

**CALENDAR ITEM  
C100**

A     80  
S     40

12/18/15  
PRC 8054.1  
D. Simpkin

**AMENDMENT OF LEASE**

**LESSEE:**

BAE Systems San Diego Ship Repair, Inc.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in San Diego Bay, San Diego County.

**AUTHORIZED USE:**

Use and maintenance of an existing 20' x 20' mooring dolphin and appurtenant lease area adjacent to Pier 1; use and maintenance of a portion of a dry-dock facility adjacent to Pier 2; use and maintenance of a 20' x 16' mooring dolphin and appurtenant lease area adjacent to Pier 3 and 4; maintenance of a portion of the Armed Forces Dock Little Dry-dock Facility and appurtenant lease area adjacent to Pier 4.

**LEASE TERM:**

35 years, 8 months, 16 days; beginning December 15, 1998, and ending August 31, 2034.

**CONSIDERATION:**

\$111,296 per year, with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

**PROPOSED AMENDMENT:**

1. Amend the 'Land Use or Purpose' and 'Authorized Improvements' of Section 1, Basic Provisions to provide for the following:
  - a. Dredge approximately 153,000 cubic yards of material from land waterward of the U.S. Pierhead Line adjacent to Pier 1.
  - b. Dredge approximately 242,000 cubic yards of material from land landward of the U.S. Pierhead Line adjacent to Pier 1.
  - c. Installation and maintenance of one new dry-dock mooring dolphin and expansion of one existing mooring dolphin adjacent to Pier 1.

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- d. Installation and maintenance of a portion of a floating dry-dock adjacent to Pier 1.
- e. Installation of a portion of return wall located waterward of the U.S. Pierhead Line and adjacent to Pier 1.
- 2. Amend the 'Consideration' paragraph of Section 1, Basic Provisions, to reflect a new annual rent of \$207,900.
- 3. Amend the Section 2, Special Provisions to clarify dredging activity and disposition of dredge material.
- 4. Delete Section 3, Land Description, and replace it with Exhibit A, Land Description and Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof.

All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

- 1. The Lessee has the right to use the upland adjoining the lease premises and is a tenant of the San Diego Unified Port District (SDUPD).
- 2. On December 16, 1998, the Commission authorized a General Lease – Industrial Use to Southwest Marine, Inc., for the use of sovereign land located waterward of the U.S. Pierhead Line. Subsequent to the issuance of the lease, the Lessee provided notice that the company name had changed to BAE Systems San Diego Ship Repair, Inc.
- 3. The Lessee operates a ship repair facility in San Diego Bay. The majority of the Lessee's facility is on sovereign land that has been legislatively granted to the SDUPD pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the state.
- 4. The boundary between the SDUPD's jurisdiction and sovereign land under the Commission's jurisdiction is the U.S. Pierhead Line. Any uses or improvements located waterward of the U.S. Pierhead Line require Commission authorization. The Commission may authorize any dredging located on legislatively granted lands when minerals have been reserved to the state.
- 5. The Lessee has applied for an amendment to the lease as part of the Pier 1 North Dry Dock Sump Dredging Project (project). The proposed project will increase the Lessee's dry-dock capacity to provide maintenance of

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existing and future U.S. Naval vessels and provide additional capacity for commercial vessel dry-dock needs. Although the majority of the project will occur on land granted to SDUPD, a portion of the project will be located waterward of the U.S. Pierhead line, within the Commission's jurisdiction.

6. The proposed lease amendment will expand the lease area from 2.4 acres to 3.93 acres to allow for the installation of one new dry-dock mooring dolphin, the expansion of an existing mooring dolphin, installation of a portion of the new dry-dock, and the installation of a portion of a return wall. Additional components of the project include approximately 153,000 cubic yards of material to be dredged waterward of the U.S. Pierhead Line and adjacent to Pier 1 and approximately 242,000 cubic yards of material to be dredged landward of the U.S. Pierhead Line adjacent to Pier 1.
7. The proposed lease amendment and authorized uses are consistent with the common law Public Trust Doctrine because the dry dock expansion and associated dredging promotes traditional public trust purposes of navigation and commerce.
8. An EIR, State Clearinghouse No. 2014041071, was prepared for this project by Port of San Diego and certified on November 17, 2015. California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Statement of Findings

CALENDAR ITEM NO. **C100** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

1. Find that an EIR, State Clearinghouse No. 2014041071, was prepared for this Project by the Port of San Diego and certified on November 17, 2015, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

2. Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

Determine that the Project, as approved, will not have a significant effect on the environment.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 8054.1, a General Lease – Industrial Use, effective December 18, 2015, to BAE Systems San Diego Ship Repair, Inc., to amend the Land Use or Purpose, the Authorized Improvements, the Consideration, the Special Provisions, and the Land Description as described herein to authorize the installation, use and maintenance of one new dry-dock mooring dolphin, the expansion of one existing mooring dolphin, the installation, use and maintenance of a portion of a floating dry-dock and return wall, dredging on sovereign land waterward of the U.S. Pierhead Line and dredging landward of the U.S. Pierhead Line within land legislatively granted to the San Diego Unified Port District, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; new annual rent in the amount of \$207,900, effective December 15, 2015; delete Section 3, Land Description and replace with Exhibit A, Land Description and Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

## **EXHIBIT A**

**PRC 8054.1**

### **LAND DESCRIPTION**

Five (5) parcels of submerged lands, granted and ungranted, in the bed of San Diego Bay, lying adjacent to and within those lands granted to San Diego Unified Port District per Chapter 57, Statutes of 1962, County of San Diego, State of California, and more particularly described as follows:

#### **PARCEL 1 – Pier 1 Site and Proposed Drydock "A"(Lease Area and Dolphins)**

BEGINNING at a point on the U.S. Pierhead Line which bears S 56°20'08" E 944.00 feet from Station 477, said station having the following coordinates N(y)=192576.08 feet E(x) 1723477.88 feet CCS27(Zone VI) and is shown on Sheet 18 of 36 of that "Map of the Lands Transferred to the San Diego Unified Port District" dated October 1972 and on file with the California State Lands Commission (CSLC Index CB-1574); thence along said Pierhead Line S 56°20'08" E 370.00 feet; thence leaving said Pierhead Line S 33°39'52" W 390.46 feet; thence N 54°20'07" W 383.40 feet; thence N 35°39'53" E 377.30 feet to said Pierhead Line also being the POINT OF BEGINNING.

#### **PARCEL 2 – Pier 2 Site (Lease Area and Drydock)**

BEGINNING at a point on the U.S. Pierhead Line which bears S 56°20'08" E 1409.00 feet from said Station 477, said station having the following coordinates N(y)=192576.08 feet E(x) 1723477.88 feet CCS27(Zone VI) and is shown on Sheet 18 of 36 of that "Map of the Lands Transferred to the San Diego Unified Port District" dated October 1972 and on file with the California State Lands Commission (CSLC Index CB-1574); thence along said Pierhead Line S 56°20'08" E 111.00 feet; thence leaving said Pierhead Line S 33°39'52" W 80.00 feet; thence N 56°20'08" W 111.00 feet; thence N 33°39'52" E 80.00 feet to said Pierhead Line also being the POINT OF BEGINNING.

#### **PARCEL 3 – Pier 3 Site (Lease Area and Dolphin)**

BEGINNING at a point on the U.S. Pierhead Line which bears S 56°20'08" E 1661.00 feet from said Station 477, said station having the following coordinates N(y)=192576.08 feet E(x) 1723477.88 feet CCS27(Zone VI) and is shown on Sheet 18 of 36 of that "Map of the Lands Transferred to the San Diego Unified Port District" dated October 1972 and on file with the California State Lands Commission (CSLC Index CB-1574); thence along said Pierhead Line S 56°20'08" E 125.00 feet; thence leaving said Pierhead Line S 33°39'52" W 166.00 feet; thence N 56°20'08" W 125.00 feet; thence N 33°39'52" E 166.00 feet to said Pierhead Line also being the POINT OF BEGINNING.

**PARCEL 4 – Pier 4 (Proposed Lease Area and Dolphin)**

BEGINNING at a point on the U.S. Pierhead Line which bears S 56°20'08" E 1937.00 feet from said Station 477, said station having the following coordinates N(y)=192576.08 feet E(x) 1723477.88 feet CCS27(Zone VI) and is shown on Sheet 18 of 36 of that "Map of the Lands Transferred to the San Diego Unified Port District" dated October 1972 and on file with the California State Lands Commission (CSLC Index CB-1574); thence along said Pierhead Line S 56°20'08" E 117.00 feet; thence leaving said Pierhead Line S 33°39'52" W 166.00 feet; thence N 56°20'08" W 117.00 feet; thence N 33°39'52" E 166.00 feet to said Pierhead Line also being the POINT OF BEGINNING.

**PARCEL 5 – Dredging Lease (granted and ungranted)**

BEGINNING at a point on the U.S. Pierhead Line and having the following CCS27 (Zone VI) coordinates N(y)=192091.60 feet, E(x)=1724205.31 feet and which bears S 56°20'08" E 874.00 feet from Station 477, said station having the following coordinates N(y)=192576.08 feet E(x) 1723477.88 feet CCS27(Zone VI) and is shown on Sheet 18 of 36 of that "Map of the Lands Transferred to the San Diego Unified Port District" dated October 1972 and on file with the California State Lands Commission (CSLC Index CB-1574); thence in a clockwise direction through the following ten(10) points:

- 1) N(y)=192657.56 feet, E(x)=1724582.25 feet;
- 2) N(y)=192491.26 feet, E(x)=1724831.94 feet;
- 3) N(y)=192549.52 feet, E(x)=1724870.74 feet;
- 4) N(y)=192483.01 feet, E(x)=1724970.62 feet;
- 5) N(y)=191900.39 feet, E(x)=1724582.59 feet;
- 6) N(y)=191878.22 feet, E(x)=1724615.88 feet;
- 7) N(y)=191794.99 feet, E(x)=1724560.45 feet;
- 8) N(y)=191850.42 feet, E(x)=1724477.22 feet;
- 9) N(y)=191542.47 feet, E(x)=1724272.12 feet;
- 10) N(y)=191742.03 feet, E(x)=1723972.49 feet;

thence continuing to the POINT OF BEGINNING.

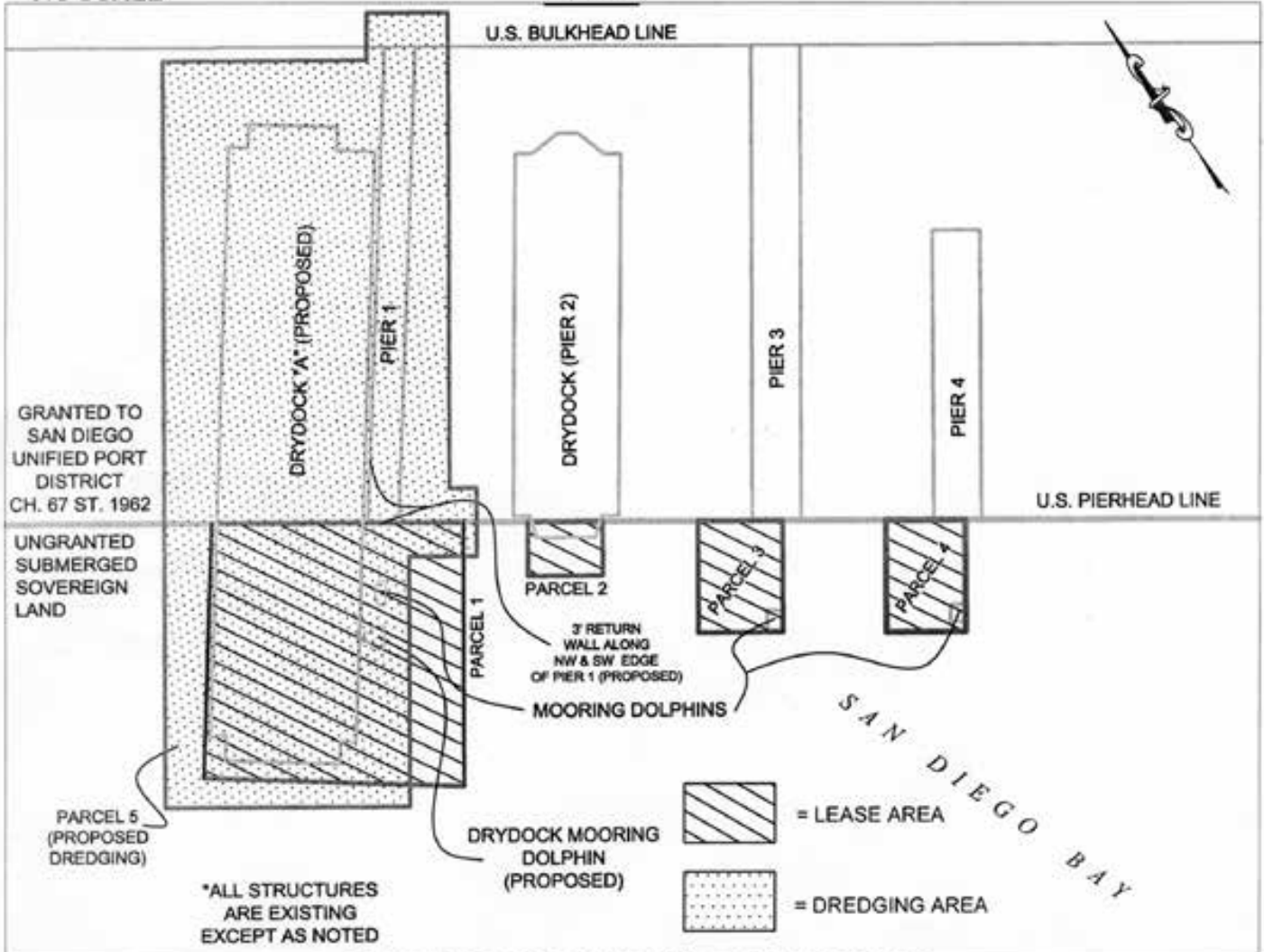
**END OF DESCRIPTION**

PREPARED 11/06/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

## SITE



1427 SAMPSON STREET, SAN DIEGO

NO SCALE

## LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## Exhibit B

PRC 8054.1  
BAE SYSTEMS  
APN 760-022-06  
GENERAL LEASE -  
INDUSTRIAL USE  
SAN DIEGO COUNTY



MEF 11/05/15

**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**PIER 1 NORTH DRYDOCK, FUTURE REAL ESTATE AGREEMENTS AND**  
**REMOVAL OF COOLING TUNNELS PROJECT**  
(PRC 8054, State Clearinghouse No.2014041071)

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels Project (Project). The CEQA lead agency for the Project is the San Diego Unified Port District (District).

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below.

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<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.



**Table C-1. Project Impacts and Applicable Mitigation Measures.**

Potential Impact	Mitigation Measure (MM) <sup>2</sup>
Candidate, Sensitive, or Special-Status Species	BIO-1: Biological Monitoring For Special-Status Species
	BIO-2: Biological Monitoring of Impact Hammer and Pile Driving
	BIO-3: Pile Driving
	BIO-4: Bay Coverage and Eelgrass Mitigation
	BIO-5: California Least Tern Mitigation
Riparian Habitat and Other Sensitive Natural Communities	BIO-4: Bay Coverage and Eelgrass Mitigation
	BIO-6: Eelgrass Boundaries
	BIO-7: Turbidity Curtain
	BIO-8: Eelgrass Silt Curtain
	BIO-9: Invasive Species Surveys
Wildlife Movement Corridors	BIO-4, BIO-6, BIO-7, and BIO-8 (see above)
Unstable Soils and Seismic Hazards	GEO-1: Conformance with the Project Geotechnical Study
Transport, Use, Disposal, and Accidental Release of Hazardous Materials	HAZ-1: Health and Safety Plan (HASP) for Landside Activities
	HAZ-2: Hazardous Materials Dredging Management Plan (DMP)
	HAZ-3: Contingency Plan
	HAZ-4: Health and Safety Plan (HASP) for Dredging Activities
	HAZ-5: Communication Plan
	HAZ-6: Supernatant and Storm Water Containment
	HAZ-7: Sediment Unloading
	HAZ-8: Filling Transport Vehicles
	HAZ-9: Sediment Loading
	HAZ-10: Soil and Groundwater Management Plan
	HAZ-11: Secondary Containment
Existing Hazardous Materials Site	HAZ-1 through HAZ-11 (see above)
	HAZ-12: Update Drydock Operations Permits and Best Management Practices Manual
Water Quality Standards and Requirements	HYD-1: Water Quality Dredging Management Plan
	HYD-2: Pre-construction Meeting
	HYD-3: Dredging Operations and Containment
	HYD-4: Dredge Site Water Quality Monitoring.
Conflicts with Habitat Conservation Plans or Natural Community Conservation Plans	BIO-4: Bay Coverage and Eelgrass Mitigation

<sup>2</sup> See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

## **ATTACHMENT C-1**

**Mitigation Monitoring Program Adopted by the  
San Diego Unified Port District**

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>4.1: Air Quality</b>			
<i>No mitigation measures were identified for air quality.</i>			
<b>4.2: Biological Resources</b>			
<p><b>BIO-1: Biological Monitoring For Special-Status Species.</b></p> <p>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
States Army Corps of Engineers (USACE) and the District within 60 days of the completion of the mitigation monitoring.			
<b>BIO-2: Biological Monitoring of Impact Hammer and Pile Driving.</b> 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 <i>as defined in the BAE Systems Pier 1 North Drydock Hydroacoustic Technical Study</i> , Tierra Data, January 2015}) to ensure that special-status species are not present. The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving. If a special-status species approaches or enters within the 380-foot (116 meters) surface radius of pile-driving activities, the construction contractor shall halt the piling-driving activity until the qualified biologist confirms that the animal has voluntarily left the area or 15 minutes have passed without redetection of the animal. If weather conditions prevent the visual detection of special-status species (e.g., heavy fog), any pile-driving activities with the potential to reach the Level A Harassment Injury threshold shall not be conducted until conditions change to allow for visual detection.	Director of the Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	For a period of 15 minutes daily prior to the start of in-water construction activities	The project Applicant shall retain a qualified biological to monitor active pile driving areas to ensure that special-status species are not present.
<b>BIO-3: Pile Driving.</b> When performing impact pile driving, the contractor shall commence work with one soft strike at 40 percent or less energy, followed by a 30-second period of no pile driving, prior to commencing full pile-driving activities. The purpose of this activity is to encourage special-status species to leave the project site prior to commencement of work. A qualified biologist, approved by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, shall then	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to commencing full pile-driving activities. This process shall be repeated if pile driving ceases for a period greater than 1 hour	A qualified biologist, approved by the San Diego Unified Port District to monitor for active impact hammer pile driving.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
commence monitoring to determine if turtles or marine mammals are in the area. If any special-status species are in the area, the Biological Monitor shall be authorized to temporarily halt construction. Once the species are out of the construction area, the Biological Monitor shall direct work to recommence. This process shall be repeated if pile driving ceases for a period greater than 1 hour.			
<p><b>BIO-4: Bay Coverage and Eelgrass Mitigation.</b> 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>	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	60 days prior to initiation of demolition or construction activities at the site and 30 days following project completion	Impacts shall be determined from a comparison of pre- and post-construction survey results. If required following the post-construction survey, a mitigation planting plan shall be developed, approved by the Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District) and the NMFS, and implemented to offset losses to eelgrass. The identified mitigation site shall be acceptable to the Director of ELUM, or designee, of the District and the resource and regulatory agencies.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<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><b>BIO-5: California Least Tern Mitigation.</b> 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"> <li>• 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.</li> <li>• 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</li> </ul>	<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
of this measure is to minimize noise impacts to terns.			
<b>BIO-6: Eelgrass Boundaries.</b> 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.
<b>BIO-7: Turbidity Curtain.</b> 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.
<b>BIO-8: Eelgrass Silt Curtain.</b> During shoreline work, the contractor shall protect eelgrass beds with silt curtains deployed above the eelgrass and below the shoreline work area. The silt curtain shall be designed to prevent drift (for example, stretched between stakes so that the curtain is rigid), so that impacts to eelgrass during shoreline work are avoided.	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	During shoreline work, silt curtains shall be deployed	The silt curtain shall be designed to prevent drift so that impacts to eelgrass during shoreline work are avoided.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>BIO-9: Invasive Species Surveys.</b> 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> .	Director of Environmental and Land Use Management (ELUM), or designee, of the San Diego Unified Port District (District)	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	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> .
<b>4.3: Geology and Soils</b>			
<b>GEO-1: Conformance with the Project Geotechnical Study.</b> 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>	San Diego Unified Port District's (District) Engineering-Construction Department Director, or designee	Prior to issuance of a Coastal Development Permit (CDP), the Applicant shall submit a Final Geotechnical Report	All dredging and construction activities shall be conducted in conformance with the recommendations included in the Final Geotechnical Report and with the constraints identified in the <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).



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"> <li>1. <b>King Pile Wall:</b> 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.</li> <li>2. <b>Mooring Dolphins:</b> 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.</li> <li>3. <b>Ramp Wharves:</b> 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.</li> <li>4. <b>Supplemental Pier 1 Piles:</b> 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.</li> <li>5. <b>Drydock Sump Dredging – Removal of Jetty:</b> Before or during dredging, confirm removal of any remaining sheetpile jetties in the vicinity of the proposed sump.</li> </ol>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>6. <b>Drydock Sump Dredging – Review and Adjust Excavations:</b> 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. <b>Drydock Sump Dredging – Analysis of Capacity:</b> 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. <b>Utility Trench Construction:</b> 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. <b>Cooling Tunnel Removal – Shoring (Dry Alternative):</b> 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. <b>Cooling Tunnel Removal – Dewatering (Dry Alternative):</b> 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. <b>Cooling Tunnel Removal – Backfill (Dry Alternative):</b> 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. <b>Cooling Tunnel Removal – Shoring (Wet Alternative):</b> 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. <b>Cooling Tunnel Removal – Debris Removal (Wet Alternative):</b> 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. <b>Cooling Tunnel Removal – Backfill (Wet Alternative):</b> 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
<b>4.4: Climate Change and Greenhouse Gases</b>			
<i>No Mitigation Required</i>			
The following PDFs will further reduce criteria pollutant and GHG emissions:			
<p><b>PDF GHG-1:</b> 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><b>PDF GHG-2:</b> 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>			
<b>4.5: Hazards and Hazardous Materials</b>			
<p><b>HAZ-1: Health and Safety Plan (HASP) for Landside Activities.</b> 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>	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during construction activities	BAE Systems shall require that all construction subcontractors comply with the HASP and appropriate health and safety measures in Section 29 Code of Federal Regulations (CFR) Part 1926, which are focused on worker safety in excavations. The District shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p><b>HAZ-2: Hazardous Materials Dredging Management Plan (DMP).</b> 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"> <li>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"> <li>a. Potential hazards resulting from accidental oil and/or fuel spills;</li> <li>b. Potential impacts to water quality associated with turbidity; and</li> <li>c. Proper operation of dredging equipment.</li> </ol> </li> <li>2. Required instrumentation to avoid spillage of dredged material will be identified for each piece of equipment used during dredging operations.</li> <li>3. Personnel shall be required to visually monitor for oil or fuel spills during construction activities.</li> <li>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.</li> </ol>	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during dredging operations	<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><b>HAZ-3: Contingency Plan.</b> 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"> <li>1. Procedures for communication to project personnel;</li> <li>2. Installation of proper signage and/or barriers alerting others of potentially unsafe conditions;</li> <li>3. Specification for repair work to be conducted on land and not over water;</li> <li>4. Identification of proper spill containment equipment (e.g., spill kit);</li> <li>5. Identification of other equipment or subcontracting options;</li> <li>6. Emergency procedures to follow in the event of</li> </ol>	<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><b>HAZ-4: Health and Safety Plan (HASP) for Dredging Activities.</b> 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> <p>1. Training for operators to prevent and respond to releases;</p> <p>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	Prior to and during dredging activities	<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><b>HAZ-5: Communication Plan.</b> 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> <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>	San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee	Prior to and during dredging activities	The contractor shall prepare and submit to the by the San Diego Unified Port District's (District) Environmental and Land Use Management (ELUM) Director, or designee, for review and approval, a Communication Plan and operational guidelines for communications between the US Coast Guard and all vessel operators to ensure the safe movement of project vessels from the dredge site to the unloading area.
<p><b>HAZ-6: Supernatant and Storm Water Containment.</b> 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>	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	Prior to and during dredging activities	<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><b>HAZ-7: Sediment Unloading.</b> 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>	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	During and after dredging activities	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.			
<p><b>HAZ-8: Filling Transport Vehicles.</b> 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><b>HAZ-9: Sediment Loading.</b> 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.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p><b>HAZ-10: Soil and Groundwater Management Plan.</b> 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>	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	Prior to and during commencement of cooling tunnels removal	The contractor shall submit a soil and groundwater management plan to the District for review and approval to address the possibility of encountering areas of potential environmental concern. The plan shall be prepared by a qualified environmental consultant and implemented by the contractor under the oversight of an environmental professional on behalf of the District. The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis, and (2) periodic site inspections.
<p><b>HAZ-11: Secondary Containment.</b> 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>	San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee	Prior to and during the commencement of dredging, demolition, or construction activity	The San Diego Unified Port District's (District) Director of Engineering-Construction Department, or designee, shall verify implementation of this measure through (1) periodic site inspections to verify that a secondary containment structure is in place and functioning, and (2) review of a mitigation implementation and monitoring tracking log maintained by BAE Systems and submitted to the District on a twice-monthly basis.

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

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<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><b>HYD-2: Pre-construction Meeting.</b> 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><b>HYD-3: Dredging Operations and Containment.</b> 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"> <li>• 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.</li> <li>• The contractor shall not overfill any dredging bucket because overfill results in material overflowing back into the water.</li> <li>• The contractor shall, at a minimum, deploy non-drifting silt curtains fully around areas of</li> </ul>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>The contractor shall place material in the</li> </ul>			

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"> <li>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.</li> <li>The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area.</li> </ul>			
<p><b>HYD-4: Dredge Site Water Quality Monitoring.</b> 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><b>HYD-5: Environmental Controls During Intake/Discharge Tunnel Removal.</b> 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
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.			
<b>4.7: Land Use and Planning</b>			
<i>No mitigation measures were identified for land use or planning impacts.</i>			
<b>4.8: Noise</b>			
<i>No mitigation measures were identified for noise impacts.</i>			
<b>4.9: Transportation and Traffic</b>			
<b>Mitigation Measure TR-1:</b> <b>Alternative Transportation.</b> 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: <ul style="list-style-type: none"> <li>• Increase the number of subsidized vanpools to increase vanpool ridership; or</li> <li>• Provide subsidized trolley passes for existing vehicle commuters; or</li> </ul>	Port District of San Diego (District), Director of Environmental and Land Management (ELUM), or designee	Prior to issuance of the Coastal Development Permit (CDP)	<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"> <li>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.</li> </ul> <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>			
<b>4.10: Utilities and Service Systems</b>			
<i>No mitigation measures were identified for utilities and service systems.</i>			

# **EXHIBIT D – PIER 1 NORTH DRYDOCK, FUTURE REAL ESTATE AGREEMENTS AND REMOVAL OF COOLING TUNNELS PROJECT**

## **CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS**

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### **1.0 INTRODUCTION**

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Industrial Use, to BAE Systems San Diego Ship Repair, for use of sovereign lands associated with the proposed Pier 1 North Drydock, Future Real Estate Agreements and Removal of Cooling Tunnels Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)<sup>1</sup> 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.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must amend a lease for the Project to go forward and because the San Diego Unified Port District (District), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The District analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2014041071) and, in November 2015, certified the EIR and adopted a Mitigation Monitoring Program (MMP) and Findings.

The Project involves the installation of a new drydock north of the current wet dock facility on Pier 1, entering into real estate agreements, and the removal of abandoned cooling tunnels. The District determined that the Project could have significant environmental effects on the following environmental resources:

- Biological Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning; and
- Transportation/Traffic.

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<sup>1</sup> CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, Title 14, section 15000 et seq.

Of the six resources areas noted above, Project components within the CSLC's jurisdiction (i.e., the installation of a portion of the proposed new floating drydock, the dredging of sediment within the drydock location, and the construction of two mooring dolphins), could have significant environmental effects on five of the resource areas, as follows:

- Biological Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality; and
- Land Use and Planning

In certifying the Final EIR and approving the Project, the District imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

As a responsible agency, the CSLC complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

## **2.0 FINDINGS**

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the District for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund v. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in the EIR, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC's exercise of discretion involves only issuing an amendment to a General Lease – Industrial Use for this Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other



impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the CSLC's approval of an amendment to a General Lease – Industrial Use, which would allow the installation of a portion of the proposed new floating drydock, the dredging of sediment within the drydock location, and the construction of two mooring dolphins, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (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 Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.<sup>2</sup>

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the CSLC or existing in its files, all of which is contained in the administrative record. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

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<sup>2</sup> See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

## A. SUMMARY OF FINDINGS

Based on public scoping, there were no environmental issue areas on which the proposed Project will have No Impact.

The EIR subsequently identified the following impacts as Less Than Significant:

- Air Quality
- Global Climate Change and Greenhouse Gas Emissions
- Noise
- Utilities and Service Systems

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

## B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts within CSLC jurisdiction identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

1. Biological Resources	BIO-1, BIO-2, BIO-3
2. Geology and Soils	GEO-1
3. Hazards and Hazardous Materials	HAZ-1, HAZ-2
4. Hydrology and Water Quality	HYD-1
5. Land Use and Planning	LU-1

### 1. BIOLOGICAL RESOURCES

#### CEQA FINDING NO. BIO-1

Impact: **Impact BIO-1. Candidate, Sensitive, or Special-Status Species.** 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.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

## FACTS SUPPORTING THE FINDING(S)

A qualified biologist shall monitor active dredging or pile-driving project activities (MM BIO-1). By halting impact hammer pile-driving activities when special-status species (turtles and marine mammals) are present in the construction and dredging area (MM BIO-2) and special-start pile driving (MM BIO-3), construction activities associated with the proposed project would not interfere with special-status species' ability to safely transit the project area waters, and the hydroacoustical impacts to special-status species would be reduced.

To mitigate potential construction-related impacts or project activities to California least tern related to bay coverage and potential loss of foraging habitat, MM BIO-4 shall be implemented. Through implementation of MM BIO-4, the overall balance of bay coverage would remain the same as existing conditions, as the project will result in removal of existing bay coverage or actions that replace lost productivity and/or expand foraging resource availability at a scale equivalent to the increase in bay coverage. In addition, MM BIO-5 requires that, if feasible, dredging and in-water construction be conducted outside of the California least tern nesting season.

Implementation of MMs **BIO-1** through **BIO-5** have been incorporated into the Project to reduce this impact to a less than significant level.

**MM BIO-1: Biological Monitoring For Special-Status Species.**

**MM BIO-2: Biological Monitoring of Impact Hammer and Pile Driving.**

**MM BIO-3: Pile Driving.**

**MM BIO-4: Bay Coverage and Eelgrass Mitigation.**

**MM BIO-5: California Least Tern Mitigation.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. BIO-2**

**Impact:** **Impact BIO-2. Riparian Habitat and Other Sensitive Natural Communities.** 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(s):** (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

The identification of pre-construction and post-construction surveys of the eelgrass beds (MM BIO-4) would ensure that eelgrass is maintained or restored if impacted to pre-construction conditions. In addition, direct impacts to eelgrass habitat would be mitigated at a 1.2:1 ratio through creation of eelgrass habitat in San Diego Bay. By marking off areas where eelgrass beds are present (MM BIO-6), construction and dredging contractors would know to avoid the marked off areas during construction/dredging activities. The use of silt curtains during construction and dredging activities (MMs BIO-7 and BIO-8) would reduce the effects of suspended sediments in the water from impacting the existing eelgrass beds. The green alga *Caulerpa taxifolia* and kelp *Undaria pinnatifida* are invasive species of concern in the region. These species and lesser invasive species may be spread inadvertently by construction activity associated with the waterside improvements. MM BIO-9 would require pre-construction surveys for these species, and if found require that all disturbing activity cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated.

Implementation of MMs **BIO-4, BIO-6, BIO-7, BIO-8, and BIO-9** have been incorporated into the Project to reduce this impact to a less than significant level.

**MM BIO-4: Bay Coverage and Eelgrass Mitigation.**

**MM BIO-6: Eelgrass Boundaries.**

**MM BIO-7: Turbidity Curtain.**

**MM BIO-8: Eelgrass Silt Curtain.**

**MM BIO-9: Invasive Species Surveys.**

**LEVEL OF SIGNIFICANCE AFTER MITIGATION.** With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. BIO-3**

Impact: **Impact BIO-3. Wildlife Movement Corridors.** 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(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

Eelgrass is an important habitat for a variety of invertebrate, fish, and avian species. For many fish species, eelgrass is an essential biological habitat for at least a portion of their life cycle, providing structured habitat and nursery sites for numerous species of fish. By marking off areas where eelgrass is present (MM BIO-6), construction and dredging contractors would know to avoid the marked off areas during construction/dredging activities. The use of silt curtains during construction and dredging activities (MMs BIO-7 and BIO-8) would reduce the effects of suspended sediment in the water on the eelgrass. The identification of pre-construction and post-construction conditions of the eelgrass beds (MM BIO-4) would ensure that eelgrass conditions are maintained or created to pre-construction conditions.

Implementation of MMs **BIO-4, BIO-6, BIO-7, and BIO-8** have been incorporated into the Project to reduce this impact to a less than significant level.

**See MM BIO-4, MM BIO-6, MM BIO-7, and MM BIO-8 above.**

**LEVEL OF SIGNIFICANCE AFTER MITIGATION.** With the mitigation described above, this impact is reduced to a less than significant level.

**2. GEOLOGY AND SOILS****CEQA FINDING NO. GEO-1**

Impact: **Impact GEO-1. Unstable Soils and Seismic Hazards.** 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.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

#### FACTS SUPPORTING THE FINDING(S)

MM GEO-1 addresses soil instability by requiring compliance with the most current California Building Code regulations, ensuring that piles are embedded at a sufficient depth to resist anticipated lateral loading forces, providing confirmation that the inclinations of the dredged excavations and depths of removals maintain the stability of surrounding structures, specifying backfill and compaction requirements for clean structural backfill.

Implementation of MM **GEO-1** has been incorporated into the Project to reduce this impact to a less than significant level.

#### **MM GEO-1: Conformance with the Project Geotechnical Study.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

### **3. HAZARDS AND HAZARDOUS MATERIALS**

#### **CEQA FINDING NO. HAZ-1**

Impact: **Impact HAZ-1. Transport, Use, Disposal, and Accidental Release of Hazardous Materials.** Construction workers and the environment have the potential to encounter contaminated soils.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

#### FACTS SUPPORTING THE FINDING(S)

Safety and management plans (MM HAZ-1 through MM HAZ-5, and MM HAZ-10) are required to protect both workers and the environment, to allow dredging operations to proceed in a safe and efficient manner, and to avoid releases of hazardous materials into the environment. During water removal and drying of the dredge sediment for upland disposal, there is the potential for the supernatant and any storm water to run off the barge and into the bay. Therefore, it is necessary to contain these materials within the barge by collecting the run off and containing it within tanks with a secondary containment system such as a curb, dike, or berm (MM HAZ-6). In addition, secondary containment is required for all fuels or oils. The standards for the secondary containment are specified in MM HAZ-11. MMs HAZ-7, HAZ-8, and HAZ-9 include specific procedures for managing and containing sediment spills during unloading and loading.

Implementation of MMs **HAZ-1** through **HAZ-11** have been incorporated into the Project to reduce this impact to a less than significant level.

**MM HAZ-1: Health and Safety Plan (HASP) for Landside Activities.**

**MM HAZ-2: Hazardous Materials Dredging Management Plan (DMP).**

**MM HAZ-3: Contingency Plan.**

**MM HAZ-4: Health and Safety Plan (HASP) for Dredging Activities.**

**MM HAZ-5: Communication Plan.**

**MM HAZ-6: Supernatant and Storm Water Containment.**

**MM HAZ-7: Sediment Unloading.**

**MM HAZ-8: Filling Transport Vehicles.**

**MM HAZ-9: Sediment Loading.**

**MM HAZ-10: Soil and Groundwater Management Plan.**

**MM HAZ-11: Secondary Containment.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

**CEQA FINDING NO. HAZ-2**

Impact: **Impact HAZ-2. Existing Hazardous Materials Site.** 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.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

**FACTS SUPPORTING THE FINDING(S)**

In addition to the facts provided under CEQA Finding No. HAZ-1, MM HAZ-12 would require BAE Systems to update and modify the permits and operational best management practices that regulate the use, handling, storage, and disposal of hazardous materials during operations.

Implementation of MMs **HAZ-1** through **HAZ-11** and **HAZ-12** have been incorporated into the Project to reduce this impact to a less than significant level.

**See MM HAZ-1 through MM HAZ-11 above.**

**MM HAZ-12: Update Drydock Operations Permits and Best Management Practices Manual.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

#### **4. HYDROLOGY AND WATER QUALITY**

##### **CEQA FINDING NO. HYD-1**

Impact: **Impact HYD-1. Water Quality Standards and Requirements.** During project construction, dredging and/or potential petroleum-product spills or leaks may create significant adverse effects on water quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

##### **FACTS SUPPORTING THE FINDING(S)**

A Dredging Management Plan (DMP) would be prepared that would identify best management practices and measures to prevent accidental oil and fuel spills during construction activities (MM HYD-1). In addition, MM HYD-2 would ensure that the construction crew and staff responsible for carrying out the provisions of the DMP have been properly trained and briefed on the safety procedures to handle accidental oil/fuel spills and leaks. MMs HYD-3 and HYD-4 address potential impacts from the transport and disposal of dredged material.

Implementation of MMs **HYD-1** through **HYD-4** have been incorporated into the Project to reduce this impact to a less than significant level.

**MM HYD-1: Water Quality Dredging Management Plan.**

**MM HYD-2: Pre-construction Meeting.**

**MM HYD-3: Dredging Operations and Containment.**

**MM HYD-4: Dredge Site Water Quality Monitoring.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.



## 5. LAND USE AND PLANNING

### CEQA FINDING NO. LU-1

Impact: **Impact LU-1. Conflicts with Habitat Conservation Plans or Natural Community Conservation Plans.** There is the potential to impede implementation of the San Diego Bay Integrated Natural Resources Management Plan (INRMP) and to conflict with the Southern California Eelgrass Mitigation Policy.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

### FACTS SUPPORTING THE FINDING(S)

The project site is within the San Diego Bay INRMP, which ensures effective protection of a minimum quantity and quality of the remaining marine and coastal habitat in San Diego Bay. With implementation of MM BIO-4, the proposed project would not impede implementation of the INRMP.

Implementation of MM **BIO-4** has been incorporated into the Project to reduce this impact to a less than significant level.

### **MM BIO-4: Bay Coverage and Eelgrass Mitigation.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.