

**CALIFORNIA COASTAL COMMISSION**

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**W 7b****RECORD PACKET COPY****STATUS REPORT ON U.S. NAVY NEGATIVE DETERMINATION**

**DATE:** July 26, 2000

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Peter Douglas, Executive Director  
Mark Delaplaine, Federal Consistency Supervisor  
Larry Simon, Federal Consistency Staff

**SUBJECT:** **U.S. Navy Negative Determination ND-63-00:** Modification to San Diego Bay Habitat Enhancement Site associated with previously concurred CVN Homeporting Project at Naval Air Station North Island, San Diego (CD-89-99).

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**STAFF NOTE:** The U.S. Navy has submitted a negative determination for modifications to the San Diego Bay Habitat Enhancement Site, an element of the previously concurred with CVN Homeporting Project at Naval Air Station North Island (CD-89-99). Concerns were raised by members of the San Diego Bay yachting community beginning in March of this year that disposal of dredged material in San Diego Bay southeast of the Naval Amphibious Base (NAB) to create a shallow water enhancement site would interfere with recreational sailing activities in this area of the bay. Since that time, Commission staff has worked with yachting representatives and Navy personnel in an effort to resolve this matter in such a way that the environmental benefits arising from the beneficial reuse of dredged sediments are not achieved at the expense of recreational boating in San Diego Bay.

To that end, the Navy has submitted a negative determination to modify the design of its habitat enhancement site to further avoid impacts to sailing and regatta activities in the waters adjacent to the NAB. The purpose of scheduling a public hearing before the Commission on this negative determination is to follow through on the commitment made by the Commission at its April 11, 2000, meeting to representatives of the San Diego Bay yachting community. At that meeting, the Commission stated that once the staff had completed its examination of this issue and was prepared to report back to the Commission on whether or not construction of the habitat enhancement site could affect recreational sailing, a public hearing would be scheduled at a future Commission meeting to address this issue and/or take action on a staff recommendation.

Attached to this report is a *draft* Executive Director concurrence letter for Negative Determination ND-63-00 (Exhibit 1). If, after the public hearing, the Commission supports the analysis contained in the *draft* Executive Director letter, then the letter will be signed and delivered to the Navy. If the Commission does not agree with the letter, then the letter will not be signed until the matter has been resolved to address the Commission's concerns. In addition, attached to this report are nine other exhibits which address the subject matter.

- EXHIBITS:**
1. Draft Executive Director Negative Determination ND-63-00 letter
  2. Site Map
  3. Original Design of Enhancement Site
  4. Proposed Modified Design of Enhancement Site
  5. Negative Determination ND-63-00
  6. State Lands Commission jurisdiction letter, June 6, 2000
  7. Dennis Case/San Diego Yacht Club letter, March 31, 2000
  8. William J. Maxum letter, April 5, 2000
  9. Raymond A. Hedrick letter, June 1, 2000
  10. U.S. Navy response letter, May 5, 2000

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July 27, 2000

John Rogers  
CVN Project Manager  
Department of the Navy  
Naval Facilities Engineering Command  
1220 Pacific Highway  
San Diego, CA 92132-5190

Subject: Negative Determination ND-63-00 (Modifications to Habitat Enhancement Site Element of CVN Homeporting Project (CD-89-99)).

Dear Mr. Rogers:

The Coastal Commission staff has received and reviewed the above-referenced negative determination for modifications to the habitat enhancement site in San Diego Bay southeast of the Naval Amphibious Base (NAB) in order to address concerns over the site's potential effects on recreational sailing. As you know, on December 8, 1999, the Coastal Commission concurred with the Navy's consistency determination for construction of land and water facilities to support the homeporting of two nuclear-powered aircraft carriers at Naval Air Station North Island, San Diego (CD-89-99). The project included dredging to deepen carrier berths and disposal of approximately 534,000 cu.yds. of dredged sands at an in-water site immediately southeast of the NAB to create a shallow water enhancement site. The dredged sands could not be placed on area beaches due to the high probability that they contain unexploded ordnance. Rather than disposing the sand at the LA-5 ocean disposal site, the Navy, in cooperation with state and federal resource agencies, developed a plan to beneficially reuse the dredged materials to create a 27-acre habitat enhancement site in waters now averaging -12 feet mean lower low water (MLLW). The site was designed to provide at least six acres of intertidal habitat and up to 21 acres of shallow subtidal habitat.

The scoping process for the project Environmental Impact Statement and the EIS document itself were both silent on potential public access and recreation impacts (including recreational boating) arising from the proposed habitat enhancement site. The Navy's consistency determination for the homeporting project (CD-89-99) examined the project's consistency with the public access and recreation policies of the Coastal Act:

**EXHIBIT NO. 1**

APPLICATION NO.

ND-63-00

*The proposed dredging, disposal, new wharf, and associated facilities would not cause significant adverse impacts to public access to San Diego Bay, local beaches, or associated recreational facilities. Public access would be limited within the immediate area of the dredging and disposal operations for safety reasons.*

*The California Coastal Commission traditionally has determined that military security needs, and a lack of public access burdens generated by such projects, means that no additional public access be provided in these projects in order to find them consistent with Coastal Act public access policies. Presently a small area in the southeast corner of NASNI is available to the public and not fenced off, as is the rest of the base. This public area will not be affected by the project.*

The December 1999 staff report and recommendation for CD-89-99 examined the proposed NAB enhancement site (and included an exhibit illustrating its location):

*The Navy proposes to transport all dredged materials (except cobbles, rock materials which are between three and twelve inches in diameter, and any materials greater than twelve inches in diameter) from the Berth J deepening site to a water area just south of the Naval Amphibious Base (NAB) for the creation of intertidal/shallow subtidal habitat. This 37-acre site is located in Navy-controlled waters off-limits to the general public for military security and public safety reasons....*

*... the project would not affect physical access to the shoreline. To the extent access and recreation may be affected by the project, they are related to traffic, parking, and emergency planning concerns, which are addressed below.*

The issue of potential impacts on recreational boating and sailing as a result of the habitat enhancement site was not raised during any of the Commission's public hearings conducted for CD-89-99, nor was this issue mentioned in any of the extensive correspondence on the homeporting project received by the Commission.

However, in March of this year representatives of the San Diego sailing community contacted Commission staff to express their concerns that the now concurred-with habitat enhancement site would adversely affect recreational, instructional, and competitive sailing activities in this section of San Diego Bay. Letters and documents were sent to the Commission supporting the position that a serious conflict exists between the enhancement site and sailing activities. Commission staff began working with Mr. Dennis Case (representing the San Diego Bay sailing community) and the Navy in order to determine whether or not public sailing activities were occurring within the area to be used for the enhancement site, and to determine whether or not the presence of the enhancement site would create significant adverse impacts on public recreational boating. The Commission was informed at its April 11 meeting that this issue had

arisen and that the staff would report back at a later date on the significance, potential ramifications, and possible resolution of this issue.

During the subsequent months, meetings, telephone calls, and an exchange of correspondence occurred among the Navy, sailing community, Commission staff, and other interested private and government entities in the San Diego region, with the shared goal of developing a mutually-agreeable resolution of the sailing/enhancement site conflict. All parties now agree that the public has long been using the waters southeast of the NAB, including waters within the mapped Navy Restricted Area, for recreational, instructional, and competitive sailing. Given this new information (relative to the review of the habitat enhancement site for consistency with the public access and recreation policies of the Coastal Act), and notwithstanding the Navy's position that the enhancement site as initially designed would not adversely affect sailing activities, the Navy now proposes to modify the design of the enhancement site in order to further avoid affecting sailing in waters southeast of the NAB.

The negative determination states in part that:

*The improvements were based on extensive discussions with yacht club representatives and natural resource regulatory agencies. They include placement of quarry rock and reconfiguration of the shape of the site as shown in enclosure (1).*

*Approximately 17,000 CY (25,500 tons) of quarry rock will be placed along the northwest boundary of the enhancement site. The rock dike would be about 2,600 feet long. The purpose of the rock is to confine the dredged material to a smaller area, thereby providing more space for recreational boating activities on San Diego Bay. The rock would steepen the northwest slope to approximately two to one. The use of rock will also provide fish structure at the site consistent with requests from National Marine Fisheries Service (NMFS).*

...

*The area is also proposed to be modified into a boomerang shape, in order to minimize its impacts to recreational boating, while still maintaining a safe buffer between it and adjacent resources such as eelgrass beds. This modification has been coordinated with local yacht club members to ensure that it eliminates the potential effects of the original design on yacht racing and minimizes the potential impact to youth sailing instruction. The area remains usable for youth sailing instruction, although it pushes instructional sailing activities out slightly farther. This has potential to compromise a portion of the sheltering value of the area under certain wind conditions. Most of the youth instructional sailing activities would experience little or no discernable effect. Only the youngest instructional group would experience a small loss of usable sailing days in the immediate area of the enhancement site. (The youngest group, six to nine year olds, amounts to about 20 percent of the total youth program.) This loss would not necessarily mean a loss of sailing instruction days, as there are other sheltered waters along the Silver Strand that*

*are both usable and used for youth sailing programs. This makes the loss to instruction very small, very speculative, and less than significant.*

*Impacts to water quality would be essentially identical to the original CD. The rock revetment would have minimal impacts to water quality since it is clean, coarse quarry rock.*

*The revetment would increase habitat diversity and provide fish habitat as requested by NMFS during the permit process. Established eelgrass beds in the vicinity would be protected by establishing appropriate buffers from construction activity.*

*There would be no impacts to the endangered California least tern since construction would occur outside of the nesting season. Shorebirds would benefit from the creation of at least six acres of intertidal habitat from the project.*

In addition, the San Diego Regional Water Quality Control Board, at its June 14, 2000, meeting, adopted waste discharge requirements for the Navy homeporting project, which included the following operation specifications relating to the habitat enhancement site:

ORDNANCE. *The discharger shall remove all ordnance observed or detected during and after dredging and disposal activities including on the floor of San Diego Bay within the dredging site and in the upper two feet of the fill at the Naval Amphibious Base enhancement site.*

SAFETY PUBLIC OUTREACH. *The discharger shall coordinate with the U.S. Coast Guard Harbor Safety Committee to inform the public that the dredged material deposited at the Naval Amphibious Base Environmental Habitat Enhancement Site may contain munitions. The discharger will coordinate with the Coast Guard, to provide the necessary navigational aids and on-site warning signage. Written notice will be distributed as part of mailings to the various marinas and sailing clubs in San Diego County and will also be included as part of the Marine Event Permit application process for organized sailing events within south San Diego Bay.*

In addition, as part of the Regional Board's monitoring and reporting program, the Navy is required to complete the following:

ENHANCEMENT SITE ORDNANCE SURVEY. *The discharger shall survey the NAB enhancement site down to mean lower low water (MLLW) for ordnance monthly for the first year, and quarterly for the next four years. The discharger shall submit quarterly statements certifying under penalty of perjury as specified under Reporting Requirement D.8c that all ordnance observed or detected during the quarterly period has been removed in accordance with Specification B.6 and disposed of properly.*

The Commission concurred with the original NAB habitat enhancement site as an element of CD-89-99 in part because of the belief that there was no public recreational activity occurring at the proposed enhancement site. Given the information that was subsequently provided to the Commission by representatives of the sailing community, it appears that as originally designed, the enhancement site held the potential to adversely affect some sailing activities. However, with the modifications to the footprint of the enhancement site that place it outside the 1.3 nautical mile diameter sailing arc used by regatta organizers, and with the ordnance management and monitoring requirements placed on the project by the RWQCB, the Commission staff believes that the project as now designed will not conflict with existing public recreational boating.

In conclusion, the Coastal Commission staff **agrees** that the proposed modifications to the NAB enhancement site will avoid affecting existing sailing activities in the waters off the NAB, will provide valuable intertidal and shallow subtidal marine habitat, and will not adversely affect recreational boating in this area of San Diego Bay. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35(d) of the NOAA implementing regulations. Please contact Larry Simon of the Coastal Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

PETER M. DOUGLAS  
Executive Director

cc: San Diego Coast District Office  
California Department of Water Resources  
Governor's Washington, D.C., Office

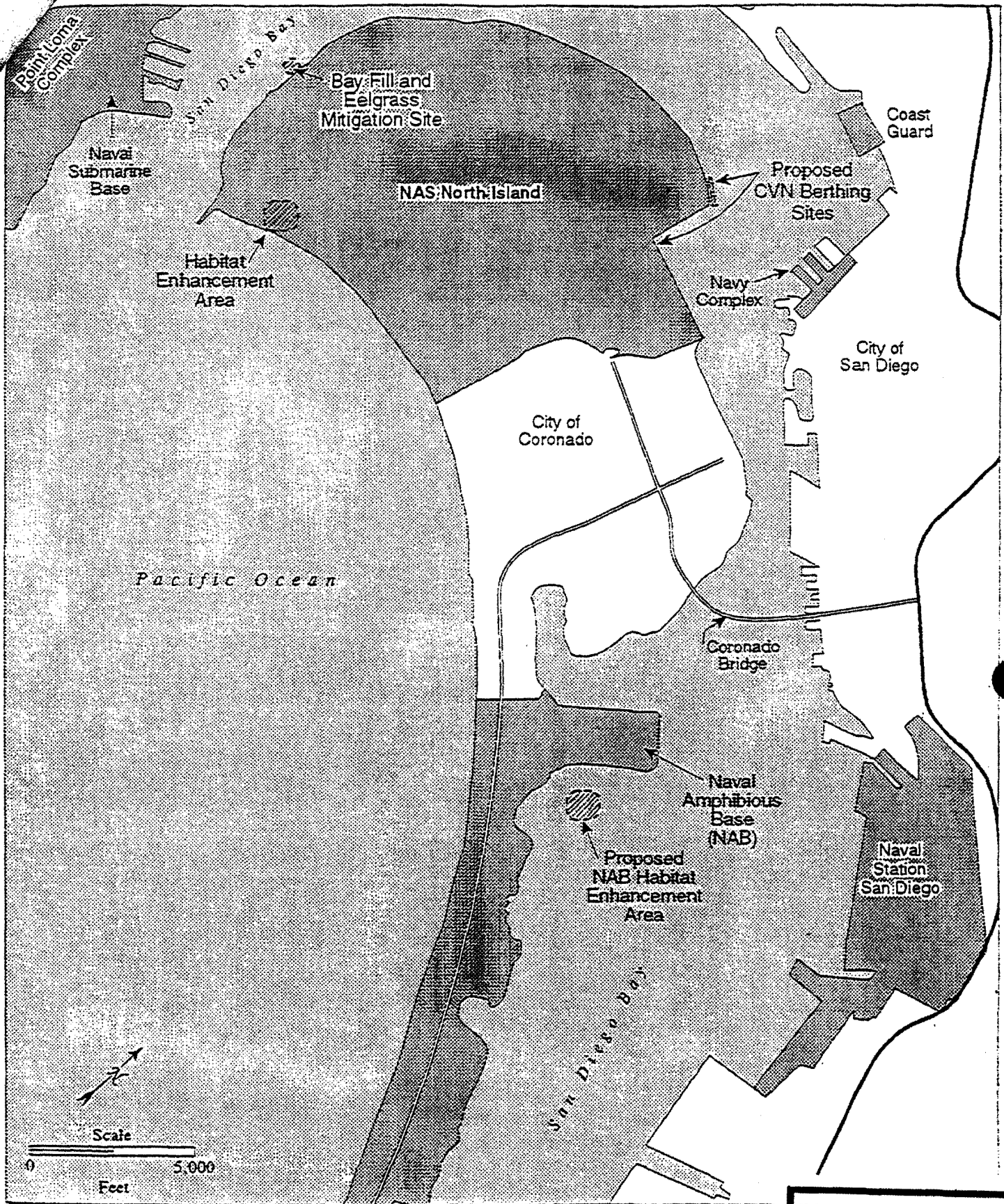


Figure 2-8. NASNI Proposed NAB Habitat Enhancement Area


<b>EXHIBIT NO. 2</b>
APPLICATION NO.
ND-63-00
California Coastal Commission



# THE AVIATION



PM

 California Coastal Commission

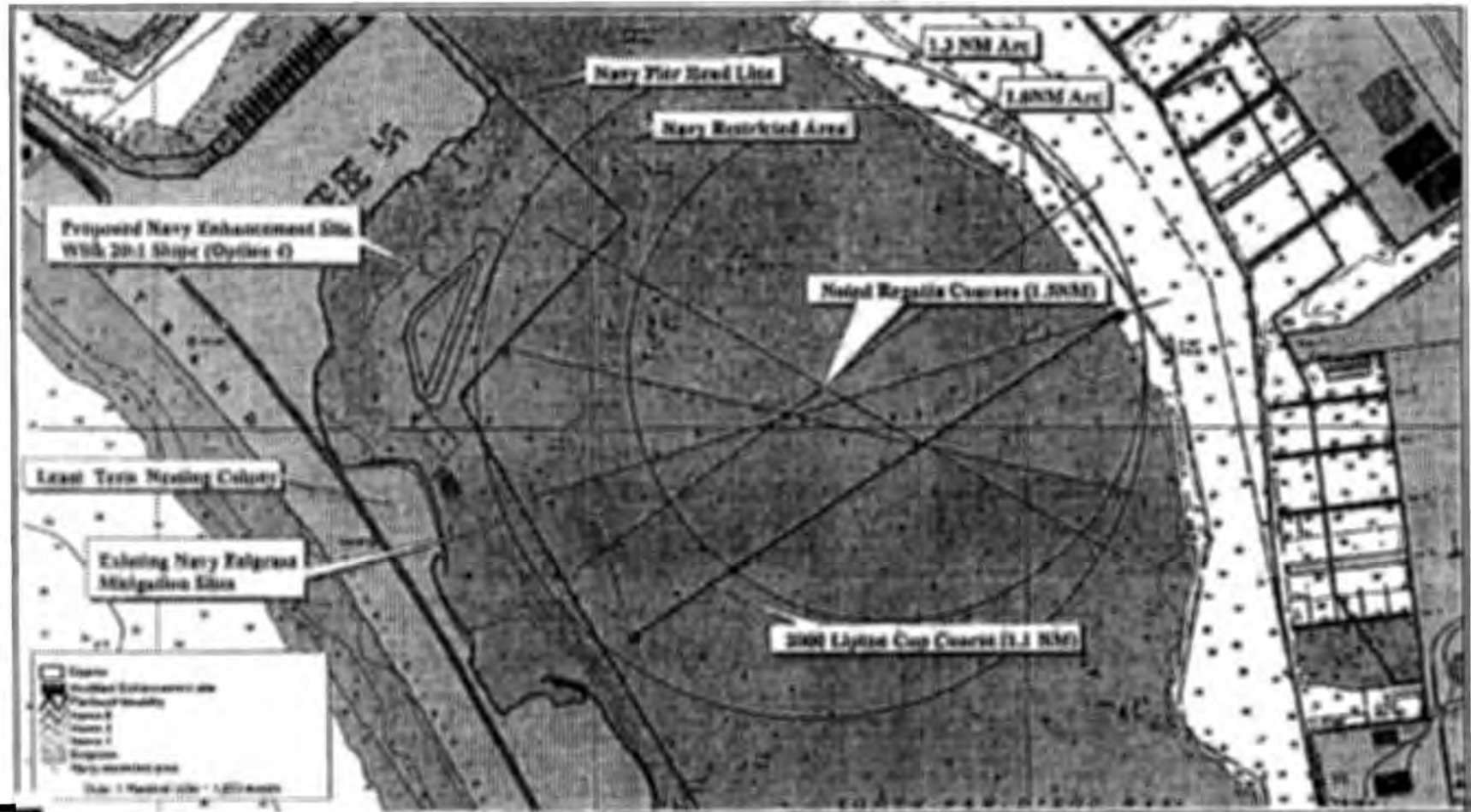


# HABITAT ENHANCEMENT SITE

P-700A Berthing Wharf  
NAS North Island

## Design Alternative 4 - NAB Habitat Enhancement Site

MODIFIED SITE PLAN



Navy Enhancement Site  
Option 4 w/Regatta Arc

FIGURE 1

EXHIBIT NO. 4

APPLICATION NO.

ND-63-00



DEPARTMENT OF THE NAVY  
SOUTHWEST DIVISION  
NAVAL FACILITIES ENGINEERING COMMAND  
1220 PACIFIC HIGHWAY  
SAN DIEGO, CALIFORNIA 92132-5190

11000  
Ser 5SCN.JR/157  
June 9, 2000

Mr. Mark Delaplaine  
Federal Consistency Unit  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RECEIVED  
JUN 09 2000  
CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Delaplaine:

This Negative Determination (ND) is submitted to modify the proposed Naval Amphibious Base habitat enhancement site associated with developing home port facilities at Naval Air Station (NAS) North Island in compliance with Section 930.35(d) of the National Oceanic and Atmospheric Administration, Federal Consistency Regulations (15 CFR 930). The project was previously reviewed by the California Coastal Commission under CD-089-99.

These modifications are improvements to the site designed to further avoid the impacts to yacht racing and to youth sailing instruction that were brought forward by members of the yachting community after the close of the Navy's NEPA process and after the Commission's decision on CD-089-99. The improvements were based on extensive discussions with yacht club representatives and natural resource regulatory agencies. They include placement of quarry rock and reconfiguration of the shape of the site as shown in enclosure (1).

Approximately 17,000 CY (25,500 tons) of quarry rock will be placed along the northwest boundary of the enhancement site. The rock dike would be about 2,600 feet long. The purpose of the rock is to confine the dredged material to a smaller area, thereby providing more space for recreational boating activities on the San Diego Bay. The rock would steepen the northwest slope to approximately two to one. The use of rock will also provide fish structure at the site consistent with requests from National Marine Fisheries Service (NMFS).

Once the rock dike is constructed, the dredged material will be placed in the same manner as proposed in our Consistency Determination (CD-089-99). There would be no reduction in the amount of dredged material going to the site. The enhancement site would reach a maximum elevation ranging between +2.5 and +4.0 feet MLLW. The site would continue to provide a minimum of 6 acres of intertidal habitat. It may provide up to approximately 12 acres of intertidal habitat and 15 acres of subtidal habitat for a total of 27 acres, depending on the composition of the dredged material.

EXHIBIT NO. 5  
APPLICATION NO.

ND-63-00

11000

Ser 5SCN.JR/157

June 9, 2000

The area is also proposed to be modified into a boomerang shape, in order to minimize its impacts to recreational boating, while still maintaining a safe buffer between it and adjacent resources such as eelgrass beds. This modification has been coordinated with local yacht club members to insure that it eliminates the potential effects of the original design on yacht racing and minimizes the potential impact to youth sailing instruction. The area remains usable for youth sailing instruction, although it pushes instructional sailing activities out slightly farther. This has potential to compromise a portion of the sheltering value of the area under certain wind conditions. Most of the youth instructional sailing activities would experience little or no discernable effect. Only the youngest instructional group would experience a small loss of usable sailing days in the immediate area of the enhancement site. (The youngest group, six to nine year olds, amounts to about 20 per cent of the total youth program.) This loss would not necessarily mean a loss of sailing instruction days, as there are other sheltered waters along the Silver Strand that are both usable and used for youth sailing programs. This makes the loss to instruction very small, very speculative, and less than significant.

Impacts to water quality would be essentially identical to the original CD. The rock revetment have minimal impacts to water quality since it is clean, coarse quarry rock.

The revetment would increase habitat diversity and provide fish habitat as requested by NMFS during the permit process. Established eelgrass beds in the vicinity would be protected by establishing appropriate buffers from construction activity.

There would be no impacts to the endangered California least terns since construction would occur outside of the nesting season. Shorebirds would benefit from the creation of at least six acres of intertidal habitat from the project.

Consequently, the Navy has determined that the proposed modifications to the habitat enhancement site has been found to qualify as a negative determination because it involves only a minor reconfiguration of the original enhancement site proposal. Therefore, it would not effect the coastal zone.

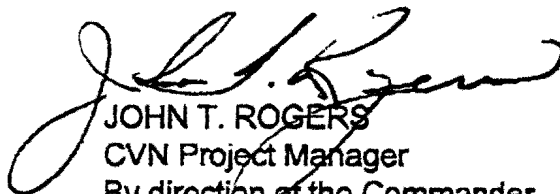
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Ser 5SCN.JR/157

June 9, 2000

In accordance with the Federal Coastal Zone Management Act of 1972, as amended, the proposed action has been found to qualify as a negative determination. If you have any questions, please contact the undersigned at the South Bay Area Focus Team at (619) 556-8868.

Sincerely,

  
JOHN T. ROGERS  
CVN Project Manager  
By direction of the Commander

Enclosure: (1) NAB Enhancement Site Alternative 4 Site Plan

**CALIFORNIA STATE  
LANDS COMMISSION**

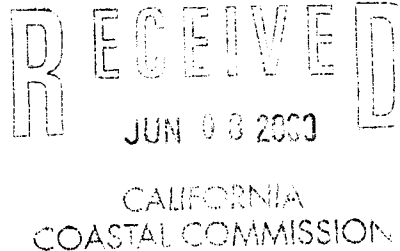
CRUZ M. BUSTAMANTE, *Lieutenant Governor*  
KATHLEEN CONNELL, *Controller*  
B. TIMOTHY GAGE, *Director of Finance*



**EXECUTIVE OFFICE**  
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*from Voice Phone 1-800-735-2929*

June 6, 2000



File Ref: W 25272

Roger E. Baldwin  
Vice Commodore  
P.O. Box 2042  
Oceanside, CA 92051

Dear Vice Commodore Baldwin:

SUBJECT: Creation of a 37-acre Mud (Intertidal) Island in South San Diego Bay

This will acknowledge your May 29, 2000 letter regarding the subject project that is proposed by the Navy in conjunction with their dredging necessary to create berthing facilities for two additional nuclear aircraft carriers at North Island Naval Air Station. Enclosed please find a copy of our March 30<sup>th</sup> letter to the Navy and their April 24<sup>th</sup> response. The Navy has asserted that it is exercising the federal government's navigation servitude granted the United States pursuant to the Commerce Clause of the United States Constitution. This prevents the State Lands Commission from exercising jurisdiction over this project.

It is our understanding that staff of the California Coastal Commission (CCC) is currently investigating this issue and will be making a recommendation to the CCC at a future meeting concerning the possibility of reopening the Consistency Determination based on impacts to public recreation.

We appreciate your interest and hope that this issue can be resolved to the mutual satisfaction of the Navy and the boating community. By copy of this letter, I am forwarding your letter to both the Navy and the CCC.

Sincerely,

PAUL D. THAYER  
Executive Officer

Enclosure

cc: Captain Robert Phillips, w/enclosure  
Larry Simon, CCC/San Francisco, w/enclosure

EXHIBIT NO. 6
APPLICATION NO.
ND-63-00
California Coastal Commission

APR 11 2000



From: PENNIS CASE

1011 Anchorage Lane, San Diego, California 92106 Tel (619) 221-8400 Fax (619) 224-3059 Web: www.sdyc.org

March 31, 2000

COASTAL COMMITTEE MEETING APRIL 11, 2000

Subject: Creation of a 37 acre mud (intertidal) island in South San Diego Bay from U.S. Navy dredged materials.

The U.S. Navy has made an application to the U.S. Army Corp. Of Engineers to deposit 534,1000 cubic yards of sand on state tidelands in South San Diego Bay (see attachment #1). This material will come primarily from dredging activity to create berthing facilities for two additional nuclear aircraft carriers at North Island Naval Air Station. The deposited material will create a mud (intertidal) island 37 acres in size. The location of this island will impact recreational users of San Diego Bay to a significant degree. As the sixth largest city in the United States, San Diego is a highly urbanized area. Recreational space to serve this expanding population is of significant importance to the citizenry. The environmental impact statement did not address this impact and as such public comment from users of the San Diego Bay was not solicited. Now that we are aware of the creation of this 37 acre mud island, we are requesting an opportunity for our voices to be heard in opposition to this most important aspect of the plan (See attachment 7 U.S. Sailing letter).

The following in outline form are some of the pertinent items for your consideration.

1. The environmental impact statement is fundamentally flawed. It states that there will be no recreational users impact. It uses Navy regulations sec. 334.860 as support to this claim. In fact, sec. 334.860 does not restrict sailboating and sailboat racing in any way. This area prior to the regulation and after the regulation has been extensively used as a major sailboat racing venue. Navy regulation sec. 334.860 had its birth at a Coronado City Council meeting 16 years ago. The Navy wanted an exclusive restricted area for naval training. Recreational users objected. The Coronado City Council made recommendations to the U. S. Army Corps of Engineers based on input received from citizens. The corps authorized the Navy to place yellow buoys in the bay demarking the area while allowing the sailboats unrestricted use except anchoring (see attachment 6A - Congressman Duncan Hunter's letter and attachment 6B Federal Register). Sailboat races are conducted at this location almost every weekend. Sailboat racing in San Diego is scheduled a year in advance through the San Diego Association of Yacht Clubs. Attached is a list of those advance scheduled races that are using this venue. In addition to the scheduled events, numerous unscheduled events also use this venue, some of which are very large such as the Hobie Nationals which has attracted hundreds of competitors to the smaller but still significant U.S. Sailing events such as the Adams Cup Trials (see attachment 2 - list of scheduled races).

2. The navigable waters of South San Diego Bay is an approximate circular area 1.3 miles in diameter. It is bounded on the North by NAB and the shoal area that extends eastward. It is

EXHIBIT NO. 7
APPLICATION NO. ND-63.00

bounded on the east by the ship channel and pier heads of the 32nd street Naval Base. It is bounded by the anchorage area A8 on the south and on the west by the Silver Strand. Sailboat race courses are oriented upwind and downwind primarily. The 37 acre mud island is located on the westerly side. The predominant daytime breeze is WSW. This means that the weather (upwind) mark of the course cannot be set in its normal position with the 37 acre mud island in place. The course area will be significantly reduced in size. This reduction in size will significantly impact the type and size of boat that can compete (see attachment 3- race management).

3. With the placement of the 37 acre mud island in the Navy's training area, their useable area is significantly reduced. Will the Navy now ask for an enlargement of their exclusion zone? The Navy restriction cover swimming, fishing, water skiing and anchoring. Any further expansion of this zone will mean significant loss of recreational opportunities for the citizenry of San Diego County. Since the 1950's the recreational uses of South San Diego Bay has been incrementally reduced year after year to the point now that if the 37 acre mud island is completed and the Navy expands its exclusion zone, very little will be left.

4. The environmental impact statement fails to identify the negative economic impact of the plan on South Bay communities. South San Diego Bay is the home for four yacht clubs, Coronado Yacht Club, Chula Vista Yacht Club, Coronado Cays Yacht Club and the Navy Yacht Club San Diego. In addition to the yacht clubs, recreational boat berthing is located at the Chula Vista Marina, Coronado Marina, Loews Hotel Marina, the Coronado Cays Marina and at the homes in the waterfront community of Coronado Cays. South San Diego Bay is their home water for day sailing. Future development of the National City Marina will add further to recreational demands on the South Bay. The open waters of the Pacific Ocean is about 2 hours motoring time for a 35 foot sailboat. The 37 acre mud island will be an obstruction and hazard for their continued use of the area. Furthermore, due to the impact of the 37 acre mud island on Navy training, by necessity their activities will move into the central South Bay with or without an official expansion of the exclusion zone. This will create further contacts and conflicts with civilian uses. The desirability of South Bay as a recreational sailing location will be significantly reduced and this in turn will negatively impact the occupancy and rent rates that the South Bay Marinas will be able to charge. Their economic viability will be negatively impacted.

5. While the 37 acre mud island itself is very large, it will have an even bigger impact on the navigable waters of South Bay. The island will be an obstruction to access the waters to the north and to the west. The net effect is equivalent to a solid land fill of 100 acres or more.

6. The island will be formed from wet sand discharged from a hydraulic pipe without the benefit of restrictive dikes of any kind. This plan will result in an underwater footprint significantly larger than 37 acres. Since there will be no shoreline protection from storm waves and even waves from boat traffic, it can be expected that the shoreline will sluff off and further shoal the surrounding waters. This will result in a further future reduction of navigable waters.

7. Relocating sailboat racing to another location other than South Bay is in many situations not an available option. San Diego is blessed with three race venues; South Bay, North Bay and the Pacific Ocean. For those boats located in the South Bay a trip to the ocean race course is in



excess of two hours each way. The North Bay area while closer is fully booked with their races. Furthermore, North Bay is impacted with the full traffic of commercial, Naval and recreational users. At times, the multiple users strain the capacity of North Bay. If the South Bay racers move to the North Bay course, problems would develop. An increase of close encounters between racing boats and commercial traffic would occur and could result in stiff new regulation of future North Bay racing or its complete ban.

8. On March 17-19 San Diego Yacht Club hosted the National Offshore One Design Regatta. This large prestigious event required the simultaneous use of three race courses; two in the ocean and one in the South Bay. Many of the competitors were from out of state coming from as far away as Washington and Colorado. There are several events a year that use both race venues simultaneously. The loss of the South Bay location would make hosting large regional events difficult in San Diego. For major important competitions North Bay is an unacceptable alternative.

9. San Diego is home sailing water to a disproportionately large number of world champions and Olympic medalists; Dennis Connor, Mark Reynolds, Eric Doyle, J.J. Isler, George Zabo, Alex Camet, Vince Brun, Lowell North, Craig Leweck, Brian Leadbetter, Robbie Haines, Rod Davis and Malin Burnham to name a few. It has been reported that San Diego Yacht Club alone has nine Olympic medalists among its membership. This fact is due, in part, to the availability of two premier racing venues; the Pacific Ocean and the smooth water of the South Bay. The loss of the South Bay venue will impact the development of future generations of sailing champions.

10. There are several alternative locations for disposing of this dredged sand:

- A. Beach sand replenishment is a high value use. The dredged material is 80% sand.
- B. Deep ocean disposal as the Navy originally proposed.
- C. Land disposal atop prior dredged material north of the Navy Yacht Club San Diego. This would keep the valuable sand in the coastal zone and available for an economically feasible future use. Sand from this location could be easily cleaned of ordinance and trucked across the Silver Strand for the beaches at Imperial Beach and Coronado.

11. On March 13, 2000 I became aware of the creation of this 37 acre mud island only after I requested a copy of the dredging application from the U.S. Army Corps of Engineers. On March 16th I asked for the opportunity to address the San Diego Association of Yacht Clubs (SDAYC) at their monthly meeting that night. Attending were over 100 officers of the various local yacht clubs. This group was shocked to hear that a 37 acre mud island was planned for the South Bay. A show of hands showed that all present were aware of the Navy's need to dredge (remove) material for the new carrier berths. When asked who knew about the 37 acre mud island not one person in this group had. These officers and clubs are vitally interested in the events that affect San Diego Bay. With thousands of members funneling information up to their boards it is astounding that this group was not aware of this matter until after the public hearings were closed and completed.

12. Last year the Navy was invited to San Diego Yacht Club to speak on the proposed dredging

project for the additional nuclear carriers. The speaker went into considerable detail about the actual dredging at North Island. However, he failed to mention that the dredged material would be used to create a 37 acre mud island in South Bay. This oversight is disturbing to us. Had we been correctly informed we would have immediately stated our opposition to this plan.

13. In the U. S. Army Corps of Engineer's public notice it does not state that dredged material will be used to fill San Diego Bay and create a 37 acre mud island. It states twice this description of work ---- " At the NAB Coronado, approximately 534,100 cy of sand would be placed over approximately 37 acres to create intertidal / subtidal habitat". Instead of depositing the material "at NAB" the Navy is actually depositing the material in San Diego Bay on state tidelands not on the Navy Base. Instead of placing the material "over 37 acres" it is creating a 37 acre island in San Diego Bay where one never existed. The official description of this work is misleading and designed to generate no public comment. To call this operation an "Enhancement Project" not a Bay Fill Project is turning the English language upside down. How can filling San Diego Bay under any terms be viewed as an "Enhancement Project"? The primary result of this operation is the creation of a geographic feature called an "island". It is clear why this terminology and phraseology was used, the author did not want the reader to understand the subject and was misleading.

14. The San Diego Association of Yacht Clubs voted unanimously on March 16th to oppose the creation of the 37 acre mud island in South Bay and to request that public hearings be reopened. (See attachment #4 - San Diego Association of Yacht Clubs 3/16/00 Resolution)

15. The Navy restriction zone does not convey permanent property rights to the Navy in any way. The land is owned by the State of California. The Navy restriction is a temporary use permit issued by the U.S. Army Corps of Engineers. The restriction upon further public hearings can be expanded, contracted, modified or eliminated. A temporary use permit cannot be the basis of proclaiming a permanent exclusive use as stated in the EIS. The placement of this 37 acre mud island will be a permanent geographical feature in San Diego Bay and will forever negatively affect the recreational user far after the temporary use permit is no longer needed. The Navy can fill only behind their bulkhead line. Pierhead lines are only significant if a pier is constructed.

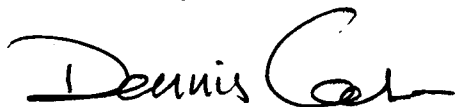
16. The South San Diego Bay is a premier sailboat racing venue known around the world. The World Championship of the International fleet called the Flying Dutchman is scheduled for South Bay in 2002. These large international fleets are the pinnacle of the sport. They can choose where they want to sail and host yacht clubs are honored to be selected. This fleet has not raced a Worlds in North America in 20 years. They have asked to race in South Bay and the Coronado Yacht Club was honored to accept. If the 37 acre mud island is completed this regatta which will attract competitors from around the world will be cancelled and South Bay will be lost to the world as a premier racing site (see attachment #5).

17. The Port of San Diego's General Plan shows this area as a "Regatta Area". (See attachment 8 Port General Plan)

The creation of a 37 acre mud island on state tidelands in South San Diego Bay needs to be stopped. We request that you approve disposal of the dredged material at the approved deep ocean dump site only or if you can not, then reopen the period of public comment on this portion of the plan as soon as possible and withhold approval on the permitting process until such time.

Please call so that I can answer your questions. My tel/fax is (619) 222-8451.

Sincerely,

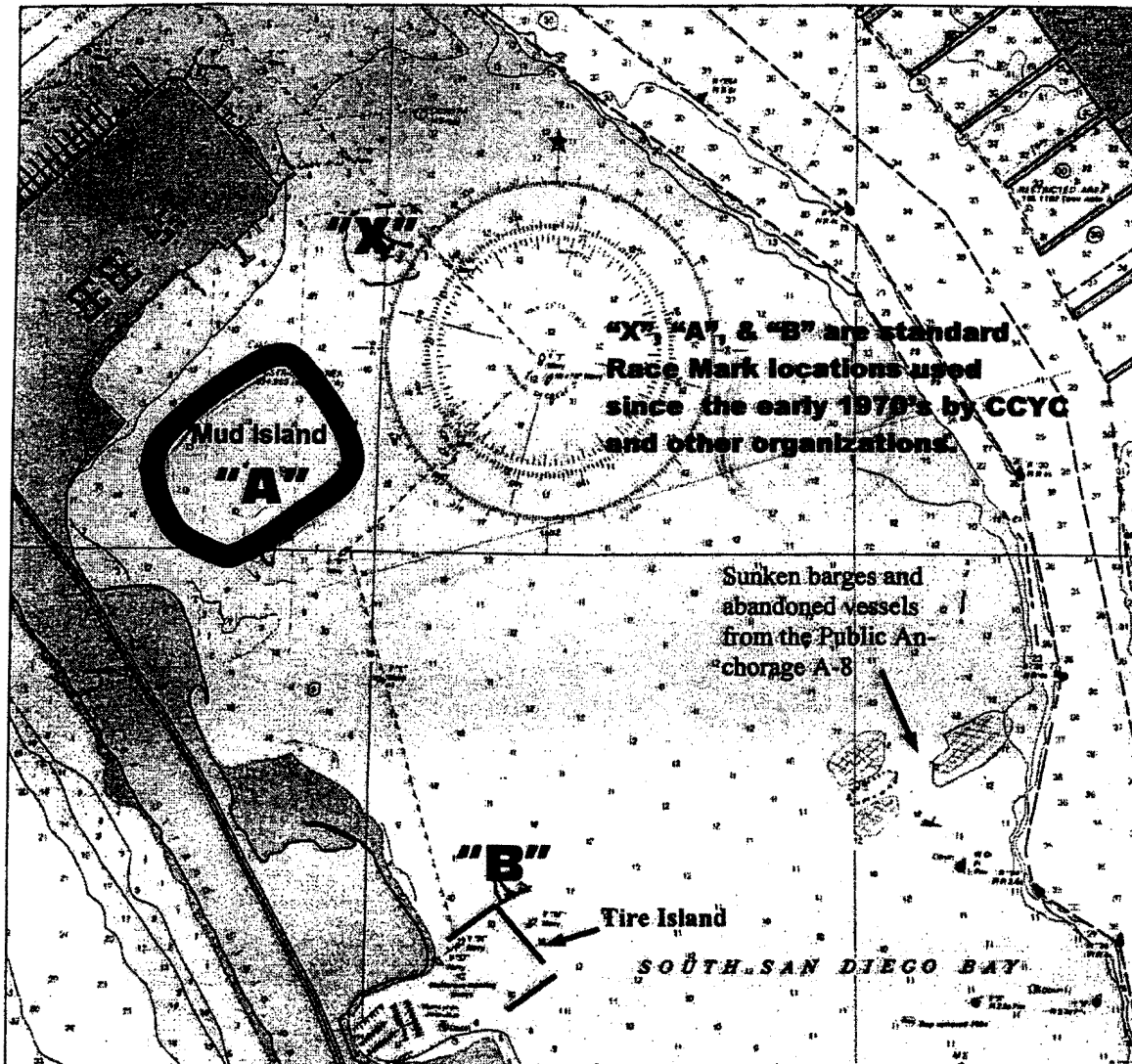
A handwritten signature in black ink that reads "Dennis Case". The signature is fluid and cursive, with the first name "Dennis" being more prominent than the last name "Case".

Dennis Case

cc: SDAYC

**Subject:**

Creation of a 37 acre mud (inter-tidal) island in South San Diego Bay from US Navy Carrier basin dredged materials.



## Features of the Central South Bay area.

**Historical:** Dredging of this area was undertaken in the 1950's to provide the Navy with a protected "deep water" area for seaplane operations. The particular area proposed for the "island habitat" was used as the "upwind or windward" termination point and anchorage for the charted seaplane landing zones. The reciprocal heading of the prevailing winds (from 240-270 deg magnetic), gives the longest open water distance for that general vicinity, and the prevailing winds were (are) generally un-affected by the Silver Strand. Present day activities by the Navy include Seal Team Helo water exercises. SeaBee Construction Battalion activities, and numerous other small boat activities. In about 1983, for security reasons, the Navy was granted permission to establish an "exclusion zone", marked by yellow buoys, starting in Glorietta Bay, and terminating just northwest of Fiddlers Cove. The "Exclusion Zone" is not a "restricted" area, as non-military vessels are permitted to transit the area, with no anchoring permitted.

**Note:** Sailing and sailboat racing is unrestricted and continues today with races most weekends.

## All 2000 SDAYC Calendar Events scheduled in the SouthBay

DATE	CLUB	CLASS	EVENT	LOC	SERIES
1/2/2000	CCYC	Open	Winter Classic Series	SB	1/4
1/9/2000	CYC	CYCHF	Wellington Series	SB	1/3
1/9/2000	CVYC	Open	Vanderhoef Series	SB	1/3
1/15/2000	CCYC	Open	CCYC Winter Sundowner Series	SB	1/3
1/16/2000	CYC	CYCHF	Wellington Series	SB	2,3/3
1/16/2000	CVYC	Open	Vanderhoef Series	SB	2,3/3
1/23/2000	CYC	CYCHF	Woodworth Series	SB	1/4
1/23/2000	CYC	PHRF/Open	SBC Spring Regatta	SB	1/4
1/29/2000	CCYC	Open	Winter Classic Series	SB	3/4
2/5/2000	CCYC	Open	CCYC Winter Sundowner Series	SB	2/3
2/13/2000	CYC	WYRF/Open	Kitty Muhl Ladies Day Race	SB	
2/27/2000	CYC	CYCHF	Woodworth Series	SB	2/4
2/27/2000	CYC	PHRF/Open	SBG Spring Regatta	SB	2/4
3/4/2000	CCYC	Open	Winter Classic Series	SB	4/4
3/5/2000	CVYC	Open	Shamrock Series	SB	1,2/2
3/11/2000	CYC	CYCHF	Woodworth Series	SB	3/4
3/11/2000	CYC	PHRF/Open	SBC Spring Regatta	SB	3/4
3/18/2000	CCYC	Open	CCYC Winter Sundowner Series	SB	3/3
3/17/2000	SDYC	One Designs	NOOD (Course #3, SB)	OFF/SB	1,2/5
3/18/2000	SDYC	One Designs	NOOD (Course #3, SB)	OFF/SB	3,4/5
3/19/2000	SDYC	One Designs	NOOD (Course #3, SB)	OFF/SB	5/5
3/26/2000	CYC	CYCHF	Woodworth Series	SB	4/4
3/26/2000	CYC	PHRF/Open	SBC Spring Regatta	SB	4/4
4/1/2000	CCYC	Open	Spring Classic Series	SB	1/4
4/5/2000	CCYC	Open	Summer Sundowner Series	SB	1/25
4/15/2000	CYC	O/D 25' OR LESS	Spring Regatta	SB	1-3/5
4/15/2000	NYCSD	O'Day 16	Bill Bunce Small Boat Series	SB	1/3/1905
4/16/2000	CYC	O/D 25' OR LESS	Spring Regatta	SB	4,5/5
4/16/2000	NYCSD	O'Day 16	Bill Bunce Small Boat Series	SB	4,5/5
4/30/2000	CVYC	Open	Single Handed Race	SB	
5/6/2000	CCYC	Open	Spring Classic Series	SB	2/4
5/6/2000	CVYC	Open	Le Mans Pursuit	SB	
5/6/2000	SDYC	PHRF/S35/M24/PC	Yachting Cup (Course #3, SB)	OFF/SB	1,2/4
5/7/2000	SDYC	PHRF/S35/M24/PC	Yachting Cup (Course #3, SB)	OFF/SB	3,4/4
5/13/2000	SDYC	S35	Thompson	SB	1-3/3
5/20/2000	SDYC	S35	Lipton Cup	SB	
5/21/2000	SDYC	S35	Lipton Cup	SB	
5/29/2000	CYC	Open	Bailey Opening Day Race	SB	
6/3/2000	CCYC	Open	Spring Classic Series	SB	3/4
6/4/2000	CVYC	Open	Guys and Gals Race	SB	
6/10/2000	CYC	O/D 25' OR LESS	Summer Regatta	SB	1-3/5
6/10/2000	NYCSD	O'Day/ Capri	Small Boat Series	SB	1-3/5
6/11/2000	CYC	O/D 25' OR LESS	Summer Regatta	SB	4,5/5
6/11/2000	NYCSD	O'Day/ Capri	Small Boat Series	SB	4,5/5
6/17/2000	Hob Flt 4	Hobie Cats	Hobie Cat Classic	SB	
6/18/2000	Hob Flt 4	Hobie Cats	Hobie Cat Classic	SB	

Continued on next page

## All 2000 SDAYC Calendar Events scheduled in the SouthBay

DATE	CLUB	CLASS	EVENT	LOC	SERIES
6/24/2000	CCYC	Open	Spring Classic Series	SB	4/4
6/25/2000	CYC	CYCHF	Barr Series	SB	1/4
6/25/2000	NYCSD	NYCSDHF	Bill Bunce Regatta	SB	1/4
6/25/2000	NYCSD	PHRF/Open	SBC Summer Series	SB	1/4
7/1/2000	CYC	Open	Cowley 4th of July Race	SB	
7/8/2000	CCYC/CRA	PHRF#/Open	South Bay Invitational Regatta	SB	1,2/3
7/9/2000	CCYC/CRA	PHRF#/Open	South Bay Invitational Regatta	SB	3/3
7/16/2000	CYC	CYCHF	Barr Series	SB	2,3/4
7/16/2000	NYCSD	NYCSDHF	Bill Bunce Regatta	SB	2,3/4
7/16/2000	NYCSD	PHRF/Open	SBC Summer Series	SB	2,3/4
7/22/2000	CCYC	Open	Fall Classic Series	SB	1/4
7/23/2000	CVYC	Open	Lady Skippers Race	SB	
7/29/2000	CYC	CYCHF	Barr Series	SB	4/4
7/29/2000	NYCSD	NYCSDHF	Bill Bunce Regatta	SB	4/4
7/29/2000	NYCSD	PHRF/Open	SBC Summer Series	SB	4/4
8/5/2000	CCYC	WYRF/Open	Ladies of the Waterfront	SB	1-3/3
8/6/2000	CVYC	Open	Commodores Cup	SB	
8/12/2000	NYCSD	Invitational	Gator Regatta	SB	
8/12/2000	CCYC	Open	Fall Classic Series	SB	2/4
8/13/2000	CYC	Open	Vanity Single Handed Race	SB	
8/19/2000	C/TPSC	Victory	Nationals	SB	
8/20/2000	CVYC	Open	Rainbow Regatta	SB	
8/26/2000	CYC	PHRF#	Crown Cup	SB	1,2/3
8/27/2000	CYC	PHRF#	Crown Cup	SB	3/3
9/9/2000	SDCatA	Catalina 30	Catalina 30 Nationals	SB	
9/15/2000	SDYC	Etchells	Adam's Cup	SB	
9/16/2000	SDYC	Etchells	Adam's Cup	SB	
9/17/2000	SDYC	Etchells	Adam's Cup	SB	
9/22/2000	CCYC	Open	Summer Sundowner Series	SB	
9/23/2000	CCYC	Open	Fall Classic Series	SB	3/4
9/24/2000	CYC	CYCHF	Perkins Series	SB	1,2/4
9/24/2000	CCYC	PHRF/Open	SBC Fall/ Dolan-Shipshape Series	SB	1,2/4
10/8/2000	CYC	CYCHF	Perkins Series	SB	3,4/4
10/8/2000	CCYC	PHRF/Open	SBC Fall/ Dolan-Shipshape Series	SB	3,4/4
10/14/2000	CYC	O/D 25' OR LESS	Fall Regatta	SB	1-3/5
10/14/2000	NYCSD	O'Day 16	Navy Cup	SB	1-3/5
10/15/2000	CYC	O/D 25' OR LESS	Fall Regatta	SB	4,5/5
10/15/2000	NYCSD	O'Day 16	Navy Cup	SB	4,5/5
10/28/2000	CCYC	Open	Fall Classic Series	SB	4/4
11/4/2000	CCYC	Open	Winter Classic Series	SB	1/4
11/11/2000	CVYC	Invitational	SBC Championship Regatta	SB	1,2/3
11/12/2000	CVYC	Invitational	SBC Championship Regatta	SB	3/3
11/26/2000	CYC	Open	Longstreth Series	SB	1/3
12/2/2000	CVYC	Open	Cranberry Series	SB	1,2/3
12/3/2000	CVYC	Open	Cranberry Series	SB	3/3
12/10/2000	CYC	Open	Longstreth Series	SB	2/3
12/17/2000	CYC	Open	Longstreth Series	SB	3/3
12/31/2000	CYC	Open	Bornsen New Year's Day Race	SB	

Total: 94 Event Days

Date: Thursday, March 23, 2000

ATTACHMENT 3A

From: Ken Gust Jr. Senior Race Officer  
Active with CCYC, CRA and SDYC

Subject: Impact Statement on the proposal to create a 37 acre "Mud Island" in the northwest corner of the Central SouthBay from US Navy dredging material.

Enclosures: Attachment #1 Features of South San Diego Bay as a sailboat racing area.  
Attachment #2 SDAYC Club events impacted by the proposal.

### Arguments against the creation of Mud Island

#### The impact on Sailboat Racing

As this project is significant in its scope, its impact on many local races will be substantial, and the impact will be devastating on all the championship level events now using the SouthBay. Some like the CCYC SouthBay Regatta are in their 21<sup>st</sup> year.

The placement of this island to protect the "eel grass" habitat eliminates the SouthBay area as a venue for hosting a significant number of major Regattas and local race events. This is due to the shortened distance available to run the traditional Windward/Leeward race course formats. Short legs eliminate the ability to maintain racing class separation thereby biasing the standings, to the detriment and safety of many of the racers. The race events that can adapt to the reduced area by shifting their course marks closer to the 32<sup>nd</sup> Street Navy base will also be adversely impacted due to the re-routing of the Navy's Amphibious Base operations traffic, and the general public traffic transiting to and from the Coronado Cays, and Fiddlers Cove.

Although the existing area is just at the minimum size to accommodate competitive racing (1.5 to 2 miles being preferred), many other natural features of San Diego's SouthBay area make it one of the premier "flat water" racing areas in the world. To loose or deface this valued national and state public asset would be an tremendous mistake by the Costal Commission, the Army Corps of Engineering and ultimately the Navy.

The loss of the SouthBay area as a racing venue for all of the "big boat" type races means that future bay racing conducted by the SouthBay area clubs would shift primarily to the north San Diego Bay areas and shipping channel. The main part of San Diego Bay is already congested enough on the weekends with commercial, military, and recreational boaters. This proposal will not help mitigate the situation.

#### Navigation Impact

The short term (while dredging), and the long term environment damage done to the remaining open SouthBay waters as a result of silting and shoaling action from wind and water erosion has no long-term mitigation proposed, nor emergency mitigation plans for area restoration in the event of a severe Santa Ana condition, similar to the 1997 event that destroyed many of the bay facing docks at the Coronado Cays. It now takes years to remove derelicts abandoned near anchorage A-8. Re-dredging the open part of the central SouthBay would be an environment nightmare, and financially impossible. With the establishment of the A-8 Marine Anchorage area south of Channel Buoy "R"32, and the encroachment of the Navy's Fiddlers Cove Marina with "Tire Island", and now the Navy's new demands, there is essentially no area left except this existing precious 1.5 square miles of open water now available to accommodate all the marine and sporting activities that the public currently enjoys. This entire area must remain in the public trust.

#### The loss of a public credibility

The designation of this plan as an "Enhancement Project" is as false as saying "Black is White". Comments by the various participating Government agencies that "Public Comment was solicited" also fall into the same category. How can so many negatively effected non-governmental organizations be un-aware of this project until the very last minute? This is not "public disclosure nor is it due process". It has become abundantly clear, as the facts about this proposal emerged, that full disclosure was skillfully avoided, contrary to public policy.

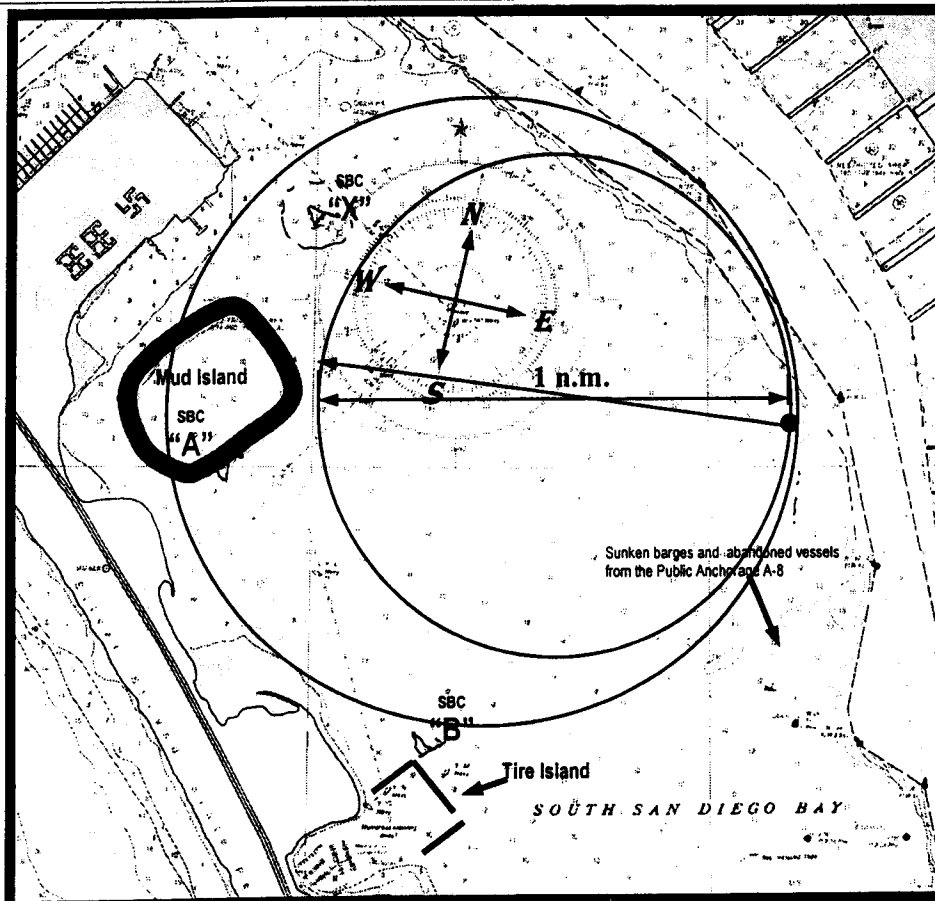
The loss of the SouthBay as a buoy racing venue for 9 major events, and a significant impact on 15 other local club regattas is unwarranted. The occurrence of this as a result governmental agency action, all void of public comment and input, is a gross breach of the publics trust and a violation "due process" and public disclosure, requiring corrective action. The creation of "Mud Island" should not be considered a viable option for the US Navy's dredged material.

# Features of the central SouthBay as a racing area for sailboats.

**Water of the Course area:** There is approximately 1.5 sq miles of open water with an average depth of water of about 10' at mean low tide clear of all shipping channels and generally clear of transit zones to Coronado Cays, Chula Vista and the Navy Marina at Fiddlers Cove .

**Typical water conditions:** (At 16 kts. of wind, where white cap form) On a normal day, flat smooth waters exist near the typical weather mark location (SBC "A") on the Strand side of the SouthBay. The mid-bay, center course area has wind waves of about 1', and at the leeward mark area near the shipping channel ("R"30), there are 1' to 2' wind waves with white caps. Tidal currents are significant near the shipping channel.

**Course Location:** The optimum race course configuration on typical days permits the setting Windward and Leeward marks with a leg distance from 1.1 to 1.3 n.m. This location is such that no race marks need be positioned in the dredged (deep water) portion of the SouthBay. The general area also provides ample room for multiple race events that can be run simultaneously with only a minimum of interference.



## SouthBay Diagram Notes:

1. This diagram is scaled from NOAA Chart # 18773.
2. The large diameter circle is set at 1.25 nautical miles.
3. The compass rose is set at Magnetic heading.
4. The dark area around Mud Island is the approximate gradient transition zone from the existing bay bottom to the island top.

## Wind conditions:

**Direction:** The typical prevailing patterns are winds from 220° magnetic to 270° magnetic.

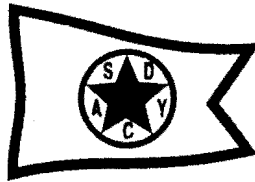
**Velocity:** Wind Velocities are from 10 to 18 kts with localized oscillations of about +/-10 degrees.

**Local micro-climate Conditions:** Winds from 260° to 310° are effected by local facilities and structures located on the Naval Amphibious Base.

**SouthBay Convergence zone:** This zone of convergence is a unique localized micro-climate phenomena resulting from the convergence of the air mass coming from across the SilverStrand, and the wind mass directed down the bay by the San Diego's bay front development. These two air masses, usually 50° to 60° apart, combine just west of the dredged channel, near Channel Buoy "R"26a down to Channel Buoy "R"32.

**Summary:** Sailboat racing on Windward/Leeward Buoy courses in the SouthBay is safe, exciting and challenging, do primarily to the excellent wind and area micro climate, the great water conditions, and the lack of weekend traffic congestion. The SouthBay racing area has always been a successful venue used and enjoyed by many organizations since the early 1970's. Additionally, it is recognized nationally as a premier racing area for a wide variety of sailing craft, ranging in size from 8' Sabots raced by both juniors and seniors, to full racing sloops of over 50' with crews of from 12 to 15. Now the SouthBay is again under assault and in need of public protection from many government agencies.





## SAN DIEGO ASSOCIATION OF YACHT CLUBS

To Whom It May Concern:

On March 16, 2000, a meeting of the San Diego Association of Yacht Clubs, representing officers and directors of twenty-one area yacht clubs and associations in attendance, unanimously passed a resolution opposing the Navy's construction of the proposed 37 acre island.

Recreational boaters have traditionally used the South Bay area. It is felt this island will negatively impact the use of the area by recreational boaters.

The Association is supportive of reopening public hearings with date, time and place announced prominently in order for the public to be in attendance to voice their concerns about the impact upon the South Bay.

Sincerely,

Sandra J. Gilson, Commodore  
San Diego Association of Yacht Clubs

CHULA VISTA YACHT CLUB  
CONVAIR SAILING CLUB  
CORONADO CAYS YACHT CLUB  
CORONADO YACHT CLUB  
CORTEZ SAILING ASSN.  
KONA KAI INTL. YACHT CLUB

MISSION BAY AQUATIC CENTER  
MISSION BAY YACHT CLUB  
NAVY YACHT CLUB SAN DIEGO  
OCEANSIDE YACHT CLUB  
POINT LOMA YACHT CLUB  
SAN DIEGO CRUISER ASSOCIATION

SAN DIEGO YACHT CLUB  
SANTA CLARA RACING ASSN.  
SANTA MARGARITA SAILING CLUB  
SILVER GATE YACHT CLUB  
SOUTHWESTERN YACHT CLUB  
TORREY PINES SAILING CLUB

JAMES H. ALGERT  
428 BROADWAY  
CHULA VISTA CA 91910

March 29, 2000

Mr. Larry Simón  
Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco CA 94105

Re: Location of Spoils from Navy Dredging Project

Dear Mr. Simón:

As we discussed today by telephone, I am concerned about the affect of the creation of a landfill in the area south of the Navy Amphibious Base. I have raced small boats in South Bay since 1952 and I now represent the International Flying Dutchman Class Association in North and South America. At our annual meeting last August 1<sup>st</sup> in England, we discussed possible locations for the world championships in 2002. Coronado Yacht Club was selected as our first choice, with races to be held in South Bay in late April of that year. We have begun planning for the event and have confidence the regatta will be a success. This would be the fourth time in the last 30 years the event has been held in the United States and the first time on the west coast.

The Flying Dutchman class normally holds large events in areas affording larger courses, however South Bay has become so well known for its optimum sailing conditions that the class has agreed to work with the available area. Any reduction of that area would make South Bay unacceptable for our use and probably unacceptable for most other classes.

I believe that a study of the conditions and small boat racing history of South Bay would show that it is a unique and important asset, not just for San Diego, but for the sport of sailing on the west coast and beyond.

Sincerely yours,

James H. Algert  
Staff Commodore, Coronado Yacht Club

Telephone 619/420-7090 • Facsimile 619/420-9139 • Email [jalgert@msn.com](mailto:jalgert@msn.com)

DUNCAN L. HUNTER  
15TH DISTRICT, CALIFORNIA



COMMITTEE ON ARMED SERVICES

DISCOMMITTEE  
MILITARY PERSONNEL  
AND COMPENSATION  
SEAPOWER AND STRATEGIC AND  
CRITICAL MATERIALS

SELECT COMMITTEE ON NARCOTICS  
ABUSE AND CONTROL

REPUBLICAN TASK FORCE  
ON AGRICULTURE

ASSISTANT REGIONAL WHIP,  
WESTERN AND PLAINS STATES

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

March 5, 1984

REPLY TO:

- ☐ 117 CANNON BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-6672
- ☒ DISTRICT OFFICES  
366 SOUTH PIERCE STREET  
EL CAJON, CA 92020  
INLAND  
(619) 578-3001  
COASTAL  
(619) 293-6383
- ☐ 1101 AIRPORT ROAD, SUITE G  
IMPERIAL, CA 92251  
(619) 363-6420
- ☐ 430 DAVISON STREET  
CHULA VISTA, CA 92010  
(619) 422-0889

Dear Mr. Hughes:

Your letter of Feb. 15, 1984 to the Army Corps of Engineers concerning the proposed restricted area near the Naval Amphibious Base has been brought to the attention of my office.

Based on a conversation between my District Administrator, Jay Wilkinson, and Capt. Robert McCullough, Commanding Officer NAB, it would appear that the proposed restricted area would have no affect on the sailing programs that now use the area.

In fact, Capt. McCullough assured us that the practice of placing a temporary buoy in the area as a turning mark for races would be acceptable. It is important though that if and when the restricted area is adopted that race committees coordinate and cooperate with NAB Operations in the scheduling of races so as to not interfere with their exercises.

If you would like to discuss this matter in detail, please feel free to call Mr. Wilkinson or Bob Hudson, my Field Representative and himself a small boat sailor very familiar with the South Bay, at my El Cajon office, 293-6383.

Sincerely,

*Duncan Hunter*  
Duncan Hunter,  
Member of Congress

Mr. Van V. Hughes  
839 West Harbor Drive  
San Diego, CA 92101-7798

cc: Coronado Yacht Club, NAB Yacht Club,  
Coronado Cays Yacht Club, SDYAC

DH/rjh

the Pacific Ocean in Middle San Diego Bay, California. The restricted area surrounds the existing Naval Amphibious Base peninsula where extensive special operations take place. This restricted area will protect persons and property from the dangers encountered with these special operations.

EFFECTIVE DATE: January 22, 1985.

ADDRESS: HQDA, DAEN-CWO-N, Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn Lukos at (213) 688-8608 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: The U.S. Navy has requested the Corps of Engineers establish a naval restricted area in the Pacific Ocean in Mid-San Diego Bay, California.

On January 27, 1984, the Corps published the proposed naval restricted area in the Notice of Proposed Rulemaking Section of the Federal Register with the comment period ending on March 12, 1984 (49 FR 3491-3492). The coordinates published in the proposed rule contained errors in Stations No. 7 and No. 8. A correction published in the Federal Register on February 21, 1984, (49 FR 8380) corrected only Station No. 7, thereby omitting the required correction to Station No. 8. Accordingly, the Corps republished the proposed rule (corrected) on April 12, 1984 and extended the comment period to expire on April 27, 1984 (49 FR 14540-14541).

The Corps received an inquiry from Congressman Duncan Hunter on behalf of a constituent and letters from 19 individuals, several of whom represented yacht clubs and home owner associations in the area. These letters expressed opposition to the establishment of the restricted area basically for one or the other of the following two reasons:

1. The restriction on boating/sailing through the area in the lee of the Naval Amphibious Base. Several groups indicated they hold sailboat races and/or regattas through the area.

2. Elimination of the anchorage area adjacent to the Naval Amphibious Base at Glorietta Bay.

All comments received were furnished the Commander, Naval Amphibious Base for consideration.

The Navy states that it never intended to restrict such transit through the subject area and has agreed to a rewording of the rule to make this clear. (i.e., "all vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a

direct route.") Also, added to the rule is the statement, "organized activities (such as sail races and regattas) within the restricted area will normally be allowed unless the Commanding Officer, Naval Amphibious Base determines such use would interfere with military operations in the area. Requests must be made to the Commanding Officer, Naval Amphibious Base, Coronado, San Diego, California 92155 or by calling, telephone number (619) 522-4833 at least 10 days prior to the event." The Navy expresses great concern about having the anchorage area adjacent to the base at Glorietta Bay. The Navy points out that it actually owns all of the submerged land currently used by the anchorage and that the boats at this anchorage are trespassing. This been verified through charts available at the Port of San Diego. The individuals anchoring in this area currently do so under provisions in 33 CFR 110.210 (San Diego Harbor, California Anchorage Grounds). Unrestricted anchorage (currently permitted by 33 CFR 110.210) within the subject area is now prohibited under this rule.

The naval facilities at the amphibious base include the fuel pier, a variety of classified special warfare vessels, classified underwater vessels, and classified training facilities. The Navy indicates that they have had to increase security measures along this portion of their shore as a result of the anchorage. An additional Navy concern is the safety of these anchored vessels and liability should there be an accident involving the fuel pier or training vessels.

Having considered all comments received and relevant information available, the Department of the Army has determined that the establishment of the restricted area is warranted. Accordingly, the Department of the Army is establishing a naval restricted area under 33 CFR 207.611 as set forth below.

Note.—This regulation is issued with respect to a military function of the Defense Department; is not a major rule within the meaning of Executive Order 12291 and accordingly the provisions of Executive Order 12291 do not apply. The Corps of Engineers certifies pursuant to Section 605(h) of the Regulatory Flexibility Act of 1980, that this regulation will not have a significant economic impact on a substantial number of entities.

#### List of Subjects in 33 CFR Part 207

Transportation, Water transportation, Marine safety, Navigation, Water transportation and marine carriers.

Dated: December 10, 1984.

Robert K. Dawson,

Acting Assistant Secretary of the Army (Public Works).

#### PART 207—(AMENDED)

Section 207.611 is added to 33 CFR to read as follows:

§ 207.611 San Diego Bay, California: Naval restricted area.

(a) The Area. The water of the Pacific Ocean in Middle San Diego Bay in an area extending from the northern and eastern boundary of the Naval Amphibious Base about 0.1 nautical miles and 0.6 nautical miles from the southern shoreline and basically outlined as follows:

Station	Latitude	Longitude
1	32°40'33.0" N	117°10'07.4" W
2	32°40'34.7" N	117°09'54.0" W
3	32°40'46.0" N	117°09'44.2" W
4	32°41'00.0" N	117°09'24.6" W
5	32°40'20.0" N	117°08'38.7" W
6	32°40'00.0" N	117°09'02.0" W
7	32°39'18.0" N	117°08'45.0" W
8	32°39'16.0" N	117°08'48.5" W

(b) The Regulations. (1) Swimming, fishing, water skiing, mooring or anchoring shall not be allowed within the restricted area.

(2) A portion of the restricted area extending 120 feet from pierheads and from the low water mark on shore where piers do not exist is closed to all persons and vessels except those owned by, under hire to, or performing work for, the Naval Amphibious Base.

(3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a direct route.

(4) The regulations in this section shall be enforced by the Commanding Officer, Naval Amphibious Base, Coronado, California, and such agencies as he/she shall designate. Organized activities (such as sail races and regattas) within the restricted area may be allowed providing that a request has been made to the Commanding Officer, Naval Amphibious Base, Coronado, San Diego, California 92155 or by calling, telephone number (619) 522-4833 at least 10 days prior to the event.

(13 U.S.C. 1)

[FR Doc. 84-33141 Filed 12-19-84; 8:45 am]

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March 30, 2000

Ms. Sara Wan  
Chairman  
California Coastal Commission  
46 Fremont Street, #2000  
San Francisco, CA 94105

Re: Proposed creation of 37 Acre inter-tidal mud island in South San Diego Bay from  
US Navy Carrier basin dredged materials

Dear Ms. Wan:

I am writing to you on behalf of the United States Sailing Association ("US SAILING"). US SAILING is the National Governing Body for the sport of sailing in the United States, and is appointed as such by Act of Congress (the Ted Stevens Olympic and Amateur Sports Act). Pursuant to the Act, we also represent the United States to the International Sports Federation for the sport. We are also the Disabled Sports Organization for disabled sailing in the United States.

Among our responsibilities under the Act, we must serve as the coordinating body for amateur athletic activity in the sport, exercise jurisdiction over international amateur athletic competition conducted in the United States, conduct amateur athletic competition (including national championships) within the United States, recommend to the United States Olympic committee those individuals who should represent the United States in the Olympic, Paralympic, and Pan American Games, and develop interest and participation in the sport throughout the United States.

It has come to our attention only within the past two days that a proposal exists to create an island in South San Diego Bay, using materials from the dredging of facilities to accommodate aircraft carriers elsewhere in San Diego Bay. While we support the Navy's efforts to accommodate its fleet, we understand that creation of the proposed island is based upon the assumption that it will have no adverse effect upon recreational boating in South San Diego Bay. I write to inform you that such an assumption is significantly incorrect.

For many years, the South San Diego Bay venue has been used not only for local, but for national and international sailing competition for both adults and youth. The venue offers a superb, flat water, safe haven for youth sailing, even when sailing in the ocean a half mile away might constitute unacceptable hazards.

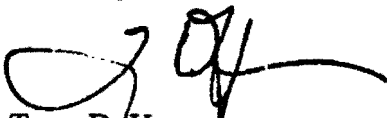
Ms. Sara Wan  
March 30, 2000  
Page 2

In fact, the South San Diego Bay venue was selected by US SAILING as one of the original sites for our Junior Olympic program three years ago, and we expect to return to the site within the next two years. US SAILING has also considered the venue as a possible site for several other national championships over the next few years. In addition, the Flying Dutchman class (a former Olympic class) has already scheduled its world championship to be held there in 2002. Moreover, at least three of our member clubs regularly use that venue as their primary sailing (and racing) grounds.

Construction of an island in the planned location would eliminate the space used as part of the race course area in the South Bay, and effectively eliminate the South San Diego Bay as a prospective site for such national and international events.

We trust that the above information is useful in determining whether, in fact, there is a previously unidentified adverse impact upon recreational boating in that area.

Sincerely,



Terry D. Harper  
Executive Director

Cc: James P. Muldoon, President  
US SAILING

Hon. Brian Bilbray  
U.S. Congress  
1011 Camino del Rio South  
San Diego, CA 92108

Jan Smith  
California State Lands  
Commission  
100 Howe, Suite #100S  
Sacramento, CA 95825-8202

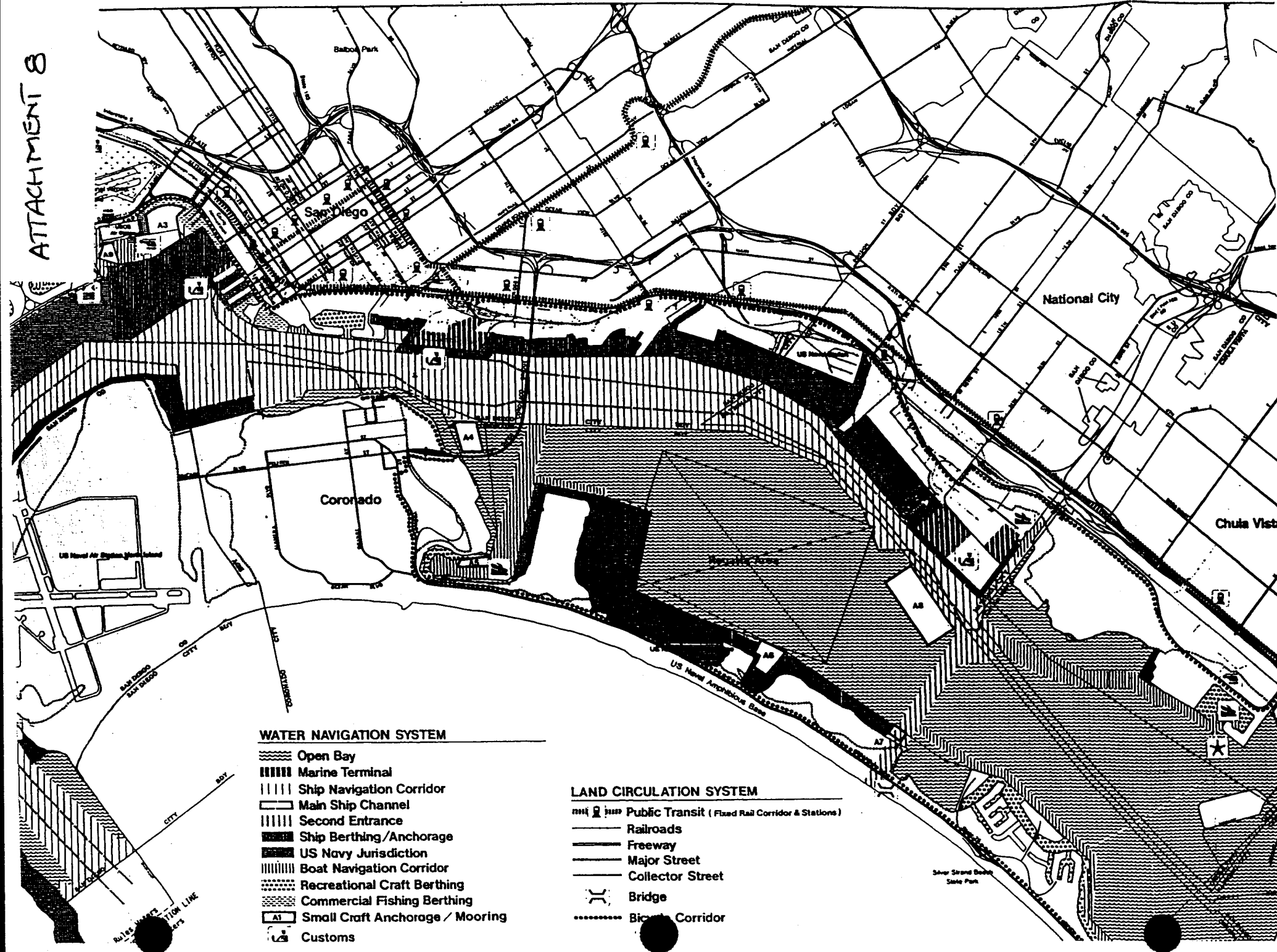
Capt. Robert L. Phillips, CEC, USN  
Commanding Officer  
Southwest Division  
Naval Facilities Engineering  
Command  
1220 Pacific Coast Highway  
San Diego, CA 92132-5190

Mr. John Robertus  
Director  
California Regional Water Quality  
Board  
9771 Clairmont Mesa Blvd.  
San Diego, CA 92124-1324

Mr. Dan Wilkens  
San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92110

Mr. Larry Simon  
California Coastal Commission  
46 Fremont Street, #2000  
San Francisco, CA 94105

Mr. Paul Thayer  
Executive Officer  
California State Lands  
Commission  
100 Howe, Suite #100S  
Sacramento, CA 95825-8202



### WATER NAVIGATION SYSTEM

- Open Bay
- Marine Terminal
- Ship Navigation Corridor
- Main Ship Channel
- Second Entrance
- Ship Berthing/Anchorage
- US Navy Jurisdiction
- Boat Navigation Corridor
- Recreational Craft Berthing
- Commercial Fishing Berthing
- Small Craft Anchorage / Mooring
- Customs

### LAND CIRCULATION SYSTEM

- Public Transit (Fixed Rail Corridor & Stations)
- Railroads
- Freeway
- Major Street
- Collector Street
- Bridge
- Bicycle Corridor

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**WILLIAM J. MAXAM**  
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# Misc.

April 5, 2000

Ms. Sara Wan  
Chairman  
California Coastal Commission  
46 Fremont Street, Suite 2000  
San Francisco, CA 94105

RECEIVED  
APR 07 2000  
CALIFORNIA  
COASTAL COMMISSION

Re: San Diego Bay In-fill Proposal By U.S. Navy/37 Acre Mud Island

Dear Ms. Wan:


I am opposed to the proposed referred action requested by the Navy. I believe that no adequate notice was given to current users of the area allowing fair comment to be made to the Coastal Commission. I request that the Commission reopen the issue and that the Navy be directed to stop any in-fill activities until resolution occurs.

As a resident of Coronado Cays, the only waterfront community on San Diego bay, for over 25 years and of Coronado for over 30 years as well as being a retired Navy Reserve officer stationed from time-to-time at the U.S. Naval Amphibious Base Coronado, I have intimate knowledge of what south San Diego bay is and is not used for.

In the mid-80s the Amphibious Base designated a "security zone" around the three water sides of the base. They placed and, in part, maintained said zone by use of a few orange buoys being anchored in the general area. They have never patrolled said area on a regular basis and in all the years of said zone's existence I have never seen the Navy run off boaters of any type that were in or traversing said area unless they had active helicopter, "Seabee" barge or Seal Team/UDT training or operations going on.

However, because the sailboat racing community in San Diego was concerned that this new zone might require exclusion of their activities which had for over 100 years used the waters in said area, they met with the Navy and through the City of Coronado gained written assurance that sail training, youth instruction, competitive events, etc. could continue in said area. The Navy set up a number to call ahead of time if an event was expected to possibly interfere primarily to assure both parties of maintenance of a safe area for all. That phone number was apparently abandoned by the Navy in the late 80's or early 90's because there never were any problems.

I have been involved as a member of Coronado Yacht Club in organizing and running sailing races in the area since the mid-80s and more recently, since 1991 until present, heavily involved in organizing sailing events involving children of both a non-racing and racing nature in the physical area that is threatened.

EXHIBIT NO. 8
APPLICATION NO.
ND-63-00
 California Coastal Commission



I can tell you that my junior sailors have used that area at least 35 times per year for the past 8 years. I can tell you that I have tried to call the Amphibious Base contact number without success (because it was disconnected) at least 4 times to coordinate use of the area. I can tell you that I have tried to communicate through the "Duty Office" at the Amphibious Base several times in the 1993-1995 timeframe to coordinate use and was told each time that they were not sure what I was talking about but that..."it was not a problem"... and on two occasions I was told that they would call me back if it were. They never called back.

Attached to this letter you will find a copy of my letter to the Commanding Officer of the Amphibious Base dated January 25, 1995 requesting help with a large national High School regatta I was the Co-chairman of. The scope of the regatta was above the ordinary and Captain Kelly was able to provide us with everything asked for. We sailed two successful multi-day regattas exactly where the Navy now wants to put the mud island.

In fact, the current barge anchored in the area in support of the Military Olympics was put there after seeing the success we had with exactly the same type of barge being used for our two events.

Attached also are two more letters. One is from Captain Kelly, dated June 24, 1997 in response to my request letter of May 20, 1997 wherein he again extended his command's support and hospitality for yet two more junior events that were held in the same physical area that will be rendered unusable to sailboats if the mud island is created.

I understand that one part of the Navy claims that the Navy knew nothing about this area being used for regular sailing training and competitions. I suggest that the record is clear that the Commanding Officer of the Amphibious Base knew about it. You cannot get much higher up the command ladder than the CO.

Additionally, I know that the Amphibious Base's Morale Welfare and Recreation Departments have routinely been advised and sometimes involved in support of our junior sailing activities in the area in question.

About safety: The area in question is not able to be duplicated for sailing safety anywhere else on the west coast because it is the only place where a clear sea breeze comes in without dangerous wind caused "chop" due to the wind coming almost always from the west over the wave action blockage provided by the Silver Strand. Kids in small boats are normally safe there. They are not sailing in the shipping channel nor are they competing with water skiers, etc. because those activities are normally in other designated areas of the bay. That is why we use it all the time.

Please look over the article from the May 1998 High School Team racing championship regatta. That was the third national High School regatta held in the area in as many years.

What the Navy should do is what they have done before: Run their dredge spoils pipe over the Silver Strand and fill the beach side of the Strand -or- add a few feet of height to half or so of the area designated for the Tern birds -or- create the mud island in the new Federal Protective Species Preserve area between Chula Vista and Coronado Cays.

I see it this way. It's like comparing a freeway to a country road. There may not be too many users as on a freeway - but a country road is just as important to the few people who do use it as to the freeway users.

The sailors take their time, disturb nothing, get where they are going and, frankly, with the large percentage of South San Diego Bay now devoted to Navy use, active shipping channel use, Protected Species (use), anchorages and other restricted uses it leaves the adult and junior sailors without a safe enjoyable place to be if 37 acres of the useable bay is turned into a "mud island".

A balance between compatible recreational uses and the Navy's needs must be maintained. I believe that a rehearing of the use issue needs to be granted.

I would be willing to attend your meeting and give testimony to the above under penalty of perjury.

Kindest regards.

Sincerely,



William J. Maxam  
WJM:ry

Raymond A. Hedrick  
12982 Caminito Pointe del Mar  
Del Mar, CA 92014

(858) 509-9029

June 1, 2000

Mr. Patrick Kruer  
Commissioner  
State of California  
California Coastal Commission  
2445 5th Avenue, Suite 400  
San Diego, CA 92101

**Re: U.S. Navy Creation of 37 acre mud island (Navy Project 700-A)**

Dear Commissioner Kruer,

The U.S. Navy is finalizing plans to deposit 534,000 cubic yards of sand in South San Diego Bay, the result of its proposed dredging activities to create berths for two additional aircraft carriers to be based at North Island Naval Air Station. Their discarded by-product will create a permanent 37-acre mud island in the heart of San Diego's most precious resource. As an ardent supporter of the military, I need not question the Navy's need to distribute their resources as deemed necessary, only their wholly insensitive implementation.

In developing their dredging plans, the Navy appears to have done so with disregard to the rights and concerns of the governmental leaders, residents and visitors of San Diego, not to mention the mission of the California Coastal Commission to preserve and protect California's rapidly diminishing coastal resources.

Once the true extent of the Navy plans became apparent to the public, significant concerns have been expressed by a broad spectrum of groups and concerned citizens. Particularly focused concern has been expressed by members of the San Diego sailing community. However, the newspaper articles which have covered these recent revelations, focussed solely on the impact to sailing on San Diego Bay. While this impact on sailing alone is indeed troubling, the negative impacts transcend the sailing issue. The Navy's plans are profoundly objectionable on so many different levels.

With this letter, I have included correspondence and exhibits prepared by Dennis Case of the San Diego Yacht Club and others, which represent a comprehensive analysis of the background to and ramifications of the mud island creation. It is my wish not to restate what has already been written and/or submitted to the Coastal Commission but to merely highlight some specious points made over the last several months with some additional thoughts of my own.

1. **The Navy's proposal irreversibly changes a restricted use to an exclusive use of the U.S. Navy.** The terms of the Navy's restricted use designation allowed for the continued use by the sailing community and the residents of San Diego. Creation of the mud island will create a defacto exclusion zone, to be used solely by the Navy removing the area permanently from the public domain.

An abstract of a letter to the Coastal Commission from Bill Maxam gives some more background:

*In the mid-80s the Amphibious Base designated a "security zone" around the three water sides of the base. They placed and, in part, maintained said zone by use of a few orange buoys being anchored in the general area. They have never patrolled said area on a regular basis and in all the years of said zone's existence I have never seen the Navy run off boaters of any type that were in or*

**EXHIBIT NO. 9**  
APPLICATION NO.

ND-63-00

traversing said area unless they had active helicopter, "Seabee" barge or Seal Team 1 UDT training or operations going on.

However, because the sailboat racing community in San Diego was concerned that this new zone might require exclusion of their activities which had for over 100 years used the waters in said area, they met with the Navy and through the City of Coronado gained written assurance that sail training, youth instruction, competitive events, etc. could continue in said area. The Navy set up a number to call ahead of time if an event was expected to possibly interfere primarily to assure both parties of maintenance of a safe area for all. That phone number was apparently abandoned by the Navy in the late 80's or early 90's because there never were any problems.

I have been involved as a member of Coronado Yacht Club in organizing and running sailing races in the area since the mid-80s and more recently, since 1991 until present, heavily involved in organizing sailing events involving children of both a non-racing and racing nature in the physical area that is threatened.

I can tell you that my junior sailors have used that area at least 35 times per year for the past 8 years. I can tell you that I have tried to call the Amphibious Base contact number without success (because it was disconnected) at least 4 times to coordinate use of the area. I can tell you that I have tried to communicate through the "Duty Office" at the Amphibious Base several times in the 1993-1995 timeframe to coordinate use and was told each time that they were not sure what I was talking about but that... "it was not a problem"... and on two occasions I was told that they would call me back if it were. They never called back.

Also:

The Navy does not have authority to control or restrict public access, general transit, or recreational use of the "Restricted Zone" other than those activities listed.

(Ref. Fed Registry 1984 Vol. 49, No. 246, Page 49453).

2. **The public notice of the mud island proposal was worded in a misleading manner which would not invite public concern or comment.** The U. S. Army Corps of Engineer's public notice did not state that dredged material will be used to fill in San Diego Bay, creating a 37 acre mud island. It did however twice state the description of work as follows:

*"At the NAB Coronado, approximately 534,100 cubic yards of sand would be placed over approximately 37 acres to create intertidal / sub tidal habitat".*

Instead of depositing the material "at the NAB" the Navy is actually depositing the material in San Diego Bay on state tidelands not on the Navy Base. Instead of placing the material "over 37 acres" it is creating a 37 acre island in San Diego Bay where one never existed.

3. **According to the FEIS for the Navy Project 700-A, multiple sampling procedures and methods used indicate that the area to be dredged contains contaminants, toxic substances and ammunition.** If allowed to proceed, this mud island could pose significant risks to anyone who might venture near these shallow waters.
4. **The land areas under these navigable waters belongs to the State of California and the citizens California, not the US Navy nor the US Government.** To date, the California State Lands Commission has not deeded this land to the Federal Government, or approved its use for this project dump site. The assumption by the Navy and the NMFS that the "Restricted Waters" around NAB Coronado belong to the US

Government is absolutely false. The proposed "Inter-tidal Enhancement Area referred to in Project 700-A EIS is based on this and other invalid assumptions.

5. **The creation of mud island will eliminate the premier sailing venue in the West Coast impacting both international world class events and junior sailing programs.** When one thinks of San Diego, its affiliation with sailing often come first to mind. There is a reason that San Diego give rise disproportionately to world class, Olympic and Americas Cup champions: This South Bay venue is the only one on the west coast that provides the strength of the unrestricted sea breeze while providing a barrier (the Silver Strand) from the swells and chop that these persistent sea breezes can cause. These conditions not only attract sailors from around the world to compete in the hundreds of races held in this venue each year but these conditions also provide a safe and spirited environment for our junior sailors aspiring to become Olympic champions or the next Dennis Conner.

Any portion of the bay north of the Coronado Bridge resemble the 5/805 merge at rush hour. More and more commercial traffic is competing for diminishing space. On any given weekend, the north bay is full of cruise ships, military traffic, taxi's, ferries, sail boats and jet skiers making it virtually impossible to stage any kind of organized event.

The loss of this south bay venue would mean the loss of countless regional, national and international events as evidenced by the following excerpt from a letter from Dennis Case to the California Coastal Commission.

*The South San Diego Bay is a premier sailboat racing venue known around the world. The World Championship of the International fleet called the Flying Dutchman is scheduled for South Bay in 2002. These large international fleets are the pinnacle of the sport. They can choose where they want to sail and host yacht clubs are honored to be selected. This fleet has not raced a Worlds in North America in 20 years. They have asked to race in South Bay and the Coronado Yacht Club was honored to accept. If the 37 acre mud island is completed this regatta which will attract competitors from around the world will be cancelled and South Bay will be lost to the world as a premier racing site.*

This important issue is not just about sailing. It is about protecting our environment, preserving a region's precious resources and its identity, the rights of a city and state over the Federal Government to dictate how and when its land shall be used and it is about full and forthcoming disclosure to the state's residents and most importantly, to those empowered and entrusted to protect our coastal lands.

I respectfully submit this letter so that you may further consider this important issue so that other more immanently viable alternatives can be considered

Sincerely,

  
Raymond A. Hedrick

Rogers, John T

Subject: Cronology of an Enhancement Site  
How the Enhancement Site came to be.....

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MAY 05 2000

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COASTAL COMMISSION

1. Navy determines dredge material is suitable for "beneficial use" under the California Coastal Act (CCA) and Clean Water Act (CWA) Criteria.
2. Navy consults with ACOE, NMFS, USFWS, and CDFG to determine best use of material. Agencies cite an 84% loss of Intertidal habitat and 40% loss of subtidal habitat in San Diego Bay since 1850. Agencies direct Navy to consider an inbay enhancement project.
3. Navy uses three criteria to site enhancement project: 1. It meets the "beneficial use" clause of the CCA and CWA Sec. 404. b.1. requirements. 2. It is separate from shore to deter access with regard to ordnance. 3. It is constructed in either Navy owned or Navy controlled (restricted) waters to insure safety.
4. Navy seeks input from the Technical Oversight Committee (TOC) for the Integrated San Diego Bay Natural Resources Management Plan to ensure that the design is consistent with the spirit and intent of the plan, CWA, and CCA.
5. Criteria for site selection lead to NAB restricted waters due to low energy hydrology which reduces erosion and its proximity to existing endangered species/eelgrass habitat. Navy conducts analysis on hydrology and Navy/non Navy usage and operations and environmental constraints.
6. The TOC provides the Navy with a intertidal/subtidal option that is acceptable to all agencies if the Navy can insure a minimum of 6 acres of intertidal at completion.
7. The ACOE and CCC concur with this use and Navy designs the enhancement site per the Agency's and TOC recommendations.

Note: The TOC is made up of ACOE, NMFS, CDFG, USFWS, Navy, Coast Guard, RWQCB, Port of San Diego, Friends of South San Diego Bay, Zoological Society, Environmental Trust, and Scripps Institute.

OPTIONAL FORM 58 (7-90)

**FAX TRANSMITTAL**

# of pages: 14

To: <u>Larry Simon</u>	From: <u>John Rogers</u>
Dept/Agency:	Phone: <u>619-556-8588</u>
Fax: <u>604-5500</u>	Fax: <u>619-556-8588</u>

NGN 7542-01-317-7368

5098-101

GENERAL SERV

EXHIBIT NO. 1  
APPLICATION NO.

ND-63.00

**Response to Dennis Case Letter of March 23, 2000**

**1. The EIS is fundamentally flawed by stating there is no recreational users impact.**

The EIS in fact states that there is some impact to recreational boating from dredging and dredged material disposal, but that it is less than significant. See for example pages 3.14-3 and 3.14-4 of the EIS, Volume 1. The Navy has also examined the new information supplied after the close of the comment period by Mr. Case and others as to the recreational boating issue and found that it does not change the conclusion set out in the EIS and the ROD. Examination of the issues has included dialogue at several meetings between the interested parties and high level Navy personnel to ascertain the facts and to seek to understand the positions of the interested parties.

**2. Placement of the "Mud Island" will significantly reduce existing race courses.**

*We assume Mr. Case is referring to a figure labeled attachment #1. That figure is not accurate. The Navy has plotted the information supplied by Mr. Case to scale on accurate charts, and found very minimal potential interference with the area used for racing per Mr. Case. See slides 2 and 4 of the Navy's 5/4/00 presentation, where the larger Arc intersects a corner of the enhancement area. We believe that this minor potential problem could be solved by shifting the course's starting point slightly to the southeast to accommodate a course of sufficient length.*

*Notwithstanding the foregoing fact, the Navy has proposed to pull the enhancement area profile back as far as it believes possible without risking reopening its NEPA and Coastal Consistency processes. The design shown at slides 5 and 6 uses a rock dike to maintain a steeper grade. This allows the enhancement area footprint to be reduced so that it no longer conflicts with any potential race course described in Mr. Case's letter.*

**3. Will the Navy enlarge existing "exclusion zone"?**

*The Navy has no plans to request an expansion of the restricted area.*

**4. The desirability for South Bay as a recreational sailing location will be significantly reduced which will negatively impact the occupancy and rent rates at South Bay Marinas will be able to charge.**

*As outlined above, there is no evidence that recreational sailing will be significantly affected. Moreover, the enhancement of the biological health of the bay could have indirect positive effects of an economic nature.*

**5. The 37-acre site will have a net effect due to erosion of a solid landfill of 100 acres or more.**

*The Navy anticipates some erosion at the site over time as a result of wind waves. This will not increase the overall footprint but simply reduce the upper elevations. Analysis*

conducted using the San Diego Bay hydrodynamic model developed by the San Diego Super Computer Center and Naval Research and Development showed that the current velocities at the site are minimal and the creation of the site would not lead to excessive scouring or erosion. This will be validated by a five-year study documenting potential sediment transport from the site.

**6. The placement plan of using hydraulic pipe will result in an underwater footprint significantly larger than 37 acres.**

Material to be used is sandy and has the ability to hold a 5:1 slope when deposited hydraulically. Therefore, the contractor should have no problems meeting our specifications of a 10:1 to 20:1 slope thus confining the total footprint to 37 acres or less. The latest proposal by the Navy would limit the footprint to approximately 21 acres.

**7. Relocation of sailboat racing to another location is not an available option.**

The Navy believes that the South Bay regatta area and the proposed enhancement site can coexist very satisfactorily.

**8 & 9. San Diego Bay is home to a large number of sailboat races.**

Comment noted.

**10. Has the navy considered alternative locations for sediment disposal?**

The FEIS addressed two options for disposal, ocean disposal and at LA-5 and disposal at the enhancement site. The Navy considered beach nourishment; however, the Navy is not proposing to place the dredged material on or offshore of area beaches due to the risk of munitions and unexploded ordnance in the sediments. While sediment testing and surveys did not indicate presence of munitions, the Navy believes that a risk still exists that once dredging commences, munitions and ordnance that pose a severe and potentially life-threatening danger to the public will be uncovered at the dredge site. During dredging and disposal operations, the Navy will screen out all foreign materials greater than three inches in diameter. However, the Navy believes that munitions as small as 5/16" in diameter may be located in the sediments, and further states that it is unable to screen the dredged materials to a degree specified as necessary by the Navy to guarantee public safety on area beaches. Ordnance, even on the larger end of what has been found in previous dredging projects, is highly mobile in the nearshore. No assurance can be made that ordnance will not move from the nearshore to the beach.

Due to risk of munitions from beach nourishment the only other feasible option (apart from enhancement) is ocean disposal. Based on the grain size analysis and sediment testing, all of the proposed 534,000 cubic yards of dredged sediment are suitable for unconfined ocean disposal at the EPA-approved offshore disposal site LA-5, located five miles southwest of Point Loma. The site is used regularly for disposal of dredged material generated from San Diego Bay. Where material has passed Green Book standards and is otherwise unsuitable for beach disposal or other beneficial uses, ocean disposal is the least damaging feasible disposal alternative. However, the Navy has determined that disposal at LA-5 is not the least damaging alternative due to the ability to use the dredged materials to enhance San Diego Bay intertidal and subtidal habitat



offshore of the NAB. Therefore, the Navy is not proposing the disposal of any of the dredged sediments from this project at the LA-5 disposal site, except for potential oversized material greater than 3 inches primarily rock cobbles.

Reference in the letter to land disposal atop prior dredged material north of the Navy Yacht Club San Diego is not clear as to location.

**11. The yachting community has recently become aware of this island. Public hearings have been made a mockery on this issue.**

*The Navy and regulatory agencies have diligently notified the public of the project through published notices, hearings, direct mailings to interested parties and document reviews. They have scrupulously complied with the letter of legal requirements and sincerely endeavored to comply with the underlying intent. Here is a summary of public involvement:*

a. *EIS. The Navy first undertook the planning effort for these decisions on December 3, 1996, when it published a Notice of Intent (NOI) to prepare an Environmental Impact Statement in the Federal Register. A public scoping meeting was held in each of the following locations: Bremerton, Washington; Everett, Washington; Pearl City, Hawaii; and Coronado, California. A Notice of Availability (NOA) for the Draft EIS (DEIS) was published in the Federal Register on August 28, 1998. Public hearings were held on the DEIS in the same four locations as the scoping meetings and in San Diego, CA. Approximately 317 individuals, agencies, and organizations submitted comments on the DEIS during the 75 day public comment period. All oral and written comments were considered in the preparation of the Final EIS (FEIS). The NOA for the FEIS was published in the Federal Register on July 9, 1999. In addition, public notices and news releases noting the availability of the FEIS and draft Final Clean Air Act (CAA) Conformity Determination were published in local and regional newspapers beginning on July 10, 1999. The FEIS documented in detail the proposed enhancement site and its impacts. The DON received approximately 60 public comment letters on the FEIS during a 60-day public review period. Notices were sent to the following groups with an interest in recreational boating and/or navigation: U.S. Coast Guard, U.S. Army Corps of Engineers, California Department of Boating and Waterways, State Lands Commission, California Coastal Commission, California Department of Parks and Recreation, San Diego Unified Port District, City of San Diego, City of Coronado, and San Diego Harbor Safety Committee.*

b. *California Coastal Commission. The California Coastal Commission held three hearings regarding the Navy's consistency determination for the project. The first meeting was held on October 13, 1999 in Oceanside, the second meeting was held on December 8, 1999 in San Rafael, and the third meeting was held on February 15, 2000 in San Diego. All public notices included a staff recommendation report and were sent to the same mailing list as used for the FEIS. The staff recommendation report included maps showing the location of the enhancement site.*

c. *U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers (USACE) sent out a public notice in mid-November. The public comment period extended from November 24 to December 24, 1999. The notice included maps and descriptions of the enhancement site. The USACE used their own general mailing list for San Diego County. This list included the U.S. Coast Guard, National Oceanic and Atmospheric*

*Administration, California Coastal Commission, State Lands Commission, City of San Diego, City of Coronado, Coronado Yacht Club and "The Log Newspapers (San Diego)".*

*d. California Regional Water Quality Control Board. A public notice requesting public input was published and sent to the same mailing list as the FEIS on July 9, 1999. The directed interested parties to the FEIS for details on the project. The notice was published in the San Diego Union-Tribune and on the Regional Boards web site: <http://www.swrcb.ca.gov/~rwqcb9>. A notice of a public hearing was published on March 10, 2000. The special meeting of the California Regional Water Quality Control Board is scheduled for April 26, 2000 to hear oral comments on the proposal to adopt the NEPA document for CEQA compliance.*

**12. A Navy representative speaker at the San Diego Yacht Club did not address in detail the habitat enhancement site.**

*The request was for a broad overview of the construction aspects of the CVN Homeporting. We do not have a written script of what was presented.*

**13. The ACOE public notice does not state that dredged material will be used to fill San Diego Bay. It uses misleading terms such as "enhancement project".**

*At the direction of the US Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game, and the Technical Oversight Committee for the San Diego Bay Integrated Natural Resources Management Plan, the Navy cooperatively designed the enhancement site to meet specific objectives. The objectives were to restore intertidal/subtidal habitat that has been greatly reduced since the turn of the century and to provide forage opportunities for the federally endangered least tern and western snowy plover. These objectives constitute restoration and enhancement of the biological productivity of San Diego Bay, within the meaning of the California Coastal Act. Therefore, the term "enhancement site" is an accurate description of the project under the California Coastal Act, NEPA, and Section 404.b.1 of the Clean Water Act.*

**14. Request to reopen public hearings on this issue.**

*The Navy believes that there has been sufficient opportunity for the yachting community to communicate their concerns to the Commission and staff. The Navy does not believe that these concerns warrant the reopening of the Federal Consistency Process before the Commission.*