



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

MEMORANDUM FOR: The Record

FROM: Donna S. Wieting, Director  
Office of Protected Resources

*Donna S. Wieting*  
JUL 08 2013

SUBJECT: Adoption of the U.S. Navy's *Naval Base Point Loma Fuel Pier Replacement and Dredging (P-151/DESC1306) Environmental Assessment* -- DECISION MEMORANDUM

## I. Background

### *I.A. NMFS' Proposed Action*

NMFS is proposing to issue an IHA for the unintentional taking of marine mammals incidental to pile driving and removal associated with the first year of work for the Navy's fuel pier replacement project in San Diego, California for the period of September 1, 2013 through August 31, 2014.

Under the MMPA, the Secretary of Commerce shall allow the incidental taking of marine mammals if the Secretary finds that the total of such taking will have a negligible impact on the species or stock, and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses, provided that the permissible methods of taking pursuant to the specified activity and other means of effecting the least practicable adverse impact on the species or stock and its habitat are prescribed. In addition, requirements related to monitoring and reporting must be set forth.

On April 22, 2013, NMFS received a complete and final application from the Navy requesting authorization for the incidental taking of four species of marine mammal incidental to construction activity associated with the fuel pier replacement project at Naval Base Point Loma (NBPL). The requested authorization is for incidental take by Level B harassment only, as a result of sound produced by the specified activities.

The IHA would allow for the incidental take of marine mammals during the described activities and specified timeframes, and would prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. NMFS' preliminary determinations under the MMPA were made after analyzing the Navy's proposed action, as presented in the Navy's EA and application for incidental take authorization.

### *I.B. U.S. Navy's Proposed Action*



NBPL provides berthing and support services for Navy submarines and other fleet assets. The existing fuel pier serves as a fuel depot for loading and unloading tankers and Navy underway replenishment vessels that refuel ships at sea (“oilers”), as well as transferring fuel to local replenishment vessels and other small craft operating in San Diego Bay, and is the only active Navy fueling facility in southern California. Portions of the pier are over one hundred years old, while the newer segment was constructed in 1942. The pier as a whole is significantly past its design service life and does not meet current construction standards.

Demolition and construction are planned to occur in two phases to maintain the fueling capabilities of the existing fuel pier while the new pier is being constructed. Activities associated with the project include impact and vibratory pile driving, and removal of piles via vibratory and mechanical means. The total duration of demolition/construction is estimated to be approximately four years (2013-17). During the first year of construction (the specified activity considered under the proposed IHA), approximately 120 piles (including 18-in concrete and 36 to 48-in steel) would be installed and 109 piles would be removed (via multiple methods). All steel piles to be installed would be driven with a vibratory hammer for their initial embedment depths and may be finished with an impact hammer for proofing, as necessary. Each year of in-water work associated with the project will occur during a window from approximately September 15 through April 1.

### *I.C. Comparison of U.S. Navy’s Proposed Action to NMFS’ Proposed Action*

NMFS’ proposed action (issuance of an IHA) would authorize take of marine mammals incidental to a subset of the activities analyzed in the Navy’s EA that are anticipated to result in the take of marine mammals, i.e., pile extraction and installation activities. Thus, these components of the Navy’s proposed action are the subject of NMFS’ proposed MMPA regulatory action. Other components of construction not expected to result in incidental take of marine mammals are not a component of NMFS’ proposed action. The Navy’s EA contains a thorough analysis of the environmental consequences of their proposed action on the human environment, including specific sections addressing the effects of underwater sound on marine mammals and describing potential mitigation measures specific to marine mammals.

NMFS participated in the development of the Navy’s EA. This allowed NMFS to ensure that the necessary information and analyses were included in the Navy’s NEPA analyses to support NMFS’ proposed action and allow for consideration of adoption of the document for NMFS’ NEPA compliance.

## II. Alternatives and Impact Assessment

### *II.A. Summary of the Alternatives Considered by the Navy*

The Navy’s EA considers two alternatives and also carries forward a No-Action Alternative.

No-Action Alternative: The No-Action Alternative is required by CEQ regulations as a baseline against which the impacts of the Proposed Action are compared. Under the No-Action

Alternative, the Navy would not implement the demolition of the existing fuel pier or construction of the new fuel pier facility. The existing facility is seismically deficient and does not meet current and future demand for a fuel pier to safely accommodate deep draft vessels. The No-Action alternative was rejected as not meeting the purpose and need of the proposed action, which is to provide improved safety features and improved fuel receipt and delivery capability at NBPL to service existing and future classes of naval vessels, but is carried forward as a baseline for the analysis.

Alternative 1 (Preferred Alternative) – Pier Replacement and Associated Dredging: Under the proposed action, the Navy would temporarily relocate the Navy Marine Mammal Program before beginning the phased demolition and removal of the existing fuel pier and the phased construction of a replacement fuel pier. In addition, dredging and sediment disposal would occur as necessary to deepen a high spot in an existing turning basin, so that the basin can safely accommodate current and future deep draft berthing capabilities.

Alternative 2 – Delayed Dredging Alternative: Implementation of Alternative 2 would be the same as described under Alternative 1, except that dredging would occur years after completion of the fuel pier replacement.

The following three alternatives were considered by Navy in the EA, but not carried forward for analysis because, after careful consideration, the Navy determined that they did not meet the Navy's purpose and need for the Proposed Action:

- Full-Fixed Double Deck Pier (No Mooring Dolphins)
- Full-Fixed Single Deck Pier
- Single Deck Pier with Mooring Dolphins
- Replace Fuel Pier “In-Kind”

## *II.B. Summary of Alternatives Considered by NMFS*

For all of the Navy alternatives identified above, the EA includes an analysis of a variety of mitigation and monitoring measures. Some of these measures are specifically developed to minimize adverse impacts on marine mammals, while others may benefit marine mammals indirectly. NMFS aided in development of the EA by identifying additional mitigation measures (for marine mammals) that should be considered in the analysis. As a result of this interaction, additional mitigation measures were discussed and considered in the EA that will reduce impacts to marine mammals to the level of least practicable impact. The inclusion of the analysis of these mitigation measures strengthens the EA's support and coverage of NMFS alternatives, which are listed below.

- NMFS would not issue an IHA to the Navy for the take of marine mammals incidental to activities described in the preferred alternative (for NMFS, this constitutes the NEPA-required No Action Alternative).
- NMFS issues an IHA authorizing take of marine mammals incidental to activities described in the preferred alternative, with the mitigation, monitoring and reporting measures presented in the EA.

## *II.C. Environmental Consequences*

The EA analyzed the impacts to biological resources as well as impacts to water and air quality, the physical environment, socioeconomic resources, and other aspects of the human environment. Both action alternatives would have the same types of environmental impacts, but the timing of the impacts resulting from the dredging component would vary. Therefore, under Alternative 2, there would be no potential intermittent overlap of increased turbidity associated with demolition and construction activities and increased turbidity associated with dredging, and noise associated with dredging would occur in the absence of other project-related noise. The principal types of impacts during project construction would include underwater noise (and its effects on marine biota), turbidity, and air pollutant emissions. The expected impacts are not considered significant. Both alternatives would be expected to result in noise levels that may affect marine mammals; these effects are expected to be limited to behavioral disturbance. NMFS' proposed action concerns only the potential effects to the biological component of the marine environment.

The anticipated impacts of the proposed action are primarily from increased levels of underwater sound resulting from pile extraction and installation. The analysis in the EA indicated these impacts would be short term in nature (intermittent from September 15 through April 15). Airborne and underwater sound associated with pile driving could have an effect on wildlife as well as on humans in San Diego Bay. As such, the EA analyzed the impacts to wildlife as well as impacts to humans, marine vegetation, fish and benthic invertebrates and other environmental resources. The EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts. No marine mammals are anticipated to be exposed to sound levels resulting in injury or mortality during construction activities. Socioeconomics, environmental justice, the protection of children and the regional economy would not be significantly impacted as a result of the proposed action. There will be no disproportionately high and adverse environmental, human health and socioeconomic effects to minority and low income populations. Recent and proposed projects at NBPL and other projects in northern San Diego Bay were examined to determine possible cumulative impacts. All resource areas analyzed in the EA have been evaluated for cumulative impacts including past, present and reasonably foreseeable future actions. The analysis indicates that no significant cumulative impacts are anticipated because of the relative scale of projects and the nature and magnitude of specific impacts. The Navy's analysis indicates that the fuel pier replacement project would not result in significant impacts to the human environment; however, mitigation measures have been designed by the Navy and NMFS to further reduce project impacts to marine mammals and fish.

## *II.D. Public Involvement*

NEPA requires that environmental information supporting a decision be made available to the public, agencies, and other stakeholders. The Navy's public involvement process for the Proposed Action was designed to inform stakeholders of the Navy's proposed action early in the NEPA process, to provide stakeholders with the opportunity to comment on the Navy's proposed action and assessment of the proposed action and to keep stakeholders informed throughout the

NEPA process. The Navy's public involvement plan for the proposed action included the following:

- Early Engagement and Stakeholder Briefings: As part of the outreach program, the Navy notified and engaged key stakeholders prior to official notification published in the local newspaper. Questions were answered in advance of the scoping meeting, and affected local businesses were able to coordinate directly with the Navy.
- Scoping Meeting: After appropriate public notification, the Navy held one public scoping meeting, on May 3, 2012, and held a 45-day scoping comment period during which 121 sets of public comments were received.
- Public Review of the Draft EA. The draft EA was made available to the public for review and comment. A notice of availability (NOA) was published in the local newspaper and the draft EA was posted on the internet for review and comment.
- Release of the Final EA and Decision Document. The final EA and decision document will be made available to the public.

In addition, NMFS made the draft EA available on the internet for public review concurrently with the publication of the proposed IHA.

### III. NMFS Review

The NMFS Office of Protected Resources has reviewed the EA and concludes that the impacts evaluated are substantially the same as the impacts of NOAA's proposed action to issue an IHA to the Navy. In particular, the EA contains an adequate evaluation of the direct, indirect and cumulative impacts on marine mammals. In addition, the Office of Protected Resources has evaluated the EA and found that it includes all required components for adoption by NOAA:

- sufficient evidence and analysis for determining whether to prepare an environmental impact statement or finding of no significant impact (FONSI);
- brief discussion of the purpose and need for the proposed action;
- listing of the alternatives to the proposed action;
- description of the affected environment;
- description of the environmental impacts of the proposed action and alternatives, including cumulative impacts; and
- list of agencies and persons consulted.

As a result of this review, the Office of Protected Resources has determined that the Navy's EA is complete and adequate to support NMFS' proposal to issue an IHA. It is therefore not necessary to prepare a separate EA or environmental impact statement to issue an IHA to the Navy and that adoption of the EA is appropriate.

### IV. Conclusion and Findings

NOAA's proposed action is to issue an IHA to the Navy for the incidental take of marine mammals, by Level B harassment only, related to the fuel pier replacement project. NMFS'

issuance of the IHA is conditioned upon the implementation of mitigation and monitoring measures as described in the Navy's EA and application.

These measures include timing restrictions, the establishment of shutdown and buffer zones around each driven pile, and monitoring of the action area for marine mammals.

Based on this review and analysis, NMFS' Office of Protected Resources has adopted the EA under the Council on Environmental Quality's Regulations for Implementing the National Environmental Policy Act (40 CFR 1506.3) and issued a separate FONSI.