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Ernest J. Dronenburg, Jr. Recorder County Clerk

FEB 25 2019

C. Mendoza Dominguez

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Notice of Exemption

CEQA Guidelines Appendix E

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

From: (Public Agency)
San Diego Unified Port District
Development Services Department
3165 Pacific Highway
San Diego, CA 92101

■ San Diego County Recorder/County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

Project Title: *Fender System Replacement by NASSCO at Berth II*
Project Location – Specific: *3280 Harbor Drive, San Diego 92106*
Project Location – City: *San Diego*
Project Location – County: *San Diego*

Description of Nature, Purpose, and Beneficiaries of Project: *The proposed project would involve replacement of the fender systems by General Dynamics-NASSCO (Tenant) at Berth II in the city of San Diego, California. The steel and concrete piers are inspected regularly, and presently the fender systems at Berths V and VI are aged and at the end of their serviceable life expectancy. Without properly functioning fender systems, berthed vessels could exert sufficient stress onto the pier and/or support pilings, creating damage and safety issues for the pier structure itself as well as the surrounding environment. The base of the pier is approximately 40 feet above the bay floor. Depths at Berth II range from approximately -26 feet to -34 feet MLLW.*

The proposed project includes removal and replacement of the existing fender system with an identical new fender system to protect the existing pier and provide for safe moorings as well as operations elsewhere on the pier. Work to specifically complete the proposed project would include removal and replacement of seven (7) wood fenders, three with fender plates, and approximately 49 steel H piles at Berth II. NASSCO would remove the existing corroded piles and install 70-foot-high by 12-in (in)-deep by 84-in-wide steel H-piles at least 17 feet into the bay bottom.

The piles would be installed utilizing a vibratory hammer. The Pile driving would occur immediately alongside the support pier for Berth II, which is entirely within the Tenant's leasehold. Fender pilings are not designed to be support piles and are not anchored into or in contact with the deeper bedrock formations. Due to the unconsolidated nature of the surficial bay sediments to which current fender piles would be extracted from and new piles driven into, it is anticipated that effort to remove the existing piles as well as pile driving would be minimal. Furthermore, because the proposed project would have the same footprint as the existing fender system, no net increase in bay water coverage would result.

All work is planned to be conducted outside of the California Least Tern nesting season. In addition, as discussed above, the proposed project would utilize a vibratory hammer for the installation of piles. The proposed project would require an Army Corps of Engineers-Nationwide Permit 3 Pre-Construction Notification Form and San Diego Regional Water Quality Control Board Section 401 Certification. Both are in progress and would be required before commencement of construction. During the project, a silt curtain will be used during pile removal to contain turbidity. The contractor may utilize portions of the pier as lay-down during pile and replacement during pile and fender replacement, these activities will use existing facility stormwater BMPs. The contractor will use a barge for pre-disposal activity and removal of material from NASSCO. Material will be removed in skip tubs lined in plastic material.

*In July 2018, Merkel & Associates conducted *Caulerpa taxifolia* survey in accordance with the current version 4 of the *Caulerpa* Control Protocols and Eelgrass surveys, and the absence of both have been confirmed. Additionally, in January 2018, National Marine Fisheries Service prepared a Final Essential Fish Habitat Assessment. As found in the assessment, the use of steel H-piles and a vibratory hammer would ensure decreased acoustic*

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disturbances compared to those created by impacts hammers and concrete or hollow steel pilings. Both of these reports are available with the Real Estate Development Department at the San Diego Unified Port District, located at 3165 Pacific Highway, San Diego, CA 92101.

Based on the frequency of vessels coming in and out of the active marine terminal area and the anticipated level of noise generated from limited and temporary proposed project related in-water pile driving activities, underwater noise from vessels moving in and out of the bay and the existing active marine terminal area would be comparable to the temporary underwater noise generated from project related in-water pile driving activities. The movement of vessels within the existing marine terminal area would mask the project-related pile driving sound because project-related pile driving sound would generate the same or less amplitude than typical vessel noise for those in the active marine area.

It is anticipated that construction of the project would occur in late 2018 and would take approximately six weeks to complete. Pile installation would take approximately seven to nine days for each berth. All construction would be performed during daylight hours. There would be no change in the number of employees, customers, or visitors per day as a result of the project. Approximately five employees associated with the construction contractor, along with large equipment and materials would be brought in daily by boat/barge from the contractor's facility, located at 2145 Belt Street, San Diego, California. All waste would leave NASSCO via truck, consisting of approximately ten trips over the duration of the project. Therefore, implementation of the proposed project would generate a minor amount of additional vehicle trips, and in turn, would not result in any significant impacts related to air quality, greenhouse gas emissions, noise, traffic or other California Environmental Quality Act (CEQA) resource areas. Any trucks that are needed to transport the new replacement fenders to the marine terminal, (and/or transport remnants/debris of the former fenders offsite to the appropriate landfill), would adhere to the existing truck route for the project site, which prohibits trucks over five tons from traveling on many streets within the Barrio Logan community. Furthermore, the applicant would be responsible for complying with all applicable federal, state and local laws regulating hazards, and hazardous materials and stormwater.

Name of Public Agency Approving Project: San Diego Unified Port District (SDUPD)

Name of Person or Agency Carrying Out Project: Sara Giobbi, Environmental Manager, General Dynamics-NASSCO, 2798 Harbor Drive, San Diego, CA 92113; 619-544-8764

Exempt Status: (Check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemptions: Existing Facilities (SG § 15301) (Class 1), and Replacement or Reconstruction (SG § 15302) (Class 2)**
- Statutory Exemption. State code number:

Reason Why Project is Exempt: The proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and/or 15302 (Replacement and Reconstruction) and Sections 3.a. and 3.b. of the District's Guidelines for Compliance with CEQA because it is the replacement of the fender systems on an existing pier that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the replacement/reconstruction of an existing structure/facility, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity. Sections 3.a. and 3.b. of the District's CEQA Guidelines is as follows:

3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

(1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.

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(9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

(1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

Lead Agency Contact Person and Telephone Number: Cameron McLeod, (619) 686-6273

Signature: C. McLeod Date: 2/13/19 Title: Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk:

Governor's Office of Planning & Research

FEB 26 2019

STATE CLEARINGHOUSE

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on FEB 25 2019

Posted FEB 25 2019 Removed

Returned to agency on

Deputy C. Mendoza Dominguez