

**CALENDAR ITEM
C67**

A 79
S 39, 40

10/19/12
PRC 8054.1
S. Guerrieri

AMENDMENT OF LEASE

LESSEE:

BAE Systems San Diego Ship Repair, Inc.
2205 East Belt Street
San Diego, CA 92113

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in San Diego Bay, city of San Diego, 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 drydock facility at Pier 2; use and maintenance of a 20' x 16' mooring dolphin and appurtenant lease area adjacent to Pier 3; and use and maintenance of an 8' x 6' drydock mooring dolphin and maintenance of a portion of the AFDL (Armed Forces Dock Little) Drydock 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:

\$44,193 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

PROPOSED AMENDMENT:

1. Amend 'Land Use or Purpose' and 'Authorized Improvements' paragraphs of Section 1, Basic Provisions to provide for the following:

Expand lease area at Pier 1; expand lease area at Pier 2; expand lease area at Pier 3; demolition of existing 8' x 6' mooring dolphin adjacent to Pier 4; construction of a new 16' x 20' mooring dolphin adjacent to Pier 4; expansion

CALENDAR ITEM NO. **C67** (CONT'D)

of lease area at Pier 4; dredging on sovereign land bayward of the U.S. Pierhead Line adjacent to Pier 4; and dredging on legislatively-granted sovereign land landward of the U.S. Pierhead Line adjacent to Pier 4; dredged material to be disposed of at an approved ocean or upland disposal site.

2. Amend 'Consideration' paragraph of Section 1, Basic Provisions, to reflect new annual rent of \$111,296 for expanded lease areas.
3. Delete Section 3, Land Description, and replace it with the attached Exhibits A and B.

The amendment shall be effective October 19, 2012. 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 uplands adjoining the lease premises. The Lessee is a tenant of the San Diego Unified Port District (SDUPD) and operates a ship repair facility in San Diego Bay. The majority of the Lessee's facility is on sovereign lands that have been legislatively granted to the SDUPD pursuant to Chapter 67, Statutes of 1962, and as amended, with minerals reserved to the State.
2. The boundary between the SDUPD's jurisdiction and the sovereign lands under the Commission's jurisdiction is the U.S. Pierhead Line. Any uses or improvements located bayward of the U.S. Pierhead Line require Commission authorization. Because minerals are reserved to the State under legislative granting statute, dredging landward of the U.S. Pierhead Line also requires authorization from the Commission.
3. On December 16, 1998, the Commission authorized a General Lease – Industrial Use to Southwest Marine, Inc., for the use of sovereign lands located bayward of the U.S. Pierhead Line for the construction, use, and maintenance of mooring dolphins, portions existing drydock facilities, and appurtenant lease areas adjacent to Piers 1, 2, 3, and 4. Subsequently, the Lessee provided notice that the name of the company changed from Southwest Marine, Inc., to BAE Systems San Diego Ship Repair, Inc.
4. Lessee has applied to the SDUPD for authorization to demolish and replace two obsolete piers (Pier 4 and Pier 5) with one new pier (Pier 4). Although the demolition of Pier 4 and Pier 5 as well as the construction of the new Pier 4 will be within legislatively granted lands and not within the

CALENDAR ITEM NO. **C67** (CONT'D)

CSLC's jurisdiction, portions of the project, described below, will extend bayward of the U.S. Pierhead Line and within the Commission's jurisdiction.

5. Lessee has applied to the Commission for an amendment to the lease to authorize the demolition of an existing 8' x 6' mooring dolphin adjacent to Pier 4; construction of a new 16' x 20' mooring dolphin adjacent to Pier 4; dredging on sovereign land bayward of the U.S. Pierhead Line adjacent to Pier 4; and dredging on legislatively-granted sovereign land, landward of the U.S. Pierhead Line adjacent to Pier 4.
6. Additionally, the lease areas for all four piers will be expanded. Previously, the lease area for Pier 1 and Pier 2 was combined for a total of 53,340 square feet. The two piers will now be accounted for separately. Pier 1 had previously only included the authorized use for the south side. The lease area for Pier 1 will expand to include the use of both the north and south side of the pier for a total of 54,000 square feet. The lease area for Pier 2 will expand to total 8,880 square feet. The lease area for Pier 3 will expand from 17,334 square feet to 20,750 square feet. Lessee will not moor vessels on the south side of Pier 4. The construction of the new Pier 4 will result in expanding the lease area from 11,500 square feet to 19,422 square feet.
7. Dredging will occur in three phases over the course of three months and result in a total of 41,908 cubic yards of bay sediment dredged. Phase A will include the dredging of 28,700 cubic yards of bay sediment, of which 27,500 cubic yards have been approved for ocean disposal (Phase A1) and 1,200 cubic yards have been approved for upland disposal (Phase A2). Dredged material from Phase A1 will be disposed of by barge at a United States Environmental Protection Agency (EPA) approved ocean disposal site commonly known as LA-5 Ocean Dredged Material Disposal Site, or LA-5. Dredged material from Phase A2, and all other upland disposal, is planned to be disposed of via haul truck at the Otay Sanitary Landfill. Phase B will include dredging 8,958 cubic yards of bay sediment to be disposed at an upland landfill disposal site. Phase C will include dredging of 4,250 cubic yards of bay sediment to be disposed at an upland landfill disposal site.
8. The Commission has jurisdiction over all of the dredging activities associated with this project. All dredging activities will be located adjacent to Pier 4. The majority of Phase A1 and all of Phase A2 are located on sovereign lands bayward of the U.S. Pierhead Line. A small portion of Phase A1 is located on legislatively-granted sovereign lands, landward of

CALENDAR ITEM NO. **C67** (CONT'D)

the U.S. Pierhead Line. Phase B and C are located on legislatively-granted lands, landward of the U.S. Pierhead Line. Dredging on Phase B and C will occur between February and March of 2013. Dredging of Phase A1 and A2 will occur in the fall of 2013.

9. Commission staff believes that the proposed actions are consistent with the Public Trust and the legislative granting statute and are requesting the Commission authorize the amendment to the lease.
10. An Environmental Impact Report (EIR), State Clearinghouse No. 2012031024, was prepared for this project by the San Diego Unified Port District and certified on August 14, 2012. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared in conformance with 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.

APPROVALS REQUIRED:

California Coastal Commission
U.S. Army Corps of Engineers
Regional Water Quality Control Board

EXHIBITS:

- A. Legal Description
- B. Site and Location Map
- C. Mitigation Monitoring and Reporting Program
- D. CEQA Findings

CALENDAR ITEM NO. **C67** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2012031024, was prepared for this project by the San Diego Unified Port District and certified on August 14, 2012, and that the Commission has reviewed and considered the information contained therein.

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

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 October 19, 2012, to BAE Systems San Diego Ship Repair, Inc. for the expansion of the lease area at Pier 1; expansion of the lease area at Pier 2; expansion of the lease area at Pier 3; demolition of the existing 8' x 6' mooring dolphin adjacent to Pier 4; construction of a new 16' x 20' mooring dolphin adjacent to Pier 4; expansion of the lease area at Pier 4; dredging on sovereign land bayward of the U.S. Pierhead Line adjacent to Pier 4; dredging on legislatively-granted sovereign land landward of the U.S. Pierhead Line adjacent to Pier 4; dredged material to be disposed of at approved upland or ocean disposal sites; new lease areas 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 \$111,296; effective October 19, 2012; Lessee shall comply with all provisions on the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto; 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 (Lease Area and Dolphin)

BEGINNING at a point on the U.S. Pierhead Line which bears S 56°20'08" E 1044.00 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 270.00 feet; thence leaving said Pierhead Line S 33°39'52" W 200.00 feet; thence N 56°20'08" W 270.00 feet; thence N 33°39'52" E 200.00 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)=191410.51 feet, E(x)=1725227.93 feet and which bears S 56°20'08" E 2102.68 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 twenty seven (27) points:

- 1) N(y)=191436.65 feet, E(x)=1725263.00 feet;
- 2) N(y)=191446.55 feet, E(x)=1725263.75 feet;
- 3) N(y)=191675.19 feet, E(x)=1725415.08 feet;
- 4) N(y)=191694.38 feet, E(x)=1725386.80 feet;
- 5) N(y)=191465.93 feet, E(x)=1725234.52 feet;
- 6) N(y)=191504.67 feet, E(x)=1725176.14 feet;
- 7) N(y)=191727.66 feet, E(x)=1725324.10 feet;
- 8) N(y)=191689.33 feet, E(x)=1725273.95 feet;
- 9) N(y)=191455.96 feet, E(x)=1725110.29 feet;
- 10) N(y)=191511.03 feet, E(x)=1725048.52 feet;
- 11) N(y)=191812.63 feet, E(x)=1725236.80 feet;
- 12) N(y)=191827.92 feet, E(x)=1725269.45 feet;
- 13) N(y)=191844.84 feet, E(x)=1725351.70 feet;
- 14) N(y)=191818.06 feet, E(x)=1725384.02 feet;
- 15) N(y)=191779.26 feet, E(x)=1725443.03 feet;
- 16) N(y)=191723.29 feet, E(x)=1725405.98 feet;
- 17) N(y)=191676.67 feet, E(x)=1725476.01 feet;
- 18) N(y)=191419.00 feet, E(x)=1725305.24 feet;
- 19) N(y)=191410.01 feet, E(x)=1725305.70 feet;
- 20) N(y)=191374.47 feet, E(x)=1725282.04 feet;
- 21) N(y)=190648.02 feet, E(x)=1724795.63 feet;
- 22) N(y)=190887.66 feet, E(x)=1724492.86 feet;
- 23) N(y)=191167.46 feet, E(x)=1724691.34 feet;
- 24) N(y)=191106.52 feet, E(x)=1724764.74 feet;

- 25) N(y)=191253.42 feet, E(x)=1724900.66 feet;
- 26) N(y)=191387.31 feet, E(x)=1725040.32 feet;
- 27) N(y)=191325.64 feet, E(x)=1725116.12 feet;

thence continuing to the POINT OF BEGINNING.

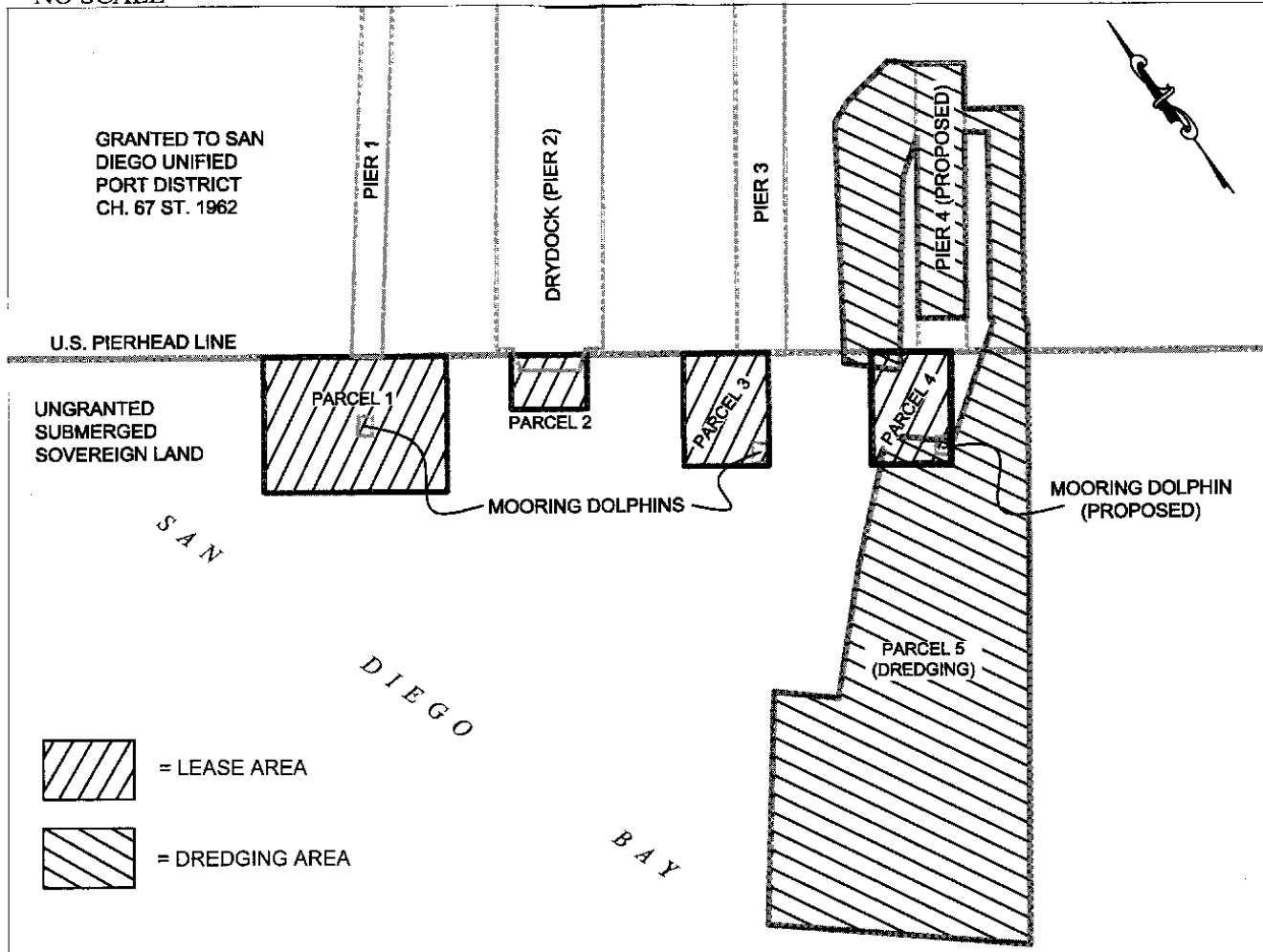
END OF DESCRIPTION

PREPARED 9/24/12 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



MDJ 9/14/12

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
BIOLOGICAL RESOURCES					
BIO-1: Construction Impacts on Sea Turtles	<p>MM BIO-1: Biological Monitoring for Special-Status Species. During impact hammer pile-driving project activities, the project applicant shall retain a qualified biologist to monitor project activities in accordance with the mitigation measures below. The Biological Monitor shall be authorized to temporarily halt or redirect work. The Biological Monitor shall keep logs recording site activities, species observed and their behavior during construction activities, and, if needed, actions taken to avoid impacts to species. These logs shall be maintained by BAE Systems. In the event that the Biological Monitor suspects that work being conducted would have significant adverse effects to special status species (e.g., marine mammals or turtles), he/she shall immediately notify the contractor and BAE Systems and impose corrective measures. If the situation is not remedied immediately, the monitor shall notify the permitting agencies.</p> <p>MM BIO-2: Biological Monitoring of Impact Hammer Pile Driving. During construction, the project applicant shall retain a qualified Biological Monitor to conduct monitoring within 500 feet of any active impact hammer pile driving. The contractor shall not start work if any observations of turtles or marine mammals are made prior to starting impact hammer pile driving. The applicant</p>	Project area	Compliance monitoring	San Diego Unified Port District (District)	During pile-driving
		Project area	Compliance monitoring	District	During pile-driving

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>shall ensure that work will not re-commence until the turtle(s) or marine mammal(s) have left the area, or ten minutes have passed.</p> <p>MM BIO-3: Pile Driving. When performing impact pile driving, the contractor shall commence work with one blow followed by a 1-minute period of no pile driving, prior to commencing full pile driving activities. The purpose of this activity is to encourage turtles and marine mammals in the area to leave the project site prior to commencement of work. A qualified Biological Monitor shall commence monitoring prior to initial pile driving as described above to determine if turtles or marine mammals are in the area. This process shall be repeated if pile driving ceases for a period of greater than an hour.</p> <p>MM BIO-4: Vessel Speed. The project applicant will ensure that construction vessel traffic shall adhere to the existing no wake zone requirements for the shipyard and not exceed a maximum speed of 5 knots (5.75 miles per hour) within 500 feet of any BAE Systems seawall, pier, or mooring dolphin.</p> <p>MM BIO-8: Completion Report for Project Mitigation. Within 30 days of project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and</p>	Project area	Compliance monitoring	District	Start of pile-driving
		Project area	Compliance monitoring	District	During construction
		Project area	Compliance report	District & other permitting agencies	Within 30 days of project completion

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>compliance with all mitigation measures contained in the proposed project's Mitigation Monitoring and Reporting Program (MMRP), including MMs BIO-1 through BIO-14. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the project's MMRP.</p> <p>MM BIO-13: Marine Mammal and Turtle Contingency Plan. Prior to the initiation of impact hammer pile driving activities, the project applicant shall retain a qualified biologist to prepare a Marine Mammal and Turtle Contingency Plan (Contingency Plan) to identify the actions taken in the event that, in spite of the requirement to stop work if a marine mammal or sea turtle is present in the vicinity of the construction activity, a marine mammal or sea turtle is injured. The Contingency Plan shall be submitted to the District and National Marine Fisheries Service (NMFS) or other appropriate resource agency for review and approval and shall include but not be limited to notification "trees," identification of rescue centers, information for key contacts, and plans of action. The applicant shall ensure that this measure is implemented for the duration of impact hammer pile driving activity.</p>	Project area	Contingency Plan	District & NMFS	Prior to pile-driving
BIO-2: Construction Impacts on	MM BIO-5: Turbidity Curtain. Regardless of the timing of dredging for dredging areas A2, B1, B2, and C, the project applicant shall deploy a silt	Project Area	Compliance Monitoring	District	During dredge activity

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
California Least Tern	<p>curtain around the dredging areas to restrict the surface visible 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 turbidity curtain shall be kept a minimum of 30 feet away from staked eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement. The goal of this measure is to minimize the area of the Bay in which visibility of prey by terns is obstructed. The applicant shall ensure that this measure is implemented for the duration of dredge activity.</p> <p>MM BIO-6: Biological Monitoring During Breeding Season. Should impact hammer pile driving activities be conducted during the breeding season, a qualified Biological Monitor shall be retained by the project applicant at its expense to conduct monitoring within 500 feet of construction activities and a silt curtain installed during breeding season. The monitor shall be empowered to delay commencing work, and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the Biological Monitor shall be empowered to delay or halt construction, and shall do so until California least terns have left the project site.</p>	Within 500 feet of construction activities	Compliance Monitoring	District	During pile-driving in April – Sept.

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	MM BIO-8: Completion Report for Project Mitigation.				
BIO-3: Operational Impacts on California Least Tern	<p>MM BIO-7: Bay Coverage. Prior to construction activities that would trigger off-site mitigation, the Project Applicant shall identify a mitigation site in San Diego Bay to meet a 1:1 mitigation ratio for approximately 7,969 square feet of bay coverage impacts. Mitigation may comprise of development of a fish enhancement structure in the form of a rock/rubble reef. However, other acceptable forms of mitigation include:</p> <ul style="list-style-type: none">• Removal of similar structures within the bay (e.g., dock removal);• Removal of upland fill from the bay;• Creation of eelgrass habitat and/or reef structures in presently unvegetated bottom areas;• Purchase of credits from a mitigation bank (for fill removal or enhancement such as eelgrass);• Removal of non-functional riprap or debris from intertidal or shallow subtidal habitat in the bay to improve suitability for use by birds and fish; and• Shallow-up deep, subtidal habitat to shallow, subtidal habitat to create more preferred foraging habitat.	Project Area	Off-site Mitigation	District	Prior to construction activities that would trigger off-site mitigation

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	MM BIO-8: Completion Report for Project Mitigation.				
BIO-4: Damage to Eelgrass	MM BIO-5: Turbidity Curtain.				
	MM BIO-8: Completion Report for Project Mitigation.				
	MM BIO-9: Eelgrass Boundaries. Prior to construction, the boundaries of the eelgrass beds, located along the north/west and east/west bulkheads within the BAE Systems facility, shall be staked with ridged polyvinyl chloride (PVC) markers or self-centering buoys visible at all tide heights. The project applicant shall protect, replace, and maintain the markers/buoys as needed to ensure that they remain in place and properly stake the boundaries of the eelgrass beds.	Eelgrass beds	Compliance monitoring	District	Prior to construction
	MM BIO-10: Eelgrass Silt Curtain. During shoreline work, the project applicant will protect eelgrass with silt curtains deployed above the eelgrass and below the shoreline work area. The silt curtain will be designed to prevent drift, so that impacts to eelgrass during installation are avoided.	Eelgrass beds & shoreline work area	Compliance monitoring	District	During shoreline work
	MM BIO-11: Eelgrass Surveys. The project applicant shall conduct a pre-construction eelgrass survey in accordance with the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP). A pre-construction eelgrass survey shall be completed by a qualified biologist within 60 days	Project area	Pre- and Post-activity surveys & mitigation	USACE & NMFS	Within 60 days prior to initiation of demolition/construction & within 30

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>prior to initiation of demolition or construction activities at the site. This survey shall include both aerial 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 be mitigated through conformance with the SCEMP, which defines the mitigation ratio and other requirements to achieve mitigation for significant eelgrass impacts. If required following the post-construction survey, the SCEMP defined mitigation shall be developed, approved by the U.S. Army Corps of Engineers (USACE) and National Marine Fisheries Service (NMFS), and implemented to offset losses to eelgrass.</p> <p>MM BIO-14: Cleanup Abatement Order MMRP Compliance. The project applicant shall ensure that construction activities within the scope of Shipyard Sediment Site Cleanup and Abatement Order (R-9-2012-0024) comply with all relevant MMRP components of the Regional Water Quality Control Board's (RWQCB) EIR.</p>				days following project completion
		Project area	Compliance monitoring	District & RWQCB	During construction
BIO-5: Invasive Species	<p>MM BIO-8: Completion Report for Project Mitigation.</p> <p>MM BIO-12: <i>Caulerpa</i>. BAE Systems shall conduct a surveillance-level survey for <i>Caulerpa taxifolia</i> not</p>	Project	Compliance	NMFS &	Within 90 days prior to

October 19, 2012

BAE Systems Pier 4 Replacement Project
Environmental Impact Report

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
	more than 90 days before the initiation of construction to determine presence/absence of this species within the immediate vicinity of the project. If <i>Caulerpa</i> is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both NMFS and California Department of Fish and Game (CDFG) shall be contacted within 24 hours of first noting the occurrence. In the event <i>Caulerpa taxifolia</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</i> Control Protocol (CCP).	area	monitoring	CDFG	initiation of construction & within 120 days following project completion
GEOLOGY AND SOILS					
GEO-1. Unstable Soils and Seismic Hazards	MM GEO-1: Geotechnical Report Recommendations. The Project Applicant shall comply with the specifications and provisions of the geotechnical investigation prepared for the Pier 4 Replacement project for the development of the new pier, new bulkhead sections, a new mooring dolphin, and related utilities. The recommendations of the study shall be implemented during final design and construction of the project.	Project area	Compliance monitoring	District	During final design and during construction
	MM GEO-2: Completion Report for Project Mitigation. Within 30 days of project completion, but prior to any authorized use of the replacement	Project area	Compliance report	District & other permitting	Within 30 days following

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed project's MMRP, including MM GEO-02. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the project's MMRP.</p>			agencies	project completion
HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1. Construction Equipment Accidents/Secondary Containment	<p>MM HAZ-1: Secondary Containment. Prior to the commencement of dredging, demolition or construction activity, the project applicant shall install a secondary containment structure for the storage of all fuel, oil and other petroleum products, as required by the District Urban Stormwater Mitigation Plan. At all times during construction and operation of the project, the project applicant shall house all oil and fuel in a secondary containment structure to ensure that spilled or leaked oil or fuel will be prevented from entering the water column.</p> <p>MM HAZ-10: Completion Report for Project Mitigation. Within 30 days of project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion</p>	Project area	Compliance monitoring	District	Prior to construction
		Project area	Compliance report	District & other permitting agencies	Within 30 days following project completion

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	Report detailing the completion and compliance with all mitigation measures contained in the proposed project's MMRP, including MMs HAZ-1 through HAZ-9 . The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the project's MMRP.				
HAZ-2. Dredging and Resuspension of Contaminated Sediments	<p>MM HAZ-2: Dredging Management Plan. Prior to dredging operations, BAE Systems shall prepare a Dredging Management Plan (DMP) for review and approval by the Army Corps of Engineers (USACE). The project applicant shall implement the measures listed in the DMP during dredging operations. The DMP shall contain standard operating procedures for the project 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 BMPs for equipment failure or repair shall be identified in the DMP and shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Communication to project personnel; • Proper signage and/or barriers alerting others of potentially unsafe conditions; • All construction repair work to be conducted on land and not over water; • Repair work involving use of liquids to be performed with proper spill containment 	Project area	DMP	USACE	Prior to & during dredging

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>equipment (e.g., spill kit); and</p> <ul style="list-style-type: none"> • A contingency plan identifying availability of other equipment or subcontracting options. <p>In addition, the DMP shall include, at a minimum, the following measures to prevent accidental oil/fuel spills during construction activities:</p> <ul style="list-style-type: none"> • Personnel involved with dredging and handling the dredged material shall be given training on their specific task areas, which will be identified in the Health and Safety Plan (H&S Plan). The training shall be carried out by BAE Systems per OSHA requirements. The training materials include but shall not be limited to the following: <ul style="list-style-type: none"> • Potential hazards resulting from accidental oil and/or fuel spills; and • Proper dredging equipment operation. • 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. • Required instrumentation to avoid spillage of dredging material shall be identified for each piece of equipment used during dredging operations. • All equipment shall be inspected by dredge contractor personnel before starting the shift. These inspections are intended to identify 				

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>typical wear or faulty parts that may contain oil or fuel.</p> <ul style="list-style-type: none"> Personnel shall be required to visually monitor for oil or fuel spills during construction activities. In the event that a sheen or spill is observed, the equipment shall be immediately shut down and the source of the spill identified and contained. Additionally, the spill shall be reported to the applicable agencies presented in the DMP. All personnel associated with dredging activities will be trained as to where oil/fuel spill kits are located, how to deploy the oil-absorbent pads, and proper disposal guidelines. The dredging barge shall have sufficient quantity of oil/fuel spill kits on board to allow for quick and timely implementation of spill containment. Barge load limits and loading procedures will be identified, and the appropriate draft level will be marked on the materials barge hull. Water discharge (decant water from sediment dredged in areas designated for upland disposal and storm water) to the San Diego Bay is prohibited. 				

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>MM HAZ-3: Contingency Plan. The project applicant shall prepare and submit to the USACE for approval a Contingency Plan prior to the initiation of dredging and implemented for the duration of the dredging activity, to address equipment and operational failures that could occur during dredging operations. The Contingency Plan shall include, but shall not be limited to the following measures to prevent a release of hazardous materials in the event of equipment failure, repair, or silt curtain breach:</p> <ul style="list-style-type: none"> • Procedures for communication to project personnel; • Installation of proper signage and/or barriers alerting others of potentially unsafe conditions; • Specification for repair work to be conducted on land and not over water; • Identification of proper spill containment equipment (e.g., spill kit); • Identification of other equipment or subcontracting options; • Emergency procedures to follow in the event of equipment failure or release; • Incident reporting and review procedure to evaluate the causes of an accidental release and steps to avoid further incidents; • Response procedures in the event of barge overfill; and 	Project area	Contingency Plan	USACE	Prior to & during dredging

October 19, 2012

BAE Systems Pier 4 Replacement Project
Environmental Impact Report

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<ul style="list-style-type: none"> Procedures for prompt notification of the District and all other regulatory agencies. <p>MM HAZ-4: Health and Safety Plan. The project applicant shall prepare and submit to the USACE for approval a Health and Safety Plan prior to the initiation of dredging and implemented for the duration of the dredging activity. The H&S Plan will be prepared in general accordance with Federal Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard (29 Code of Federal Regulations [CFR] 1910.120) and Title 8 California Code of Regulations (CCR) Section 5192. The H&S Plan will be reviewed and approved by a Certified Industrial Hygienist and at the project applicant's expense. The H&S Plan will include the following requirements at a minimum:</p> <ul style="list-style-type: none"> Training for operators to prevent and respond to releases; Identification of appropriate Personal Protection Equipment for all construction activities, including personal floatation devices, hard hats, and work shoes/clothing; Training in the safe operation of cranes, barges, tugs, and support craft; Site evacuation and emergency first aid response; and Documentation that requires that health and 	Project area	Health & Safety Plan	USACE	Prior to & during dredging

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>safety procedures have been implemented.</p> <p>MM HAZ-10: Completion Report for Project Mitigation.</p>				
HAZ-3. Sediment Transport to Unloading Area	<p>MM BIO-4: Vessel Speed.</p> <p>MM HAZ-5: Communication Plan. Prior to the initiation of dredging activities, the project applicant shall prepare and submit to the U.S. Army Corps of Engineers (USACE) for approval a Communication Plan and operational guidelines for communications between the U.S. Coast Guard (USCG) and all vessel operators to ensure the safe movement of project vessels from the dredge to the unloading area. Features of the Communication Plan will include at a minimum:</p> <ul style="list-style-type: none"> • Identification of vessel speed limitations (e.g., wake/no wake); • Notification to project personnel using air horns as necessary; and • Staging the dredge activity to control the amount of material being handled, dewatered, and transported to reduce the potential for accidents or incidents related vessel operation. <p>MM HAZ-10: Completion Report for Project Mitigation.</p>	Project area	Comm. Plan	USACE USCG	Prior to dredging

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
HAZ-4. Sediment Unloading/Transport to Barge or Staging Area	<p>MM HAZ-6: Upland Dredging Operation Practices. During dredging operations, BAE Systems shall ensure that the dredge contractor is implementing standard BMPs for minimizing resuspension and spillage through contractor contract specifications. Such BMPs shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> The contractor shall remove dredge material and not stockpile material on the bottom of the San Diego Bay floor, and shall not sweep or level the bottom surface with the bucket. The contractor shall not overfill the digging bucket because overfill results in material overflowing back into the water. The contractor shall deploy inner- and outer-boundary floating silt/turbidity curtains for the dredge areas subject to upland disposal. These two curtains (also referred to as "double" silt/turbidity curtains) will be located around the dredge activity area at all times and around the immediate dredge barge/bucket area. These double silt/turbidity 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. Contractors shall control the swing radius of the unloading equipment within the silt curtain and 	Project area and uplands	Compliance monitoring	District	During dredging

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Agency Responsible	Timing
	<p>to reduce the amount of sediment spillage in the dredge area.</p> <ul style="list-style-type: none"> The contractor shall not overflow the material barge to a point where overflow or spillage could occur. Each material barge shall be marked in such a way to allow the operator to visually identify the maximum load point. The marking should allow sufficient interior freeboard to prevent spillage in rough water such as ship wakes during transit. Initiating the material barge marking shall minimize impact of load spillage during transit to the ocean disposal site. The contractor shall not use weirs as a means to dewater the scow and shall allow additional room for sediment placement. Preventing this action shall minimize the introduction of turbidity to the water column. The contractor shall place material in the material barge such that splashing or sloshing does not occur, which could send sediment back into the water. Splashing can be controlled by restricting the drop height from the bucket. If the use of a grate to collect debris is required, the contractor shall not allow material to pile up on the grate and flow or slip from the grate back into the water. The debris scalper shall be positioned in such a way as to be totally 				

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>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.</p> <ul style="list-style-type: none"> The contractor shall restrict barge movement and work boat speeds (i.e., reducing propeller wash) in the dredge area. For dredged sediment subject to upland disposal, the contractor shall reduce hardscape spillage that could occur during the transfer from excavator arm onto transport vehicles by sloping the hardscape near the spill plate into a collection sump or alternative means (e.g., pier containment) to allow water and fluidized mud that may fall to be collected. For dredged sediment subject to upland disposal, 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 into the collection sump. 				

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<ul style="list-style-type: none"> Additional requirements as referenced in MM BIO-14 shall be applied to upland dredging activities as applicable. <p>MM HAZ-10: Completion Report for Project Mitigation.</p>				
HAZ-5. Sediment Drying and Dewatering Activities	<p>MM HAZ-7: Binding Agents. During the construction phase of the proposed project, the Project Applicant shall specify through construction contract specifications, that pozzolonic agents, if used for dredge sediment destined for upland disposal, shall be applied through a wet application blending process. This method of blending shall utilize the procedures identified for the BAE Systems' Dry Dock Sump Maintenance Dredging Project or another project subject to review and approval by the District.</p> <p>MM HAZ-10: Completion Report for Project Mitigation.</p>	Project area and uplands	Compliance monitoring	District	During construction

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
HAZ-6. Failure of Decant/Storm Water Containment	<p>MM HAZ-8: Dewatering. At all times during construction and operation of the proposed project, the project applicant shall ensure that the decant from dredged sediments subject to upland disposal and storm water containers are sealed when not in use to avoid overflowing during a storm event. This would involve the decant and/or storm water being collected in a sump in the operation area, pumped to aboveground tanks, and disposed of either within the sanitary sewer or off site. The storage areas shall be surrounded by a curb, dike, berm, or some other type of secondary containment system. All paved storage areas shall be free of cracks and gaps, and shall be able to contain leaks and overflows until they can be addressed.</p> <p>MM HAZ-10: Completion Report for Project Mitigation.</p>	Project area and uplands	Compliance monitoring	District	During construction and operation
HAZ-7. Load Out, Transport and Disposal	<p>MM HAZ-9: Haul Trucks. Prior to dredging activities, the Project Applicant shall require the contractor to accept the following construction contraction specifications:</p> <ul style="list-style-type: none"> • Truck loads are limited to ensure sufficient freeboard to prevent spillage during transport. • Haul trucks leaving the project site shall be covered and secured per Caltrans regulations during transport to the disposal facility. • Trucks hauling dredged sediment shall be loaded within a constructed loading zone to 	Project area and uplands	Compliance monitoring	District	Prior to dredging

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>confine sediment spilled during the loading process.</p> <ul style="list-style-type: none"> Prior to entering the roadway, the vehicles will be power washed to prevent cross-contamination onto the roadways. <p>MM HAZ-10: Completion Report for Project Mitigation.</p>				
HYDROLOGY AND WATER QUALITY					
HYD-1. Violation of Water Quality Standards during Construction	<p>MM HAZ-1: Secondary Containment.</p> <p>MM HAZ-2: Dredging Management Plan.</p> <p>MM HAZ-3: Contingency Plan.</p> <p>MM HAZ-4: Health and Safety Plan.</p> <p>MM HAZ-5: Communication Plan.</p> <p>MM HAZ-6: Upland Dredging Operation Practices.</p> <p>MM HAZ-8: Dewatering.</p> <p>MM HYD-1: Pre-construction Meeting. BAE Systems Environmental Manager or designee will ensure that the contractor shall hold a pre-construction meeting to review all construction mitigation requirements with the construction crew. The purpose of the meeting will be 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>	Project area	Compliance monitoring	District	Prior to construction

Exhibit C: Mitigation Monitoring and Reporting Program

Potential Impact	Mitigation Measure	Location	Monitoring/Reporting Action	Agency Responsible	Timing
	<p>Invitations and notifications of the pre-construction meeting shall be made to District Environmental and Land Use Management staff, as well as affected resource and permitting agency staff</p> <p>MM HYD-2: Completion Report for Project Mitigation. Within 30 days of project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed project's MMRP, including MM HYD-1. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the project's MMRP</p>	Project area	Compliance report	District	Within 30 days following project completion

EXHIBIT D – BAE SYSTEMS PIER 4 REPLACEMENT PROJECT

STATEMENT OF FINDINGS

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, Lease No. 8054.1, to BAE Systems for use of sovereign lands to demolish and construct one mooring dolphin and dredge approximately 41,908 cubic yards (cy) of sediment associated with the proposed BAE Systems Pier 4 Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ 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 approve 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 an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2012031024). In August, 2012, the District certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings.

The Project is generally located within a private shipyard (BAE Systems facility) located along the eastern shoreline of central San Diego Bay (Bay) at 2205 East Belt Street in the Port of San Diego, and includes landside and waterside redevelopment of the Pier 4 site within the facility:

- Proposed landside improvements include: removal of existing revetments along the shoreline, relocation of shoreline infrastructure (e.g., existing waterfront storm water collection tanks), and construction of three new bulkhead sections.
- Proposed waterside improvements include: demolition of the existing Pier 4 and Pier 5 structures at the BAE Systems facility, removal of the five drydock mooring dolphins, underwater dredging, and the construction of a replacement pier and a mooring dolphin.

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

The goal of the Project is to replace an existing, aging (52-year-old) pier with a newer, more modern pier that will allow BAE Systems to maintain and repair the current fleet of military and commercial ships, including the littoral combat ship (LCS), the first of a new class of surface combat ships for the U.S. Navy.

Demolition of the existing piers and four of the drydock mooring dolphins and construction of the replacement pier would occur on sovereign lands originally granted to the city of San Diego pursuant to Chapter 700, Statutes of 1911, and subsequently transferred to the District pursuant to Chapter 67, Statutes of 1962 and as amended, with minerals reserved to the State. Therefore, the District has leasing authority over those components of the Project; however, a CSLC lease is required for demolition of one mooring dolphin and construction of one new mooring dolphin, located on ungranted sovereign lands beyond the U.S. Pierhead Line, which are under the leasing jurisdiction of the CSLC. Furthermore, because minerals are reserved to the State for lands granted to the District, dredging on both granted and ungranted sovereign lands requires CSLC approval.

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 & Planning
- Noise

However, because the impacts to eelgrass and impacts from pile-driving are discussed in full in the Biological Resources section of the EIR, the EIR's discussions of the two impacts in the Land Use and Planning and Noise sections, respectively, simply refer back to the Biological Resources analyses; therefore, the District only made one CEQA finding each for eelgrass impacts and pile-driving impacts and categorized both as impacts on Biological Resources.

In certifying the 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 mitigation measures such that the impacts would be less than significant.

As a responsible agency, the CSLC complies with CEQA by considering the lead agency's EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In so doing, 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 MMRP as set forth in Exhibit C as part of its Project approval.

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. (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 District's 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); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g)). Accordingly, because the CSLC's exercise of discretion involves only dredging and demolition and construction of one mooring dolphin, the CSLC is responsible for considering only the environmental impacts related to activities on 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 a General Lease – Industrial Use, which would permit dredging on granted and ungranted sovereign lands and demolition and construction of one mooring dolphin, 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. The possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.²

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

These Findings are based on the information contained in the EIR and in the lease application submitted by BAE Systems, all of which is contained in the administrative record. The mitigation measures are briefly described in these Findings; however, the full text of the mitigation measures is included in the CSLC's MMRP as set forth in Exhibit C as part of the CSLC's Project approval.

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.

I. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The following impacts were determined in the EIR to be potentially significant absent mitigation: BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, GEO-1, HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, HAZ-6, HAZ-7, and HYD-1. After application of mitigation, however, the impacts were determined to be less than significant.

A. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **BIO-1. Construction Impacts on Sea Turtles.** The proposed Project's in-water construction activity would result in temporary increases in equipment, boat traffic, noise, and water turbidity, which may impact federally-threatened green sea turtles.

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)

It is unlikely that green sea turtles occur in the area and it is further unlikely that, if present, turtles would remain in the area during construction. On the remote chance that turtles were present during the commencement of construction, they could be harmed by dredging activities or acoustic pressure waves from pile installation. BAE Systems proposes to utilize water jet installation for many of the piles, which will eliminate acoustic pressure waves during pile installation; however, due to the federally threatened species status of the turtle, impacts are considered potentially significant.

To mitigate this potential impact to less than significant, **Mitigation Measures BIO-1 through BIO-4, BIO-8 and BIO-13** shall be implemented.

- **Mitigation Measure BIO-1: Biological Monitoring for Special-Status Species.** During impact hammer pile-driving Project activities, the Project applicant shall retain a qualified biologist to monitor Project activities in accordance with the mitigation measures below. The Biological Monitor shall be authorized to temporarily halt or redirect work. The Biological Monitor shall keep logs recording site activities, species

observed and their behavior during construction activities, and, if needed, actions taken to avoid impacts to species. These logs shall be maintained by BAE Systems. In the event that the Biological Monitor suspects that work being conducted would have significant adverse effects to special status species (e.g., marine mammals or turtles), he/she shall immediately notify the contractor and BAE Systems and impose corrective measures. If the situation is not remedied immediately, the monitor shall notify the permitting agencies.

- **Mitigation Measure BIO-2: Biological Monitoring of Impact Hammer Pile Driving.** During construction, the Project applicant shall retain a qualified Biological Monitor to conduct monitoring within 500 feet of any active impact hammer pile driving. The contractor shall not start work if any observations of turtles or marine mammals are made prior to starting impact hammer pile driving. The applicant shall ensure that work will not re-commence until the turtle(s) or marine mammal(s) have left the area, or ten minutes have passed.
- **Mitigation Measure BIO-3: Pile Driving.** When performing impact pile driving, the contractor shall commence work with one blow followed by a 1-minute period of no pile driving, prior to commencing full pile driving activities. The purpose of this activity is to encourage turtles and marine mammals in the area to leave the Project site prior to commencement of work. A qualified Biological Monitor shall commence monitoring prior to initial pile driving as described above to determine if turtles or marine mammals are in the area. This process shall be repeated if pile driving ceases for a period of greater than an hour.
- **Mitigation Measure BIO-4: Vessel Speed.** BAE Systems will ensure that construction vessel traffic shall adhere to the existing no wake zone requirements for the shipyard and not exceed a maximum speed of 5 knots (5.75 miles per hour) within 500 feet of any BAE Systems seawall, pier, or mooring dolphin.
- **Mitigation Measure BIO-8: Completion Report for Project Mitigation.** Within 30 days of Project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed Project's MMRP, including **Mitigation Measures BIO-1 through BIO-14**. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the Project's MMRP.
- **Mitigation Measure BIO-13: Marine Mammal and Turtle Contingency Plan.** Prior to the initiation of impact hammer pile driving activities, the Project applicant shall retain a qualified biologist to prepare a Marine Mammal and Turtle Contingency Plan (Contingency Plan) to identify the actions taken in the event that, in spite of the requirement to stop work if a marine mammal or sea turtle is present in the vicinity of the construction activity, a marine mammal or sea turtle is injured. The Contingency Plan shall be submitted to the District and the National Marine Fisheries Service (NMFS) or other appropriate resource agency for review and approval and shall include but not be limited to notification "trees," identification of rescue centers,

information for key contacts, and plans of action. The applicant shall ensure that this measure is implemented for the duration of impact hammer pile driving activity.

By halting impact hammer pile driving activities when turtles are present in the construction and dredging area, construction activities associated with the proposed Project would not interfere with the sea turtle's ability to cross the Project area waters safely. In addition, the disallowing of speeding in the shipyard by construction vessels would reduce the possibility of turtle mortality by vessel traffic. **Mitigation Measure BIO-13** requires preparation of a Marine Mammal and Turtle Contingency Plan to identify the actions taken in the event that, in spite of the efforts identified in the mitigation measures to stop work if either is present in the vicinity of the construction activity, a marine mammal or sea turtle is injured.

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: **BIO-2. Construction Impacts on California Least Tern.** Temporary increases in turbidity during Project construction could disturb the foraging ability of California least terns.

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)

Temporarily increased turbidity (localized within a combined dredge area of 4.72 acres) associated with Project elements could potentially reduce the forage efficacy of these species. Loafing and foraging birds typically avoid areas of extreme activity. During Project construction, it is anticipated that birds will seek other foraging areas and loafing areas within the Bay. The bay provides ample equally-suited open water foraging habitat and pier structures for loafing that may be utilized during the construction period. However, because the California least tern is state and federally endangered, impacts are considered potentially significant.

To mitigate this potential impact to less than significant, **Mitigation Measures BIO-5, BIO-6 and BIO-8** shall be implemented.

- **Mitigation Measure BIO-5: Turbidity Curtain.** Regardless of the timing of dredging for dredging areas A2, B1, B2, and C, the Project applicant shall deploy a silt curtain around the dredging areas to restrict the surface visible 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 turbidity curtain shall be kept a minimum of 30 feet away from staked

eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement. The goal of this measure is to minimize the area of the Bay in which visibility of prey by terns is obstructed. The applicant shall ensure that this measure is implemented for the duration of dredge activity.

- **Mitigation Measure BIO-6: Biological Monitoring During Breeding Season.** Should impact hammer pile driving activities be conducted during the breeding season, a qualified Biological Monitor shall be retained by the Project applicant at its expense to conduct monitoring within 500 feet of construction activities and a silt curtain installed during breeding season. The monitor shall be empowered to delay commencing work, and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the Biological Monitor shall be empowered to delay or halt construction, and shall do so until California least terns have left the Project site.
- **Mitigation Measure BIO-8: Completion Report for Project Mitigation.**

By avoiding or reducing impacts to areas in which terns are nesting or foraging (**Mitigation Measure BIO-5**) and by avoiding or minimizing impacts during the breeding season (**Mitigation Measure BIO-6**), construction activities associated with the proposed Project would not interfere with the California least tern's ability to reproduce or forage. **Mitigation Measure BIO-8** (Completion Report), described above, requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier. The Completion Report would ensure that all mitigation measures identified are implemented by the proposed Project.

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: **BIO-3. Operational Impacts on California Least Tern.** Permanent loss of open water foraging area resulting from the increase in bay cover from structures and visiting ships could disturb the foraging ability of California least terns.

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 increased surface area of the new Pier 4 and associated structures would result in a permanent net increase in bay coverage. This would result in a reduction in the habitat available to foraging piscivorous birds, and a decrease in primary productivity

associated with pier shading. However, the availability of large expanses of open water habitat within the Bay near the Project site does provide alternative foraging opportunities to piscivorous birds. In addition, the removal of riprap revetments along the new bulkhead would result in a net reduction of bay fill and thereby increase the amount of open water available for foraging birds and increase the area of un-shaded bay bottom available to primary producers.

Despite this reduction in bay fill, the net increase in bay coverage would be significant and would require mitigation. Some of the increase in bay coverage could be offset through the reduction of bay fill, which would result in new area of un-shaded open water and subtidal unvegetated habitat. However, permanent loss of open water foraging area (a net loss of approximately 7,969 sf) resulting from the increase in bay cover by structures and ships could disturb the foraging ability of California least terns in particular. Because the California least tern is State and federally endangered, impacts are considered significant.

To mitigate this potential impact to less than significant, **Mitigation Measures BIO-7** and **BIO-8** shall be implemented.

- **Mitigation Measure BIO-7: Bay Coverage.** Prior to construction activities that would trigger off-site mitigation, the Project Applicant shall identify a mitigation site in the Bay to meet a 1:1 mitigation ratio for approximately 7,969 square feet of bay coverage impacts. Mitigation may comprise of development of a fish enhancement structure in the form of a rock/rubble reef, or may take other acceptable forms as detailed in the MMRP.
- **Mitigation Measure BIO-8: Completion Report for Project Mitigation.**

To mitigate potential operational-related impacts to California least tern related to bay coverage and potential loss of foraging habitat to a less than significant level, **Mitigation Measures BIO-7** and **BIO-8** will be implemented. Through implementation of Mitigation Measure BIO-7, the overall balance of bay coverage would remain the same as existing conditions as the new Project-related bay coverage would require the removal of other bay coverage elsewhere in the bay, to creation of reef structures, the purchase of Bay coverage offset credits, or other means. Implementation of this measure will reduce impacts to a level below significant, as it 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. Therefore, impacts associated with this issue would be reduced to a less than significant level. Furthermore, **Mitigation Measure BIO-8** (Completion Report), described above, requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier. The Completion Report would ensure that all mitigation measures identified are implemented by the proposed Project.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-4

Impact: **BIO-4. Damage to Eelgrass.** There is potential risk of unanticipated eelgrass damage to patches of eelgrass near the Project "footprint" during construction.

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)

No eelgrass would be directly affected by Project activities, including bulkhead construction. However, there is potential risk of unanticipated eelgrass damage to patches of eelgrass not within but near the Project "footprint" during construction either through increased turbidity associated with the construction work or from accidental damage by equipment grounding or through vessel maneuvering. With appropriate construction measures enacted to mark eelgrass beds, minimize turbidity drift during dredging, and inform and restrict contractor activities to avoid damage by equipment grounding or propeller wash, impacts to eelgrass may be avoided. Should impacts occur, these would be considered potentially significant.

To mitigate this potential impact to less than significant, **Mitigation Measures BIO-5, BIO-8 through BIO-11, and BIO-14** shall be implemented.

- **Mitigation Measure BIO-5: Turbidity Curtain.**
- **Mitigation Measure BIO-8: Completion Report for Project Mitigation.**
- **Mitigation Measure BIO-9: Eelgrass Boundaries.** Prior to construction, the boundaries of the eelgrass beds, located along the north/west and east/west bulkheads within the BAE Systems facility, shall be staked with ridged polyvinyl chloride (PVC) markers or self-centering buoys visible at all tide heights. The Project applicant shall protect, replace, and maintain the markers/buoys as needed to ensure that they remain in place and properly stake the boundaries of the eelgrass beds.
- **Mitigation Measure BIO-10: Eelgrass Silt Curtain.** During shoreline work, the Project applicant will protect eelgrass with silt curtains deployed above the eelgrass and below the shoreline work area. The silt curtain will be designed to prevent drift, so that impacts to eelgrass during installation are avoided.
- **Mitigation Measure BIO-11: Eelgrass Surveys.** The Project applicant shall conduct a pre-construction eelgrass survey in accordance with the requirements of the Southern California Eelgrass Mitigation Policy (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 aerial 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 be mitigated through conformance with the SCEMP, which defines the mitigation ratio and other requirements to achieve mitigation for significant eelgrass impacts. If required following the post-construction survey, the SCEMP defined mitigation shall be developed, approved by the U.S. Army Corps of Engineers (USACE) and NMFS, and implemented to offset losses to eelgrass.

- **Mitigation Measure BIO-14: Cleanup Abatement Order MMRP Compliance.** The Project applicant shall ensure that construction activities within the scope of Shipyard Sediment Site Cleanup and Abatement Order (R-9-2012-0024) comply with all relevant MMRP components of the Regional Water Quality Control Board's EIR.

By marking off areas where eelgrass beds are present (**Mitigation Measure BIO-9**), construction and dredging contractors would know to avoid the marked off areas during construction/dredging activities. The use of turbidity and silt curtains during construction and dredging activities (**Mitigation Measures BIO-5 and BIO-10**) would reduce the effects of suspended materials in the water on the existing eelgrass beds. The identification of pre-construction and post-construction conditions of the eelgrass beds (**Mitigation Measure BIO-11**) would ensure that eelgrass bed conditions are maintained or restored to pre-construction conditions. Finally, **Mitigation Measure BIO-14** would ensure that the dredge bucket fully closes while dredging, as required in the MMRP of the Regional Water Quality Control Board's EIR, thus further avoiding the unintentional reintroduction of sediment into the water column and related impacts on eelgrass. Therefore, through adherence to **Mitigation Measures BIO-5, BIO-9 through BIO-11, and Bio-14** impacts associated with this issue would be reduced to a less than significant level. Furthermore, **Mitigation Measure BIO-8** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier. The Completion Report would ensure that all mitigation measures identified are implemented by the proposed Project.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

Impact: **BIO-5. Invasive Species.** *Caulerpa taxifolia* may be spread inadvertently by construction activity associated with the waterside improvements.

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)

Although not currently known to occur within the Bay or the Project site, the green alga *Caulerpa taxifolia* is an invasive species of concern in the region. This species and lesser invasive species may be spread inadvertently by construction activity associated with the waterside improvements. The species can be spread by fragments breaking free, or by picking materials up on equipment and then transferring them to other sites. The inadvertent spread of invasive marine species that are not presently found ubiquitously throughout the region, particularly *Caulerpa taxifolia*, would be a significant impact.

To mitigate this potential impact to less than significant, **Mitigation Measures BIO-8 and BIO-12** shall be implemented.

- **Mitigation Measure BIO-8: Completion Report for Project Mitigation.**
- **Mitigation Measure BIO-12: *Caulerpa*.** BAE Systems shall conduct a surveillance-level survey for *Caulerpa taxifolia* not more than 90 days before the initiation of construction to determine presence/absence of this species within the immediate vicinity of the Project. If *Caulerpa* is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both NMFS and California Department of Fish and Game (CDFG) shall be contacted within 24 hours of first noting the occurrence. In the event *Caulerpa taxifolia* is detected, all disturbing activity shall cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the *Caulerpa* Control Protocol (CCP).

Implementation of *Caulerpa* surveys as required by **Mitigation Measure BIO-12** would reduce potentially significant impacts to a less than significant level. **Mitigation Measure BIO-8** (Completion Report), described above, requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier. The Completion Report would ensure that all mitigation measures identified are implemented by the proposed Project.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

B. GEOLOGY AND SOILS

CEQA FINDING NO. GEO-1

Impact: **GEO-1. Unstable Soils and Seismic Hazards.** The Project is located in an area that is susceptible to seismic ground-shaking and seismic-related liquefaction and may become unstable during a seismic event.

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 EIR identifies a potential significant impact to Geology and Soils (Unstable Soils and Seismic Hazards) because the Project site, similar to much of the southern California region, is within a seismically active area and is subject to seismic-related ground shaking conditions that are common to the region. Also, the Project site vicinity is assigned a Geologic Hazard Category 31, which indicates a high liquefaction potential, shallow groundwater, and the presence of hydraulic fills. Significant impacts could occur because the Project is located in an area that is susceptible to seismic ground-shaking and seismic-related liquefaction and may become unstable during a seismic event.

To minimize this effect to less than significant, **Mitigation Measures GEO-1 and GEO-2** shall be implemented.

- **Mitigation Measure GEO-1: Geotechnical Report Recommendations.** The Project Applicant shall comply with the specifications and provisions of the geotechnical investigation prepared for the Pier 4 Replacement Project for the development of the new pier, new bulkhead sections, a new mooring dolphin, and related utilities. The recommendations of the study shall be implemented during final design and construction of the Project.
- **Mitigation Measure GEO-2: Completion Report for Project Mitigation.** Within 30 days of Project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed Project's MMRP, including **Mitigation Measure GEO-02**. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the Project's MMRP.

Adherence to required regulations and Project-specific geotechnical report recommendations would ensure that damage related to ground shaking or lurching would be minimized. Implementation of the Project-specific recommendations included in **Mitigation Measure GEO-1** along with the latest engineering standards would ensure that the structures would be built to withstand geologic and seismic events in accordance with current engineering techniques. To ensure that the identified mitigation

measures are applied to the proposed Project, **Mitigation Measure GEO-2** has been identified.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

C. HAZARDS AND HAZARDOUS MATERIAL

CEQA FINDING NO. HAZ-1

Impact: **HAZ-1. Construction Equipment Accidents/Secondary Containment.** Construction activities could inadvertently release hazardous materials.

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)

Construction-related activities, including demolition and removal of marine structures, dredging, sediment transport, sediment unloading, sediment drying/dewatering, sediment transport, and disposal, and pier construction require the use of construction equipment. The use of equipment during the construction phase of the Project could result in spill oil, gasoline, or other fluids during normal usage or during refueling. It is anticipated that, should they occur, spills would be short-term and localized; however, without mitigation, the risk of contamination of the Bay is a potentially significant impact.

To mitigate this potential impact to less than significant, **Mitigation Measures HAZ-1** and **HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-1: Secondary Containment.** Prior to the commencement of dredging, demolition or construction activity, the Project applicant shall install a secondary containment structure for the storage of all fuel, oil and other petroleum products, as required by the District Standard Urban Stormwater Mitigation Plan. At all times during construction and operation of the Project, the Project applicant shall house all oil and fuel in a secondary containment structure to ensure that spilled or leaked oil or fuel will be prevented from entering the water column.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.** Within 30 days of Project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed Project's MMRP, including **Mitigation Measures HAZ-1** through **HAZ-9**. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in

the Project's MMRP.

Mitigation Measure HAZ-1 (Secondary Containment) requires the provision of a secondary containment structure for the storage of fuel, oil, and petroleum projects to reduce the potential for spills during construction. **Mitigation Measure HAZ-10** ensures that the identified mitigation measure is applied to the proposed Project.

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: **HAZ-2. Dredging and Resuspension of Contaminated Sediments.**
Resuspension of sediments could cause increased turbidity and has the potential to release hazardous materials.

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)

Resuspension of sediments could cause increased turbidity (suspended and settleable solids) that would be deleterious, or harmful, to benthic organisms and may cause the formation of anaerobic conditions, which can clog fish gills and interfere with respiration in aquatic fauna. It also can screen out light, hindering photosynthesis and normal aquatic plant growth and development. Dredging also has the potential to release hazardous materials, resulting in a significant hazard to the public or the environment.

To mitigate this potential impact to less than significant, **Mitigation Measures HAZ-2** through **HAZ-4** and **HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-2: Dredging Management Plan.** Prior to dredging operations, BAE Systems shall prepare a Dredging Management Plan (DMP) for review and approval by the USACE. The Project applicant shall implement the measures listed in the DMP during dredging operations. The DMP shall contain standard operating procedures for the Project to assist the dredge contractor in preventing accidental spills and providing the necessary guidelines to follow in case of an oil or fuel spill.
- **Mitigation Measure HAZ-3: Contingency Plan.** The Project applicant shall prepare and submit to the USACE for approval a Contingency Plan prior to the initiation of dredging and implemented for the duration of the dredging activity, to address equipment and operational failures that could occur during dredging operations.

- **Mitigation Measure HAZ-4: Health and Safety Plan.** The Project applicant shall prepare and submit to the USACE for approval a Health and Safety (H&S) Plan prior to the initiation of dredging and implemented for the duration of the dredging activity. The H&S Plan will be prepared in general accordance with Federal Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard (29 Code of Federal Regulations [CFR] 1910.120) and California Code of Regulations, Title 8, section 5192. The H&S Plan will be reviewed and approved by a Certified Industrial Hygienist and at the Project applicant's expense.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Mitigation Measure HAZ-2 (Dredging Management Plan) requires the implementation of a DMP that will include measures to minimize sediment spillage. **Mitigation Measure HAZ-3** (Contingency Plan) requires the implementation of a Contingency Plan to address equipment and operational failures that could occur during dredging operations and cause sediment resuspension. **Mitigation Measures HAZ-4** (Health and Safety Plan) includes an H&S Plan aimed at training workers to prevent and respond to incidents, and requiring the preparation of operational guidelines prior to dredging that address the safe movement of Project vessels. Implementation of these mitigation measures during construction activities would minimize potential releases of hazardous materials from construction activities. Furthermore, **Mitigation Measure HAZ-10** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-3

Impact: **HAZ-3. Sediment Transport to Unloading Area.** There is potential for sediment transport and handling activities that occur in the Bay to result in the release of hazardous materials, resulting in a significant hazard to the public or the environment.

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)

During transport of dredge material to unloading area, navigation complications or collisions could result in spillage of dredge materials, potentially releasing hazardous materials into the Bay and creating a significant impact. To mitigate this potential impact to less than significant, **Mitigation Measures BIO-4, HAZ-5 and HAZ-10** shall be

implemented.

- **Mitigation Measure BIO-4: Vessel Speed.**
- **Mitigation Measure HAZ-5: Communication Plan.** Prior to the initiation of dredging activities, the Project applicant shall prepare and submit to the USACE a Communication Plan and operational guidelines for communications between the U.S. Coast Guard and all vessel operators to ensure the safe movement of Project vessels from the dredge to the unloading area.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Implementation of **Mitigation Measure HAZ-5** would require the safe movement of Project vessels from the dredge to the unloading area, and would reduce potential impacts to less than significant. Furthermore, speed limitations for construction vessels are imposed by **Mitigation Measure BIO-4**. Furthermore, **Mitigation Measure HAZ-10** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-4

Impact: **HAZ-4. Sediment Unloading/Transport to Barge or Staging Area.**
Sediment may spill into the Bay or onto the upland Project area during unloading and transport.

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)

Sediment may fall into the gap between the material barge and the dock/unloading surface during offloading, re-entering the water column leading to sediment suspension and potential contamination of the Bay floor adjacent to the offloading area. Sediment can also fall onto hardscape of the unloading area or onto the sides of the vehicle being loaded. This material, if not contained, could be a source of landside impacts, or could eventually be washed back into the Bay.

To mitigate this potential impact to less than significant, **Mitigation Measures HAZ-6 and HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-6: Upland Dredging Operation Practices.** During dredging operations, BAE Systems shall ensure that the dredge contractor is implementing standard BMPs for minimizing resuspension and spillage through

contractor contract specifications.

- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Mitigation Measure HAZ-6 (Dredge Practices) requires that water column impacts be reduced by controlling the swing radius of the unloading equipment and the use of a spill plate. **Mitigation Measure HAZ-10** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-5

Impact: **HAZ-5. Sediment Drying and Dewatering Activities.** Airborne dispersal of pozzolonic, or binding, agents such as Portland cement (if used) could create a fine dust that can be a respiratory irritant.

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)

If pozzolonic agents are used during the curing process for dredge material marked for upland disposal, there is the potential for airborne dispersal of the agent if it is applied as a dry powder. The fine dust can be a respiratory irritant to workers and nearby receptors. In addition, the airborne distribution of sediment could result in health impacts to receptors in the vicinity of the dewatering areas. However, health impacts associated with the airborne distribution of sediment can be minimized through the applying wet pozzolonic agents using a standard track-mounted excavator outfitted with a blending head.

Therefore, to mitigate this potential impact to less than significant, **Mitigation Measures HAZ-7 and HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-7: Binding Agents.** During the construction phase of the proposed Project, the Project Applicant shall specify through construction contract specifications, that pozzolonic agents, if used for dredge sediment destined for upland disposal, shall be applied through a wet application blending process. This method of blending shall utilize the procedures identified for the BAE Systems' Dry Dock Sump Maintenance Dredging Project or another Project subject to review and approval by the District.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Mitigation Measure HAZ-7 (Binding Agents) requires the application of wet pozzolonic agents and other dust control measures, which will reduce the potential impacts to less than significant. **Mitigation Measure HAZ-10** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier.

CEQA FINDING NO. HAZ-6

Impact: **HAZ-6. Failure of Decant/Storm Water Containment.** There is the potential for the decant/storm water containment area to fail, resulting in release of untreated water from the sediment off-loading area (pier).

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)

During dewatering operations for dredge materials, the decanted water from the dredge barge would be collected in a container (i.e., Baker tank), such as a sump in the operation area, that would be sealed when not in use to prevent rainwater from overflowing the container. In the event that a storm occurs, storm water would also be collected in existing on-site systems for subsequent discharge to sewer; however, there is the potential for the decant/storm water containment area to fail, resulting in release of untreated water from the sediment off-loading area (pier). A release of storm water or decant water could result in impacts in the vicinity of the release and potentially flow back into the Bay, causing turbid conditions.

To mitigate this potential impact to less than significant, **Mitigation Measures HAZ-8** and **HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-8: Dewatering.** At all times during construction and operation of the proposed Project, the Project applicant shall ensure that the decant from dredged sediments subject to upland disposal and storm water containers are sealed when not in use to avoid overflowing during a storm event. This would involve the decant and/or storm water being collected in a sump in the operation area, pumped to aboveground tanks, and disposed of either within the sanitary sewer or off site. The storage areas shall be surrounded by a curb, dike, berm, or some other type of secondary containment system. All paved storage areas shall be free of cracks and gaps, and shall be able to contain leaks and overflows until they can be addressed.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Measure HAZ-8 (Dewatering) requires that the decant and/or storm water collection area have sufficient design capacity (typically 120% of the needed capacity). By having sufficient design capacity, any decant from the staging area would be adequately

captured resulting in a less than significant impact. **Mitigation Measure HAZ-10** (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ-7

Impact: **HAZ-7. Load Out, Transport and Disposal.** Contaminated materials may spill onto roadways or other hard surfaces during transportation off-site.

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 transporting the dredge material from the off-load area (pier) to off-site upland disposal sites, there is the potential for incidental spills of sediment onto the roadway. Additionally, during loading of vehicles for off-site disposal, some sediment may fall from the loading bucket into the exterior of the vehicle or onto the hardscape of the loading area. The sediment at load-out will be solidified; therefore, overfill of transport vehicles is unlikely. However, contamination of the loading area or roadway from spillage is still potentially significant.

To mitigate this potential impact to less than significant, **Mitigation Measures HAZ-9** and **HAZ-10** shall be implemented.

- **Mitigation Measure HAZ-9: Haul Trucks.** Prior to dredging activities, the Project Applicant shall require the contractor to accept the construction contraction specifications as specified in the MMRP to minimize the potential for sediment spills and drift.
- **Mitigation Measure HAZ-10: Completion Report for Project Mitigation.**

Mitigation Measure HAZ-9 (Haul Trucks) requires measures that will minimize significant spillage or sediment migration from the loading area to the trucks, as well as during transport of sediment, which will reduce impacts to less than significant levels.

Mitigation Measure HAZ-10 (Completion Report) requires the documentation of completing the identified mitigation measures prior to the operation of the replacement pier. The Completion Report would ensure that all mitigation measures identified are implemented by the proposed Project.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

D. HYDROLOGY AND WATER QUALITY

CEQA FINDING NO. HYD-1

Impact: **HYD-1. Violation of Water Quality Standards during Construction.** The EIR identifies a potential significant impact related to Hydrology and Water Quality in that accidental oil or fuel spills that could potentially occur during the proposed dredging operations could impair and/or degrade water quality in the Bay.

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 potential impacts to water quality during construction under the proposed Project would include those associated with pier removal, spillage from construction equipment and vessels, contaminated sediment resuspension during dredging, and pier replacement construction. Leaks or spills of petroleum products from equipment are not expected to occur during proposed Project construction, but cannot be ruled out. The proposed Project includes compliance with all applicable regulatory requirements pertaining to storm water quality, including the District Jurisdiction Urban Runoff Management Program and the District Standard Urban Storm Water Mitigation Plan. BAE Systems will comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Statewide General Construction Activities Storm Water Permit, including filing a Notice of Intent to the State Water Resources Control Board, implementing construction best management practices (BMPs), and ongoing monitoring during construction activities through a Project-specific Stormwater Pollution Prevention Plan (SWPPP).

Accidental oil or fuel spills that could potentially occur during the proposed dredging operations could impair and/or degrade water quality in the Bay, depending on the severity of the spill.

To mitigate this potential impact to less than significant, **Mitigation Measure HAZ-1** through **HAZ-6**, **HAZ-8**, **HYD-1** and **HYD-2** shall be implemented.

- **Mitigation Measure HAZ-1: Secondary Containment.**
- **Mitigation Measure HAZ-2: Dredging Management Plan.**
- **Mitigation Measure HAZ-3: Contingency Plan.**
- **Mitigation Measure HAZ-4: Health and Safety Plan.**
- **Mitigation Measure HAZ-5: Communication Plan.**
- **Mitigation Measure HAZ-6: Upland Dredging Operation Practices.**

- **Mitigation Measure HAZ-8: Dewatering.**
- **Mitigation Measure HYD-1: Pre-construction Meeting.** BAE Systems Environmental Manager or designee will ensure that the contractor shall hold a pre-construction meeting to review all construction mitigation requirements with the construction crew. The purpose of the meeting will be to review the relevant Project features, regulatory requirements and mitigation measures to ensure implementation, and to review mitigation monitoring tracking program and log requirements. Invitations and notifications of the pre-construction meeting shall be made to District Environmental and Land Use Management staff, as well as affected resource and permitting agency staff
- **Mitigation Measure HYD-2: Completion Report for Project Mitigation.** Within 30 days of Project completion, but prior to any authorized use of the replacement pier, BAE Systems Environmental Manager or designee shall submit to the District and all affected resource and permitting agencies, a Completion Report detailing the completion and compliance with all mitigation measures contained in the proposed Project's MMRP, including **Mitigation Measure HYD-1**. The Completion Report shall contain all logs and related documentation as required by each mitigation measure identified in the Project's MMRP

Mitigation Measures for Hazards and Hazardous Materials impacts require a secondary containment structure for the storage of fuel, oil, and petroleum projects to reduce the potential for spills during construction (**Mitigation Measure HAZ-1**); implementation of a DMP that will include measures to minimize sediment spillage (**Mitigation Measure HAZ-2**); implementation of a Contingency Plan to address equipment and operational failures that could occur during dredging operations and cause sediment resuspension (**Mitigation Measure HAZ-3**); a Health and Safety Plan aimed at training workers to prevent and respond to incidents (**Mitigation Measure HAZ-4**); a Communication Plan to ensure the safe movement of Project vessels HAZ-5); use of a spill plate (**Mitigation Measur HAZ-6**); and sufficient design capacity for decant and/or storm water collection areas (**Mitigation Measure HAZ-8**). Implementation of these mitigation measures during construction activities would minimize potential releases of hazardous materials that could affect the Bay, from construction activities. **Mitigation Measure HYD-1** further ensures that the construction crew and staff responsible for carrying out the provisions of the Dredging Management Plan have been properly trained and briefed on these safety procedures. **Mitigation Measure HYD-2** has also been identified to ensure that the identified mitigation measures are applied to the proposed Project.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.