Coast Guard and implement anchoring restrictions within Convair Lagoon.

  6) Signs shall be posted within the water area along the mouth of Convair Lagoon notifying boaters of the anchoring restriction in the Lagoon area;

- that other environmental consequences of the Sand Cap alternative have been evaluated in the Final EIR/RAP and that no additional conditions or mitigation measures beyond those recommended are necessary;

- that the EIR/RAP has been completed in compliance with CEQA and State CEQA Guidelines, and California Health and Safety Code Section 25356.1;

- that the Board of Port Commissioners has reviewed and considered the information contained in the Final EIR/RAP including letters of comment and District response;

- that the Board is making findings and conclusions therefrom;

- that for the reasons and findings herein, the Sand Cap alternative, incorporating the above mitigation measures and conditions, is the environmentally superior project alternative, and it will not have a significant (adverse) effect on the environment; and

- that the Board is certifying the Final Environmental Impact Report/Remedial Action Plan and is directing the filing of a Notice of Determination.

The Regional Water Quality Control Board also has discretionary approval power over the project and will issue a National Pollution Discharge Elimination System (NPDES) Permit, a Report of Waste Discharge Requirements, and a State Water Quality Certification under Section 401 of the Clean Water Act. In the event that the Regional Water Quality Control Board chooses to select the NCF, staff recommends that the Final EIR/RAP be certified and that the Board make the following alternative Findings and Determinations:

- that the Project consists of the dredging and construction of a Nearshore Containment Facility (NCF) to isolate PCBs from the environment at the Convair Lagoon. The NCF would occupy an area approximately 430 feet x 177 feet along the north side of the US Coast Guard facility, and would consist of a sheet-pile bulkhead with a riprap base. Approximately 13,000 cubic yards of sediment would be hydraulically dredged from the Lagoon and pumped into the NCF;

- that potentially significant environmental effects to water quality, marine/avian resources, geotechnical/seismicity, human health and safety, and Coast Guard operations/security associated with the NCF will be reduced to insignificant, acceptable levels by implementation of specific mitigation measures as described in the Final EIR/RAP are required as follows:

  1) To minimize the impacts of recontamination of surface sediment following resuspension of contaminated sediments during the dredging operations, the dredging shall begin in those areas of the Lagoon with the highest levels of contamination. The dredging shall then move from area to area in decreasing order of level of contamination. Finally, the entire surface sediment in the project area shall be dredged to remove contaminated resuspended sediments that settle in areas that originally did not require dredging.

2) Extensive sampling shall be conducted during the dredging operations to confirm that the PCB-contaminated sediment has been removed in accordance with the Cleanup and Abatement Order. Sampling shall also be conducted to determine where final dredging should be performed to remove recontamination from settled sediments.

3) A continual monitoring plan shall be implemented to verify that leakage of contaminants does not take place outside of the NCF.

4) The District shall ensure that the Responsible Party(ies) establish an adequate annuity or other financial account necessary for long-term NCF monitoring and maintenance.

5) Impacts associated with turbidity and redistribution of particulates shall be minimized by enclosing the construction area within a silt curtain. This action will minimize the dispersion of fine particulate material disturbed during construction activities. Success of this measure shall be monitored using real-time turbidity and water column chemical monitoring at designated sampling locations outside the silt curtain. If turbidity and water chemistry criteria are not met, construction operations shall be interrupted and modified to attain compliance.

6) The potential toxicity of the discharge shall be tested using appropriate EPA-approved bioassay tests. Moreover, the potential area influenced by the discharge plume shall be estimated on the basis of physical oceanographic conditions and discharge water volume.

7) An intertidal area of 0.75 acres shall be constructed west of the riprap wall of the NCF, elevating the existing lagoon bottom to -0.2 feet MLLW. A nearby deep water area (greater than 18 feet MLLW) of 0.75 acres shall be filled with clean sand to a depth of less than 18 feet to create new shallow subtidal habitat.

8) An eelgrass restoration program involving the planting of 0.94 acres of eelgrass to mitigate the loss of 0.78 acres of eelgrass and the monitoring of its growth to document mitigation success shall be conducted.

9) The potential long-term deterioration of the NCF shall be monitored by implementation of a routine inspection and maintenance program for the life of the facility. This plan shall include a biological and water quality monitoring program, including a mussel watch station, and periodic tissue analysis of burrowing organisms to allow detection of bioaccumulation in resident biota that may indicate a breach in the integrity of the facility.

10) After dredging is complete, redeposited contaminants in the silt curtain footprint shall be evaluated by testing surficial sediments to determine if contaminant levels require further remediation. If contaminant levels are elevated, the upper layer of sediment shall be removed with the dredge and placed in the NCF. The area potentially affected will be minimized by placing the silt curtain as near the dredge footprint boundary as possible.

11) Due to the presence of the endangered California least tern in the spring and summer months, remediation activities shall be limited to the period from late September through early March, if feasible.

12) Temporary barriers for the containment of suspended contaminated sediment from dredging shall be in place to prevent further spread of contaminants into the bay during the operation.

13) Enhancement of degraded eelgrass beds in a shallow portion of San Diego Bay at a 1.2:1 ratio shall be done for areas of permanent loss of marine habitats within the Lagoon. This ratio will compensate for the permanent loss of open water.

14) The results of a site-specific geotechnical engineering investigation shall be incorporated into the design and construction of the project. A site-specific geotechnical engineering investigation shall be performed for each proposed separate structure as a condition of issuance of construction permits. Each investigation shall contain adequate subsurface explorations and analyses to determine the potential for and degree of short- and long-term settlement, expected seismic ground acceleration values, and the potential for seismic ground failure (including liquefaction). Each investigation shall contain detailed foundation recommendations, and shall be subject to review by the appropriate regulatory agencies. A site-specific geotechnical study shall specifically address post-construction settlement potential and recommend methods to mitigate post-construction total and differential settlement to acceptable ranges, given the types of improvements at particular locations. Geotechnical studies shall specifically address seismic analysis based on site-specific subsurface data. As a minimum, seismic analyses shall address seismically-induced slope failure, liquefaction, and ground surface accelerations.

15) The design of the sheet-pile containment wall for the NCF shall be either a cantilevered sheet-pile, tied-back sheet-pile, or trapezoidal rock section design to reduce impacts associated with liquefaction.

16) An evaluation shall be made to consider the stability of the embankment during expected seismic and hydraulic conditions.

17) A site-specific hydrology study shall be performed for the site, addressing such issues as flooding during high-tide conditions and the effect of wind-driven waves generated from within San Diego Bay.

18) Implementation of a health and safety plan that addresses appropriate use of personal protective equipment and guidelines to minimize contamination migration from site shall be required prior to construction.

19) To mitigate short-term security impacts during the dredging/construction phase of the proposed project, a fence shall be installed between the US Coast Guard property and the Convair Lagoon project site, and around the temporary water treatment facility. The fence shall be permanent if the US Coast Guard determines that it is necessary to ensure long-term security;

- that other environmental consequences of the NCF have been evaluated in the Final EIR/RAP and that no additional conditions or mitigation measures beyond those recommended are necessary;

- that the EIR/RAP has been completed in compliance with CEQA and State CEQA guidelines, and California Health and Safety Code Section 25356.1;

- that the Board of Port Commissioners has reviewed and considered the information contained in the Final EIR/RAP including letters of comments and District response;

- that the Board is making findings and conclusions therefrom;

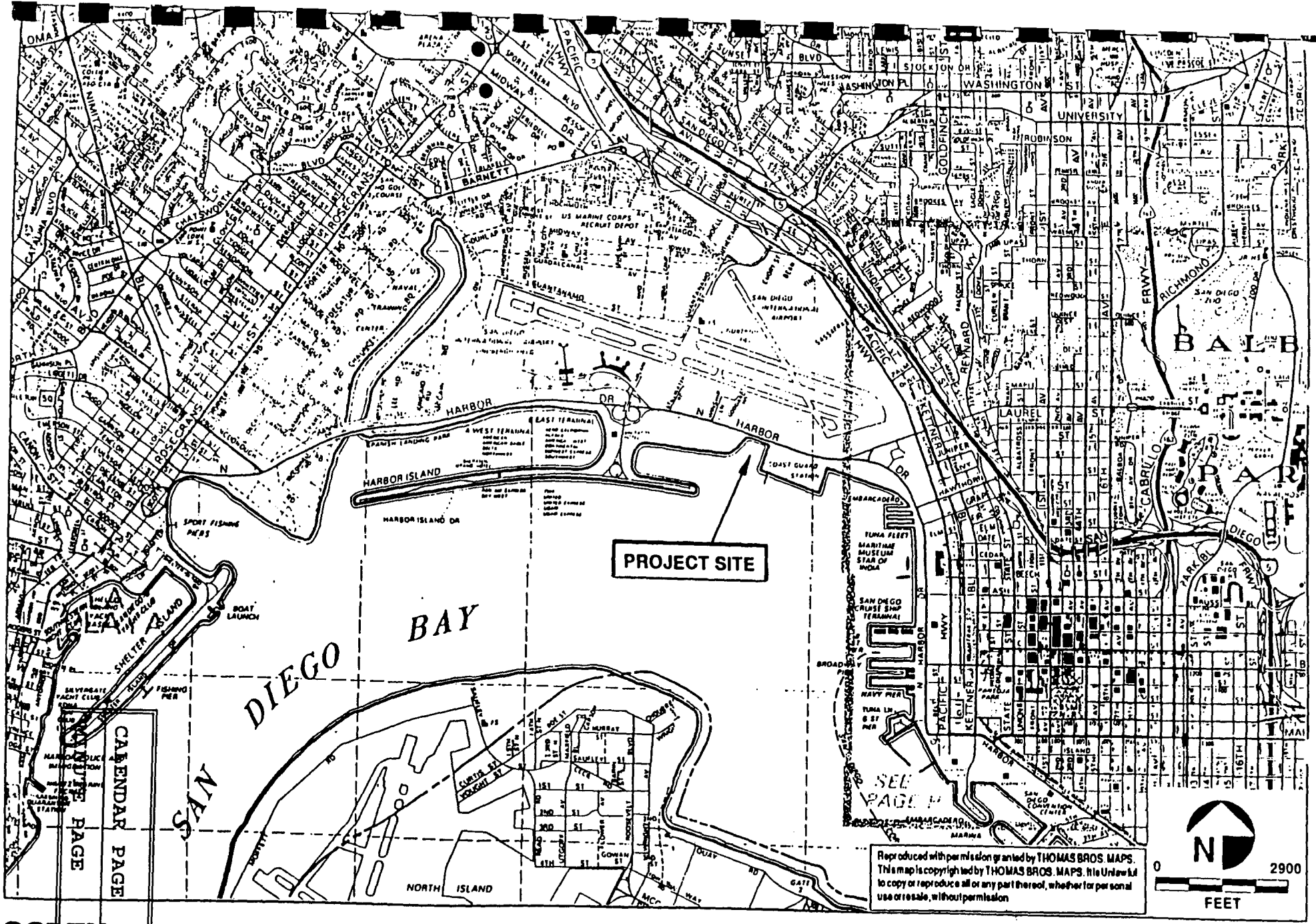
- that for the reasons and findings herein, the NCF, incorporating the above mitigation measures and conditions, will not have a significant (adverse) effect on the environment; and

- that the Board is certifying the Final Environmental Impact Report/Remedial Action Plan and is directing the filing of a Notice of Determination.

PORT DIRECTOR'S RECOMMENDATION:

Resolution certifying a Final Environmental Impact Report/Remedial Action Plan for "Convair Lagoon Remediation" and directing the filing of a Notice of Determination.

This is final environmental approval only.



Site Vicinity Map

FIGURE 3-2

OGDEN

78.16

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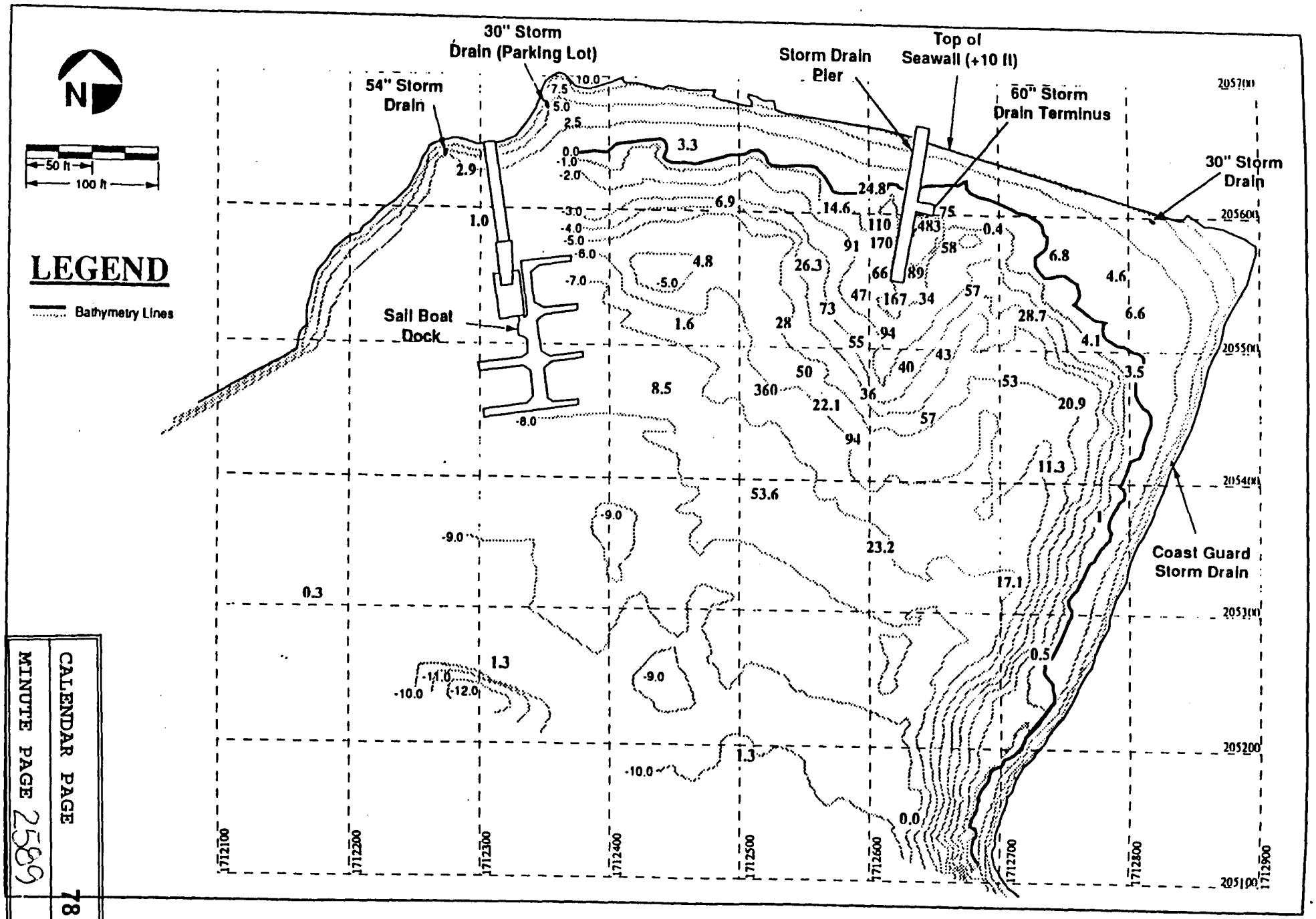
2588

Attachment to Arenda Sheet No. 22



5-2-6

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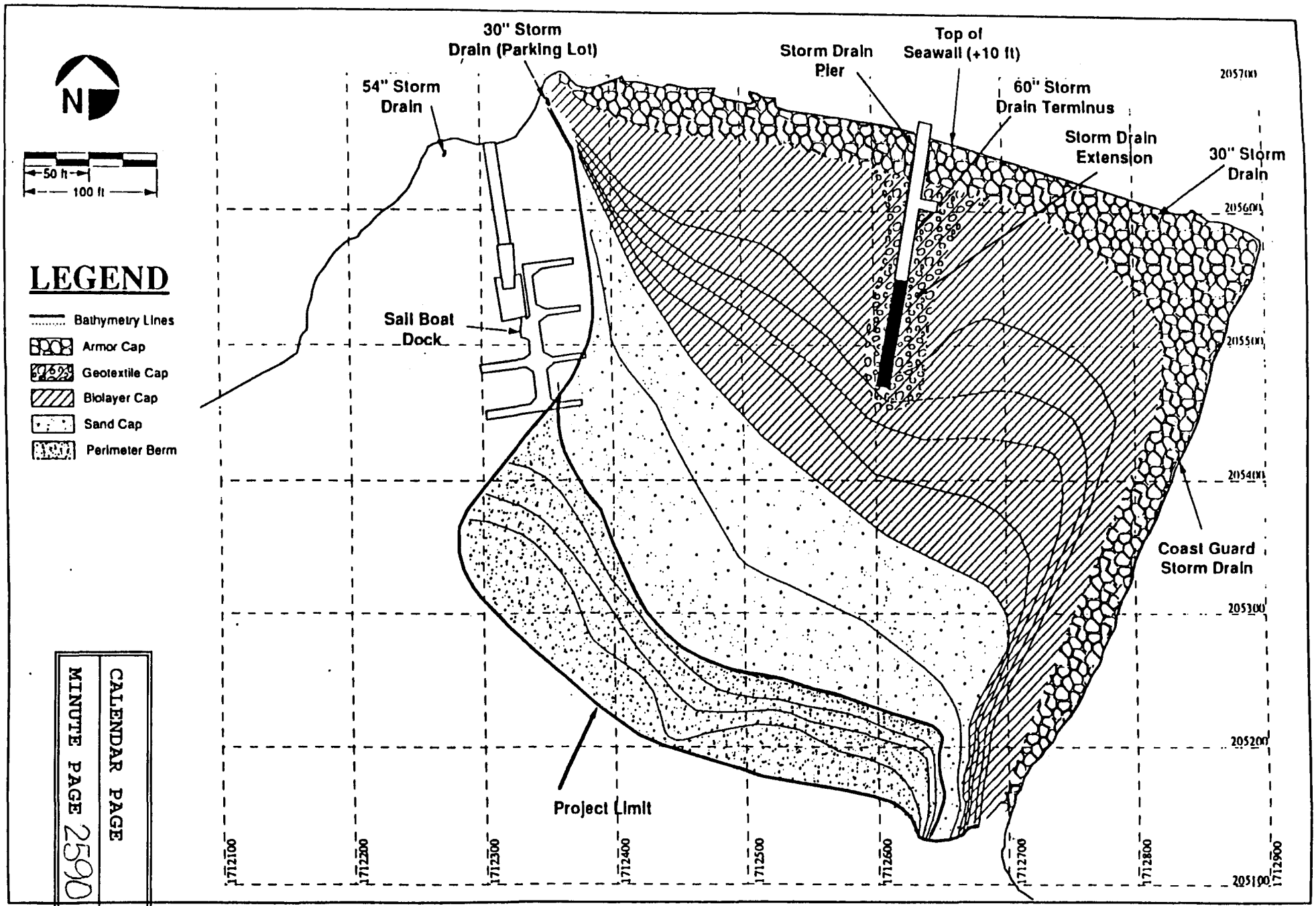
OGDEN

Distribution of Total PCBs (mg/kg dry weight) in the Upper Foot of Sediments in Convair Lagoon

FIGURE 5.2-4



Conceptual Capping Plan

FIGURE 3-7

Attachment to Agenda Sheet No. 22

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OGDEN 78-18

EXHIBIT "C"

Re Convair Lagoon Remediation)
)
Final Environmental Impact Report/Remedial Action Plan)
)
Filing of Notice of Determination . . . . .)

RESOLUTION 93-325

WHEREAS, Teledyne Ryan (Applicant) proposes a remediation project consisting of dredging and construction a Nearshore Containment Facility (NCF) to isolate PCBs from the environment at Convair Lagoon (Project). The NCF would occupy an area approximately 430 feet x 177 feet along the north side of the US Coast Guard facility. It would consist of a sheet-pile bulkhead with a riprap base. Approximately 13,000 cubic yards of sediment would be hydraulically dredged from the Lagoon and pumped into the NCF; and

WHEREAS, a Sand Cap alternative was also evaluated as a remediation option (Sand Cap Alternative). The San Cap Alternative would cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated "clean" material, consisting of sand, crushed rock material, geo-textile liner, and riprap (or small quarry rock). The layer of clean material would vary according to the concentrations of contaminants, potential wave action, and the depths at which elevated concentrations of PCBs occur. It is anticipated that approximately 3 feet in thickness throughout the Lagoon area would be required for capping. The sand cap also includes the replanting of eelgrass to provide a biological "armor" and to offset eelgrass lost through capping. In addition, the 60-inch storm drain would be extended and protected with rock riprap; and

WHEREAS, the San Diego Unified Port District (District) is the trustee of said Convair Lagoon tidelands; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, as amended (CEQA), the State CEQA Guidelines, the District's Procedures for Environmental Review, and California Health and Safety Code Section 25356.1, an

Environmental Impact Report/Remedial Action Plan (EIR/RAP) has been prepared for the Convair Lagoon Remediation; and

WHEREAS, the Final EIR/RAP, which includes all comments received to the Draft EIR/RAP and the District's responses, is before the Board of Port Commissioners (Board), and District staff has concluded that it is adequate and complete and recommends certification; NOW, THEREFORE,

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

1. The Board hereby certifies that the Final EIR/RAP concerning the Project and Sand Cap Alternative, on file in the Office of the District Clerk as Document No. 30490 has been completed in compliance with CEQA, the State CEQA Guidelines, District Procedures for Environmental Review, and California Health and Safety Code 25356.1, and that the Board and other District officials having final authority over approval of the Project have reviewed and considered the information in the Final EIR/RAP.

2. The Board finds that the contents of the Final EIR/RAP are an exercise of the independent judgment and analysis of the District and are sufficient, accurate, and objective.

3. Based on the information contained in the EIR/RAP and the record, the Board makes the following findings and determinations:

a. that the EIR/RAP was prepared to evaluate the environmental consequences of implementing either the Nearshore Containment Facility (NCF) or Sand Cap remediation programs, and determined that the Sand Cap remediation program was the environmentally superior alternative;

b. that the Sand Cap alternative would cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated "clean" material, consisting of sand, crushed rock material, geo-textile liner, and riprap (or small quarry rock). The layer of clean material would vary according to the concentrations of contaminants, potential wave action, and the depths at which elevated concentrations of PCBs occur. It is

anticipated that approximately 3 feet in thickness throughout the Lagoon area would be required for capping. The Sand Cap alternative also includes the replanting of eelgrass to provide a biological "armor" and to offset eelgrass lost through capping. In addition, the 60-inch storm drain will be extended and protected with rock riprap;

c. that the Sand Cap alternative includes a post-capping monitoring plan that is designed to verify that contaminants are contained, and are not migrating to the surface through bioturbation or chemical diffusion. If contaminants are detected in the clean capping material, the placement of additional capping material or other repairs will be required. With monitoring of the cap, and repair when conditions that could lead to potential breakthrough are detected, the impacts to water quality and human health/safety will be mitigated to below a level of significance;

d. that potentially significant environmental effects to marine/avian resources, geotechnical/seismicity, and recreational boating/navigational safety associated with the Sand Cap will be reduced to insignificant, acceptable levels by implementation of specific mitigation measures as described in the Final EIR/RAP, and are required as follows:

1) Placement of a 1-foot layer of crushed rock on the existing lagoon bottom is anticipated to act as a deterrent to deep-burrowing organisms such as ghost shrimp. Additional field and laboratory investigations shall be conducted to ensure that the proposed rock layer will provide an effective deterrent to burrowing organisms within the Lagoon.

2) A long-term monitoring program shall be implemented to evaluate and monitor the effectiveness of the Sand Cap. This shall include periodic sediment sampling to

determine if any contaminants migrate into the Cap, biological sampling to evaluate the significance of any bioturbation or other transport of capped chemicals to surface sediments where they may be redistributed. A contingency plan shall also be prepared to remedy any future damage to the cap that may result from bioturbation or other mechanical forces.

3) The District shall ensure that the Responsible Party(ies) establish an adequate annuity or other financial instrument to provide funds necessary for long-term Sand Cap monitoring and maintenance.

4) An ordinance prohibiting anchoring within Convair Lagoon shall be adopted by the District.

5) The District shall, upon adoption of the ordinance, notify the US Coast Guard and implement anchoring restrictions within Convair Lagoon.

6) Signs shall be posted within the water area along the mouth of Convair Lagoon notifying boaters of the anchoring restriction in the Lagoon area;

e. that other environmental consequences of the Sand Cap alternative have been evaluated in the Final EIR/RAP and that no additional conditions or mitigation measures beyond those recommended are necessary;

f. that the EIR/RAP has been completed in compliance with CEQA and State CEQA Guidelines, and California Health and Safety Code Section 25356.1;

g. that the Board of Port Commissioners has reviewed and considered the information contained in the Final EIR/RAP including letters of comment and District response;

h. that the Board is making findings and conclusions therefrom;

4. For the reasons and findings herein, the Sand Cap alternative, incorporating the above mitigation measures and conditions, ~~is the~~

environmentally superior project alternative, and it will not have a significant (adverse) effect on the environment; and

5. The Regional Water Quality Control Board also has discretionary approval power over the project and will issue a National Pollution Discharge Elimination System (NPDES) Permit, a Report of Waste Discharge Requirements, and a State Water Quality Certification under Section 401 of the Clean Water Act. In the event that the Regional Water Quality Control Board chooses to select the NCF, based on the information contained in the EIR/RAP and the record, the Board makes the following alternative findings and determinations:

a. that the Project consists of the dredging and construction of a Nearshore Containment Facility (NCF) to isolate PCBs from the environment at the Convair Lagoon. The NCF would occupy an area approximately 430 feet x 177 feet along the north side of the US Coast Guard facility, and would consist of a sheet-pile bulkhead with a riprap base. Approximately 13,000 cubic yards of sediment would be hydraulically dredged from the Lagoon and pumped into the NCF;

b. that potentially significant environmental effects to water quality, marine/avian resources, geotechnical/seismicity, human health and safety, and Coast Guard operations/security associated with the NCF will be reduced to insignificant, acceptable levels by implementation of specific mitigation measures as described in the Final EIR/RAP are required as follows:

1) To minimize the impacts of recontamination of surface sediment following resuspension of contaminated sediments during the dredging operations, the dredging shall begin in those areas of the Lagoon with the highest levels of contamination. The dredging shall then move from area to area in decreasing order of level of contamination. Finally, the entire surface sediment in the project area shall be dredged to remove contaminated resuspended sediments that settle in areas that originally did not require dredging.

2) Extensive sampling shall be conducted during the dredging operations to confirm that the PCB-contaminated sediment has been removed in accordance with the Cleanup and Abatement Order. Sampling shall also be conducted to determine where final dredging should be performed to remove recontamination from settled sediments.

3) A continual monitoring plan shall be implemented to verify that leakage of contaminants does not take place outside of the NCF.

4) The District shall ensure that the Responsible Party(ies) establish an adequate annuity or other financial account necessary for long-term NCF monitoring and maintenance.

5) Impacts associated with turbidity and redistribution of particulates shall be minimized by enclosing the construction area within a silt curtain. This action will minimize the dispersion of fine particulate material disturbed during construction activities. Success of this measure shall be monitored using real-time turbidity and water column chemical monitoring at designated sampling locations outside the silt curtain. If turbidity and water chemistry criteria are not met, construction operations shall be interrupted and modified to attain compliance.

6) The potential toxicity of the discharge shall be tested using appropriate EPA-approved bioassay tests. Moreover, the potential area influenced by the discharge plume shall be estimated on the basis of physical oceanographic conditions and discharge water volume.

7) An intertidal area of 0.75 acres shall be constructed west of the riprap wall of the NCF, elevating the existing lagoon bottom to -0.2 feet MLLW. A nearby deep water area (greater than 18 feet MLLW) of 0.75 acres shall be filled with clean sand to a depth of less than 18 feet to create new shallow subtidal habitat.

8) An eelgrass restoration program involving the planting of 0.94 acres of eelgrass to mitigate the loss of 0.78 acres of eelgrass and the monitoring of its growth to document mitigation success shall be conducted.

9) The potential long-term deterioration of the NCF shall be monitored by implementation of a routine inspection and maintenance program for the life of the facility. This plan shall include a biological and water quality monitoring program, including a mussel watch station, and periodic tissue analysis of burrowing organisms to allow detection of bioaccumulation in resident biota that may indicate a breach in the integrity of the facility.

10) After dredging is complete, redeposited contaminants in the silt curtain footprint shall be evaluated by testing surficial sediments to determine if contaminant levels require further remediation. If contaminant levels are elevated, the upper layer of sediment shall be removed with the dredge and placed in the NCF. The area potentially affected will be minimized by placing the silt curtain as near the dredge footprint boundary as possible.

11) Due to the presence of the endangered California least tern in the spring and summer months, remediation activities shall be limited to the period from late September through early March, if feasible.

12) Temporary barriers for the containment of suspended contaminated sediment from dredging shall be in place to prevent further spread of contaminants into the bay during the operation.

13) Enhancement of degraded eelgrass beds in a shallow portion of San Diego Bay at a 1.2:1 ratio shall be done for areas of permanent loss of marine habitats within the Lagoon. This ratio will compensate for the permanent loss of open water.

14) The results of a site-specific geotechnical engineering investigation shall be incorporated into the design and construction of the project. A site-specific geotechnical engineering investigation shall be performed for each proposed separate structure as a condition of issuance of construction permits. Each investigation shall contain adequate subsurface explorations and analyses to determine the potential for and degree of short- and long-term settlement, expected seismic ground acceleration values, and the potential for seismic ground failure (including liquefaction). Each investigation shall contain detailed foundation recommendations, and shall be subject to review by the appropriate regulatory agencies. A site-specific geotechnical study shall specifically address post-construction settlement potential and recommend methods to mitigate post-construction total and differential settlement to acceptable ranges, given the types of improvements at particular locations. Geotechnical studies shall specifically address seismic analysis based on site-specific subsurface data. As a minimum, seismic analyses shall address seismically-induced slope failure, liquefaction, and ground surface accelerations.

15) The design of the sheet-pile containment wall for the NCF shall be either a cantilevered sheet-pile, tied-back sheet-pile, or trapezoidal rock section design to reduce impacts associated with liquefaction.

16) An evaluation shall be made to consider the stability of the embankment during expected seismic and hydraulic conditions.

17) A site-specific hydrology study shall be performed for the site, addressing such issues as flooding during high-tide conditions and the effect of wind-driven waves generated from within San Diego Bay.

18) Implementation of a health and safety plan that addresses appropriate use of personal protective equipment and guidelines to minimize contamination migration from site shall be required prior to construction.

19) To mitigate short-term security impacts during the dredging/construction phase of the proposed project, a fence shall be installed between the US Coast Guard property and the Convair Lagoon project site, and around the temporary water treatment facility. The fence shall be permanent if the US Coast Guard determines that it is necessary to ensure long-term security;

c. that other environmental consequences of the NCF have been evaluated in the Final EIR/RAP and that no additional conditions or mitigation measures beyond those recommended are necessary;

d. that the EIR/RAP has been completed in compliance with CEQA and State CEQA guidelines, and California Health and Safety Code Section 25356.1;

e. that the Board of Port Commissioners has reviewed and considered the information contained in the Final EIR/RAP including letters of comments and District response;

f. that the Board is making findings and conclusions therefrom;

g. that for the reasons and findings herein, the NCF, incorporating the above mitigation measures and conditions, will not have a significant (adverse) effect on the environment; and

7. This action by the Board constitutes final environmental approval only. The Port Director or his authorized representative is authorized and directed to file, in accordance with law, a Notice of Determination with the Office of Planning and Research, and with the San Diego County Clerk.

ADOPTED this 19th day of October, 1989.

Presented By: DON L. NAY, Port Director

ASSISTANT PORT DIRECTOR

Approved: JOSEPH D. PATELLO, Port Attorney

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EXHIBIT "C"

ADDENDUM #2

FINAL ENVIRONMENTAL IMPACT REPORT/ REMEDIAL ACTION PLAN (UPD #83356-EIR-225; SCH #92091011)

CONVAIR LAGOON REMEDIATION

October 25, 1995

San Diego Unified Port District
Post Office Box 488
San Diego, California 92112

ADDENDUM #2

FINAL ENVIRONMENTAL IMPACT REPORT/REMEDIAL ACTION PLAN (UPD #83356-EIR-225; SCH #92091011)

CONVAIR LAGOON REMEDIATION

PRIOR CERTIFIED EIR

The Final Environmental Impact Report/Remedial Action Plan (FEIR/RAP) for the Convair Lagoon Remediation project was certified by the Board of Port Commissioners on October 19, 1993, by Resolution No. 93-325. The prior certified FEIR/RAP addressed the following two remediation programs for their effectiveness in containing PCB contaminated sediments and their environmental effects.

- Teledyn Ryan's proposed remediation project consisted of dredging and constructing a Near Shore Containment Facility (NCF) to isolate PCBs from the environment at Convair Lagoon. The NCF would occupy an area approximately 430 feet x 177 feet along the north side of the US Coast Guard facility. It would consist of a sheet-pile bulkhead with a riprap base. Approximately 13,000 cubic yards of sediment would be hydraulically dredged from the Lagoon and pumped into the NCF.

- A Sand Cap alternative was evaluated which would cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated "clean" material, consisting of sand, crushed rock material, geo-textile liner, and riprap (or small quarry rock). The layer of clean material would vary according to the concentrations of contaminants, potential wave action, and the depths at which elevated concentrations of PCBs occur. It is anticipated that approximately three feet in thickness would be required for capping. The sand cap also includes the replanting of eelgrass to provide a biological "armor" and to offset eelgrass lost through capping. In addition, the 60-inch storm drain would be extended and protected with rock riprap.

The FEIR/RAP concluded that the Sand Cap alternative was the environmentally superior option for remediation of Convair Lagoon. Appropriate mitigation measures to offset capping impacts were identified and a mitigation monitoring and reporting program was included as Appendix D to the FEIR/RAP.

ADDENDUM #1 TO THE FEIR/RAP

Subsequent to the certification of the FEIR/RAP, short-term and long-term monitoring for the project was defined in greater detail. Pursuant to Section 15164 of the State CEQA Guidelines, an Addendum to the FEIR/RAP was adopted by the Board of Port Commissioners on November 16, 1993, to address the minor modifications.

ADDENDUM #2 TO THE FEIR/RAP

Based on the findings of the FEIR/RAP and Addendum #1 to the FEIR/RAP, the RWQCB issued Addendum No. 8 to its Cleanup and Abatement Order No. 86-92 on January 27,

1995. Addendum No. 8 directed Teledyne Ryan Aeronautical (TRA) to implement the sand cap alternative.

According to the FEIR/RAP "imported material or clean dredge material would be suitable material for a sand cap. Dredge material is often less expensive and provides a 'beneficial use' when used for capping projects. Dredging projects in the vicinity of San Diego Bay may provide a sufficient volume of capping material for the entire site. The composition of the material including the grain-size, total organic carbon, porosity, and bulk density should be known before use."

Project timing does not coincide with dredging projects in San Diego Bay; a dredge site, however, was located which would complement the Navy's proposed dredging associated with the homeporting of one Nimitz Class Aircraft Carrier.

Teledyne Ryan Aeronautical proposes to dredge approximately 30,000 cubic yards of sand from a 9.2 acre (400,000 square feet) site located seven hundred (700) feet northwest of Pier J/K at NAS North Island (see Figure 1 for general vicinity and Figure 2 for specific project coordinates). The site is under the jurisdiction of the State Lands Commission. The site is to be dredged to a maximum dredge depth of 50 feet with one foot of overdredge (see Figure 2). The sand is to be dredged by a clamshell dredge and transported to the Convair Lagoon capping site by barge. The staging area for dredging and construction will be the yard of r.e. Staite Engineering, Inc. which is located at 505 West Harbor Drive.

In order to avoid conflict with the possible least tern nesting, the construction of the cap and the associated dredging must take place during the fall, winter, and spring. Therefore, the RWQCB's Addendum #9 directed TRA to submit a final design plan for the sand cap project by October 1, 1995 and to complete construction of the sand cap project by February 1, 1996.

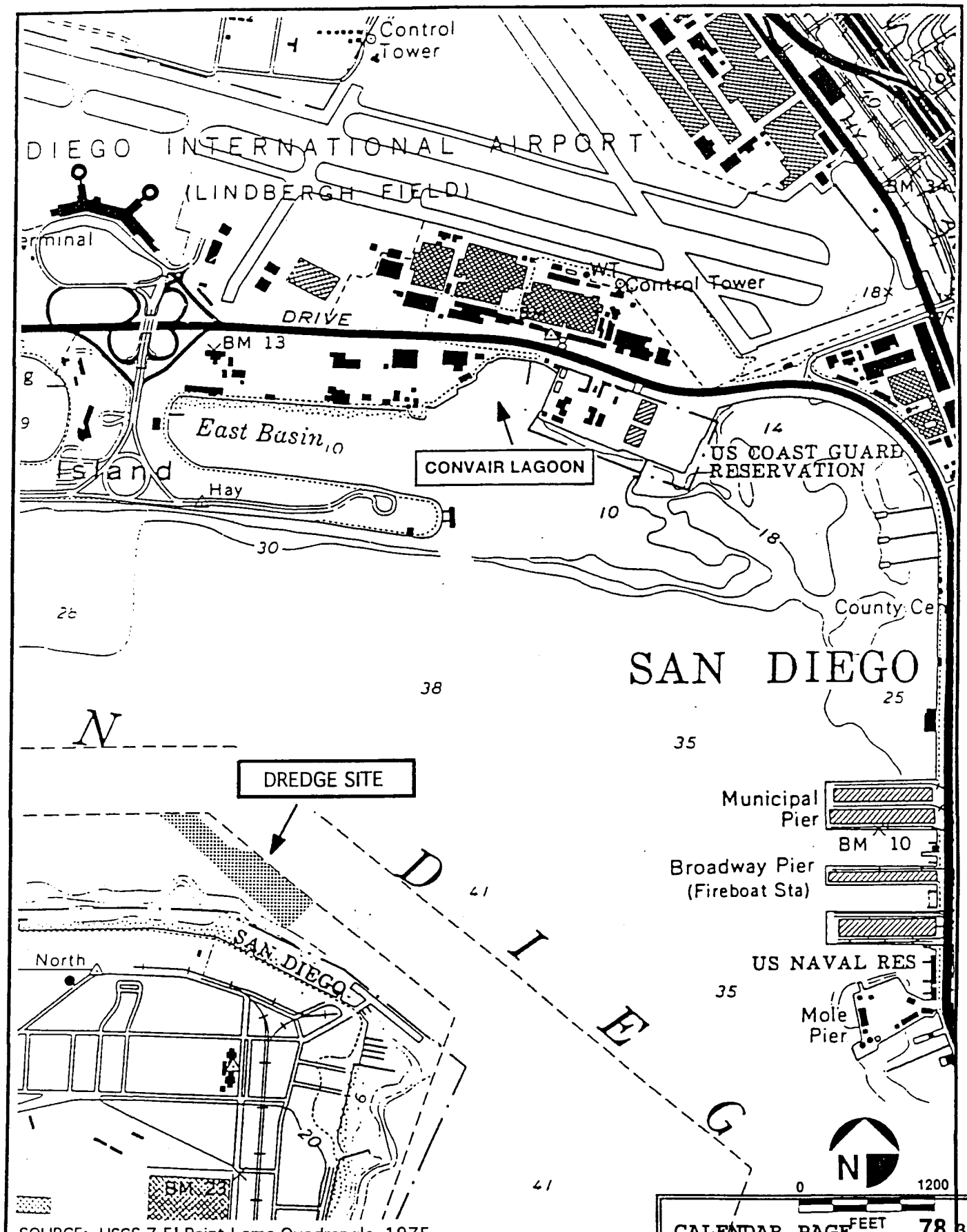
An Initial Study was prepared by the Port District to address the dredging, the transporting, and the quality of the sand to be deposited in Convair Lagoon. The Initial Study addressed water quality, noise, marine vessel traffic, and plant and animal life.

Environmental Analysis

Water Quality

A major water quality concern for dredging projects is the re-suspension and spread of contaminants contained in the dredged material. Approximately 30,000 cubic yards of sand would be removed from the dredge site for use in capping at Convair Lagoon. The material would be dredged to a maximum dredge depth of 50 feet with one foot of overdredge.

The proposed dredge site was originally considered as part of the area to be dredged for the Navy's Homeporting project. Samples were collected for chemical analyzes and grain size analyses in January 1994. The purpose of this sampling was to determine whether the material was suitable for open water disposal. For the Homeporting dredge sediment characterization, nine core samples were collected for chemical analyses and two core samples were collected for grain size analyses. The nine core samples for chemical analyses were composited and homogenized and then analyzed for a wide range of potential contaminants. The results are presented in Tables 1a and 1b of Attachment A. Samples for grain size analyses were taken from the top, middle, and bottom of each of the cores collected (see Figure 2). The results of the grain size analyses are presented in Tables 2a through 2f of Attachment A.



SOURCE: USGS 7.5' Point Loma Quadrangle, 1975

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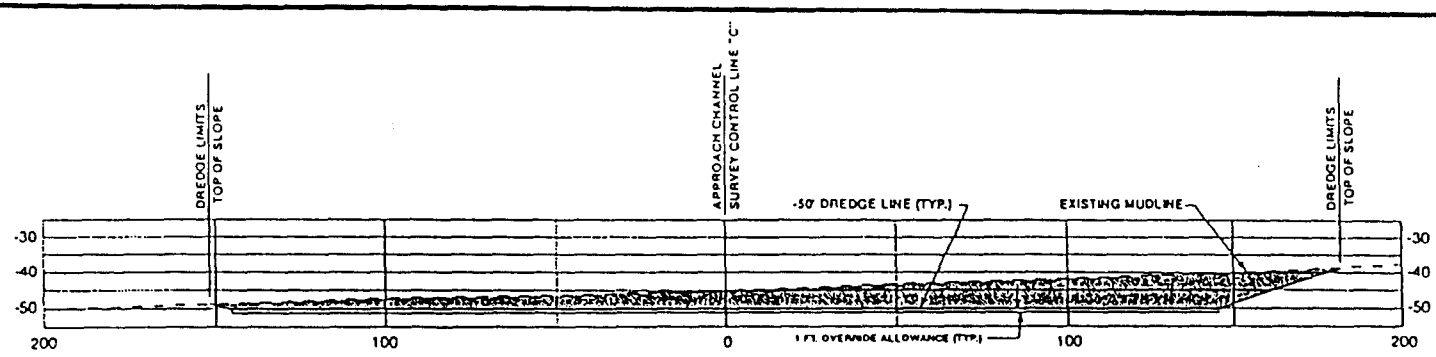
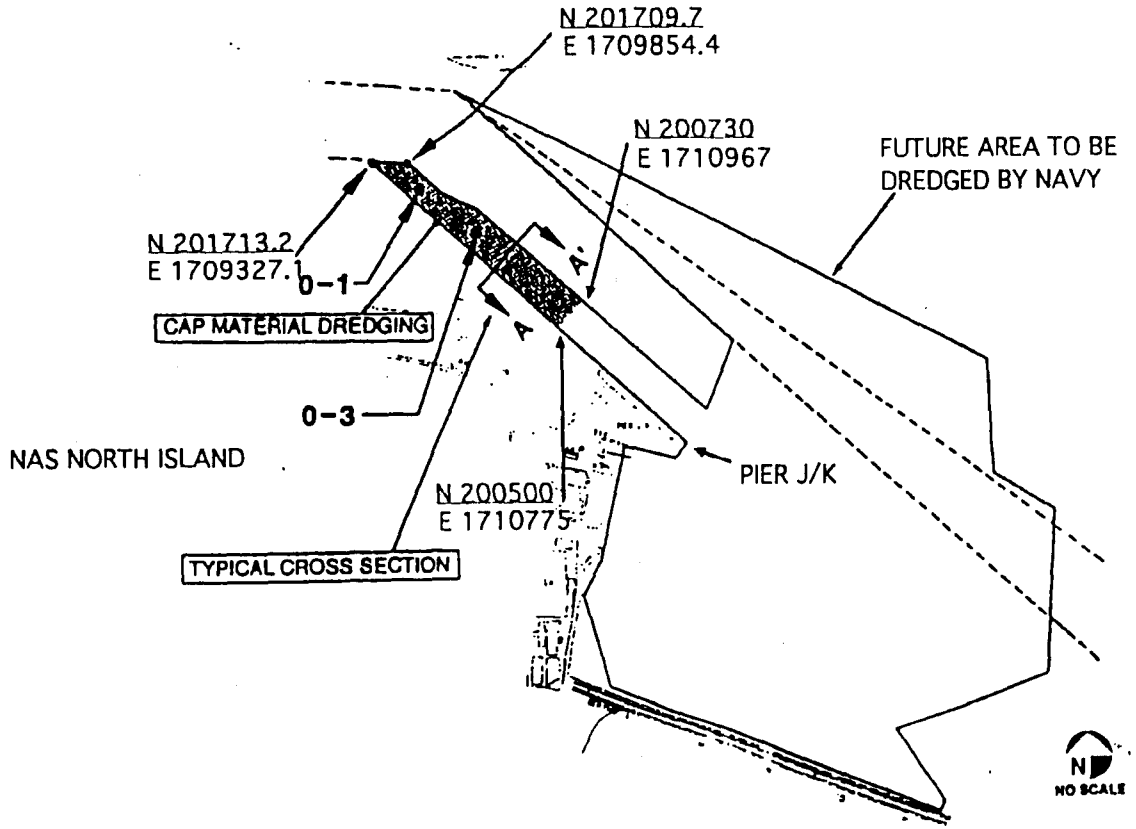
PROJECT VICINITY

FIGURE 1



Typical Cross Section A - A'



DREDGE PLAN

FIGURE 2

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Table 1

PCB AND GRAIN SIZE
DREDGE SITE NORTHWEST OF PIER J/K
7/31/95

Core #	Northing	Easting	Depth in Feet	PCBs mg/kg	Moisture Percent	% Gravel	% Sand	% Silt	% Clay
1	201250	1709930	4.0	<0.032	22.7	19.64	70.50	9.85	0.00
2	201270	1710060	3.0	<0.034	25.8	9.98	76.02	8.22	5.78
3	201160	1710000	5.0	<0.038	33.7	8.40	62.42	27.05	2.14
4	201120	1710100	4.0	0.047	29.8	8.46	45.34	22.67	23.54
5	201130	1710210	4.0	<0.035	27.7	18.36	63.53	11.67	6.44
6	201040	1710161	4.5	<0.038	34.2	11.63	51.70	19.68	16.99
7	201000	1710250	6.0	<0.038	34.2	12.60	45.63	23.16	18.60
8	200900	1710350	5.5	<0.043	42.4	11.28	55.28	18.94	14.50
9	200920	1710470	5.0	<0.034	26.5	21.43	64.12	7.22	7.22
						>2000 μm	63-2000 μm	2-63 μm	<2 μm

After the site was identified as a potential source of capping sediment for the Convair Lagoon Capping Project, nine additional core samples were collected on July 31, 1995, to determine grain size distributions and to determine whether PCBs were present in the sediment. The sample locations are indicated on Figure 3 of Attachment A. Table 1 summarizes the results. Tables 4a through 4i in Attachment A present the grain size analyses in greater detail.

The PCB analyses revealed one sample with a PCB concentration of 0.047 mg/kg. This concentration is approximately two orders of magnitude below the action level in Convair Lagoon, and is not considered to be significant. The eight other samples revealed no detectable PCBs; the detection limits are indicated on Table 1. The grain size data indicated that the material at this site is suitable for capping. Of the material available for dredging, coarser material is preferred for placement on the cap in order to avoid erosion.

The Port District conducted confirmation sampling of the dredge area on October 17, 1995. Two surface samples were composited and homogenized for chemical analysis. Testing was done for a wide range of potential chemical contaminants as well as grain size. Analysis confirmed that the dredge material is suitable for capping of Convair Lagoon. The results are presented in Attachment B.

There will be a temporary increase in suspended particulates and turbidity in bay waters in the proposed dredge area, until the particulates re-suspended during the dredging process settle out. The exact spatial and temporal extent of this increase will depend on currents, waves caused by vessel wakes, weather conditions at the time of dredging, and particle size of the dredge material.

Water quality monitoring will be conducted at the dredge site and the Convair Lagoon site. Turbidity and dissolved oxygen will be monitored at both sites using "real-time" conductivity, temperature and density (CTD) probes. These probes can be used to track any dredge plume that may be created. A computer on board the monitoring vessel will show the "real-time" or instantaneous data collection.

Since the production rate of the dredging operation will be controlled by the rate of disposal, it is anticipated that dredging would be conducted at a slower production rate than routine dredging projects with smaller equipment. The slower production rate and "real-time" monitoring should limit short-term turbidity impacts. With careful operation at the dredging site, it can be assumed that the turbidity will rarely be in excess of 10% of the background turbidity. If excessive turbidity were to occur, silt curtains would be recommended. To ensure that no significant increase and spread of turbidity occurs at the dredge site, the applicant will be required to implement a water quality monitoring program issued by the San Diego Regional Water Quality Control Board.

Based on the results of testing at the dredge site, no significant increase in water quality contamination is expected from the proposed dredging, nor are significant impacts to any other water quality parameter expected, at the dredge site or the Convair Lagoon disposal site.

Noise

Only minor, short-term noise impacts during dredging are expected. On-base NAS North Island noise sensitive receptors are located more than 0.25 miles south of the project area. The closest off-base noise sensitive receptors are residences, located approximately 4,800 feet from the closest point of dredging.

Marine Vessel Traffic

The following number of barge trips are anticipated for the project during the period of dredging/construction:

- 9 round trips from the staging area to Convair Lagoon; and
- 22 round trips between the dredge site and Convair Lagoon.

San Diego Bay is relative uncongested in terms of existing navigation. In fact, due to the relatively low volume of large vessels that use the Port, no formal vessel traffic system specifically for naval or large commercial vessels has been established. Dredge material transport vessels have been used in the San Diego Bay area for the past 10 years with no incidence of conflict or accidents reported.

Because of the relatively few number of trips, transportation of dredge materials would present only a minor impact to commercial, sport, and Navy ship movements and only a minor hazard to navigation from potential interference of the transport barges and towlines with other vessel traffic. With monitoring from the U.S. Coast Guard in the zone of operations and with coordination with the operations at NAS North Island, impacts to shipping/boating are considered very low. Given the temporary short-term construction schedule and the relatively minor potential for any navigation-related hazards, this is not considered a significant impact to commercial, sport or Navy ship movements.

Plant and Animal Life

Eelgrass is located in the vicinity of the proposed dredge footprint near Pier J/K. The outer depth limit of the eelgrass development in this area is approximately 15 feet below MLLW, and no eelgrass was located within the dredge footprint, which is appreciably deeper.

After dredging is completed, the same general type of deep subtidal bay habitat will be available for fish and benthic infauna to re-establish themselves. This cycle of impact and re-establishment of biota is typical of all areas dredged, and no significant long-term reduction of habitat for these organisms are expected.

The California least tern *(Sterna antillarium browni)* is a state and federal endangered migratory bird species which occurs in San Diego Bay from early April to the end of September. The nearest nesting sites to the proposed project sites are Naval Air Station North Island, the Naval Training Center, and historically at the southeast corner of Lindbergh airfield.

The least tern feeds on small fish captured at the surface of usually shallow waters. Dredge-caused turbidity that reaches the surface can impact the tern's ability to see and capture fish within its foraging areas, which can be within a radius of up to five miles from a nesting site. The measures described above in the discussion of water quality, however, would minimize turbidity.

No impacts to the least tern are expected, and formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act is not anticipated to be required.

Determination to Prepare an Addendum

Section 15162 of the State CEQA Guidelines states the following:

(a) When an EIR has been certified...for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major important revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects impacts; or

(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete...any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR...;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the State CEQA Guidelines states that "the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Based on the results of the Initial Study prepared by the San Diego Unified Port District and the provisions of State CEQA Guidelines Sections 15162 and 15164, it was determined that a subsequent EIR was not required and that an Addendum shall be prepared for the dredging, transporting, and deposition of sand in Convair Lagoon. In accordance with Section 15164, the Addendum is not required to be circulated for public review.

Intended Uses of FEIR/RAP and Addenda

The FEIR/RAP and the two Addenda will be considered by public agencies to consider the following discretionary permits related to the project:

- Board of Port Commissioners (Lead Agency) - approval of Tenant Project Plans and Coastal Development Permit for the construction of the sand cap in Convair Lagoon;

- State Lands Commission (Responsible Agency) - approval of a dredge permit for the dredge site located northwest of Pier J/K at NAS North Island; and

- California Coastal Commission (Responsible Agency) - approval of a Coastal Development Permit for the dredging and transporting of sand from the site northwest of Pier J/K to Convair Lagoon.